

TEXAS BRAIN INJURY ADVISORY COUNCIL

BYLAWS

I. DESIGNATION

The organization referred to in this document shall be known as the Texas Brain Injury Advisory Council, hereinafter referred to as the "Texas BIAC" or the "Council."

II. AUTHORIZATION

The Texas BIAC is established in accordance with Texas Government Code §531.012 and Title 1, Texas Administrative Code, §351.825. Unless the Health and Human Services Commission (HHSC) amends §351.825 to provide a different abolition date, this Council is abolished four years after the date of the Council's creation in compliance with Texas Government Code §2110.008(b).

III. DUTIES

The Texas BIAC is an advisory council within the HHSC. The Texas BIAC advises the HHSC's Office of Acquired Brain Injuries (OABI) on matters as described below.

Through its planning, coordinating, monitoring, and assessment activities, the Texas BIAC shall encourage and support the continuation and coordinated development of a system of supports and services for Texans with brain injury and their families to ensure that all Texans who sustain a brain injury have access to the supports and services needed for them to return to full participation in all aspects of community life. As specified in rule, this will be achieved by:

1. informing state leadership of the needs of persons who have sustained a brain injury and their families regarding rehabilitation and the provision of long term services and supports to improve health and functioning that leads to achieving maximum independence in home and community living and participation;
2. encouraging research into the causes and effects of brain injuries as well as promising and best practice approaches for prevention, early intervention, treatment, and care of brain injuries and the provision of long term services and supports;
3. recommending policies that facilitate the implementation of the most current promising and evidence-based practices for the care, rehabilitation, and provision of long term services and supports to persons who have sustained a brain injury;
4. promoting brain injury awareness, education, and implementation of health promotion and prevention strategies across Texas; and
5. facilitating the development of partnerships among diverse public and private provider and consumer stakeholder groups to develop and implement sustainable service and support strategies that meet the complex needs of persons who have sustained a brain injury and those experiencing co-occurring conditions.

The Texas BIAC shall:

1. Adopt, annually review, and, if appropriate, modify, a mission statement.

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2. Provide input to and work collaboratively with the OABI on the development, implementation, and evaluation of the State Brain Injury Action Plan. The plan should be reviewed at least annually and updated and revised as needed.
3. Prepare an annual written report for the Executive Commissioner of the Texas HHSC as outlined in the Texas Government Code §531.012 and Title 1, Texas Administrative Code, §351.825.
4. No later than December 1st of each even-numbered year, submit to the Governor, the Texas Legislature, and the Executive Commissioner of the Texas HHSC a written report of any findings and policy recommendations.
5. Prepare and submit required reports to funding agencies, keep such records as required, and afford such access as needed to verify such reports.
6. Work collaboratively with the OABI to explore and promote innovative approaches to providing services and support to persons who have sustained a brain injury and their families; to promote awareness, education, training, and information about brain injuries; to reduce preventable brain injuries; and to conduct outreach to obtain public input.
7. Advocate for persons who have sustained a brain injury and their families.
8. Perform all other duties required by State and Federal law.

IV. MEMBERSHIP

The Texas BIAC is composed of 15 members appointed by the HHSC Executive Commissioner as described in rule:

1. Nine public consumer members as follows:
 - A. Five persons who have sustained a brain injury representing diverse ethnic/cultural groups and geographic regions of Texas, with at least one of these being a transition age youth (age 18-26);
 - B. Four members actively involved in the care of loved ones who have sustained a brain injury; and
2. Six professional members, each of whom must have special training and interest in the care, treatment, or rehabilitation of brain injury survivors, with one representative each from:
 - A. Acute hospital trauma units;
 - B. Post-acute rehabilitation facilities;
 - C. A long-term care facility that serves persons living with brain injury;
 - D. A healthcare practitioner/service provider who has specialized training/interest in the prevention of brain injuries/or the care, treatment, and rehabilitation of brain injury survivors;
 - E. An institution of higher education engaged in research that impacts persons living with brain injury;
 - F. The stroke committee of the Governor's EMS & Trauma Advisory Council or other stakeholder group with a focus on stroke.

To the greatest extent possible, the HHSC Executive Commissioner shall appoint members to this Council who reflect the cultural, ethnic, and geographic diversity of the state.

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V. RESTRICTIONS ON MEMBERS

In this section, "Texas Trade Association" means a cooperative and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest. The term does not include a voluntary health organization.

1. A person may not be a public consumer member of the Texas BIAC if the person or the person's spouse:
 - A. is employed by or participates in the management of a business entity or other organization receiving money from the Texas BIAC;
 - B. owns or controls, directly or indirectly, more than a ten percent interest in a business entity or other organization receiving money from the Texas BIAC; or
 - C. uses or receives a substantial amount of tangible goods, services, or money from the Texas BIAC, other than compensation or reimbursement authorized by law for expenses related to participation on the Texas BIAC.
2. A person may not be a member of the Texas BIAC if the person is an officer, employee, or paid consultant of a Texas Trade Association in a health care field.
3. A person may not be a member of the Texas BIAC if the person is required to register as a lobbyist under Chapter 305, Texas Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the Texas BIAC.
4. All members and officers may vote in all matters that come before the Texas BIAC, provided they are present when a vote is taken. Voting by proxy is not permitted. Each Texas BIAC member is entitled to one vote on each issue or election.

VI. TERMS OF APPOINTMENT

1. Except as may be necessary to stagger terms, each member is appointed to serve a term of three years, with an appropriate number of terms expiring each December 31st.
2. All members of the Texas BIAC are appointed by, and serve at the pleasure of, the Executive Commissioner of the Texas HHSC. Members whose terms have expired shall be considered bona fide voting members until such time as they are replaced by the Executive Commissioner.
3. If a position on the Texas BIAC becomes vacant, the Executive Commissioner shall appoint a person, in the same manner as the original appointment, to serve for the remainder of the unexpired term.
4. The Texas BIAC shall develop a nomination process, to incorporate the HHSC nomination process, to recommend appointments to the Executive Commissioner of the Texas HHSC.
5. The Texas BIAC in collaboration with the OABI shall make appointment recommendations to the Executive Commissioner of the Texas HHSC or an appointed designee for consideration.
6. A person who has served one full term on the Texas BIAC is not eligible for reappointment.
7. It is grounds for removal from the Texas BIAC that a member:
 - A. does not have the qualifications required at the time of taking office;

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- B. does not maintain the qualifications required during service on the Texas BIAC;
 - C. C. is absent from more than half of the regularly scheduled Texas BIAC meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the Texas BIAC; or
 - D. Is found to have misrepresented their status with respect to Section V. above.
8. If grounds for removal exist, the Chairperson shall request that the Executive Commissioner of the Texas HHSC request the member's resignation and make an appointment to fill the unexpired term.

VII. TEXAS BIAC OFFICERS

- 1. The members of the Texas BIAC shall elect a Chairperson and a Vice Chairperson from among the consumer and provider Texas BIAC members.
- 2. The Chairperson serves until July 1 of each even-numbered year. The Vice Chairperson serves until July 1 of each odd numbered year. Both the Chairperson and the Vice Chairperson may holdover until his or her replacement is selected.
- 3. At least one of the officers must be a public consumer member.
- 4. The Chairperson calls meetings, presides at all Texas BIAC meetings, appoints committees of the Council as necessary, and initiates and oversees the preparation of the report described above in Section III. Duties. The Chairperson may serve as a voting, ex officio member of any committee of the Council.
- 5. In the absence of the Chairperson, the Vice Chairperson assumes all duties of the Chairperson until the Texas BIAC elects a new Chairperson to serve for the remainder of the term.
- 6. A simple majority vote of the members present carries the election.
- 7. Election shall be by secret ballot.
- 8. Upon completion of his or her officer term the Chairperson continues to serve a one-year term as Immediate Past Chair (unless their three-year term is up) providing advice to the newly elected Chairperson regarding past practices and other operations. In order to support continuity and sustainability of the work of the Texas BIAC, members may call on the Immediate Past Chair for guidance, direction, and input.
- 9. The Immediate Past Chair is a member of the Texas BIAC Executive Committee. Reporting to the Chairperson, he or she assists the Chairperson in carrying out the mission of the Texas BIAC by performing duties and tasks assigned by the Chairperson.

VIII. TEXAS BIAC COMMITTEES, TASK FORCES AND STUDY GROUPS

- 1. The Texas BIAC shall name committees and task forces consistent with the priority areas established in the State Brain Injury Action Plan and shall report to each full Texas BIAC meeting concerning the status of committee activities and projects.
- 2. The Chairperson shall appoint all committees, task forces and study groups. Texas BIAC members are encouraged to volunteer to lead committees and recruit non-Texas BIAC member colleagues and stakeholders to participate.
- 3. The Chairperson shall appoint the following five standing committees:

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- A. Prevention and Education Committee: The goals of the Prevention and Education Committee shall be to:
- 1) Contribute to the education of health care and related providers of services to brain injury survivors, to their families, and to the public; and
 - 2) Promote prevention practices and awareness campaigns especially amongst populations at high-risk for brain injury.
- B. Legislative and Policy Committee: The goals of the Legislative and Policy Committee shall be to:
- 1) Identify emerging issues that may be of importance or interest to the Texas BIAC. As appropriate, refer to standing committee(s) for review and development of appropriate actions including policy and position statements;
 - 2) Identify pending, proposed and/or needed legislation, policy, regulations or program changes that may impact brain injury prevention, intervention, treatment, short and long term care, and quality of life;
 - 3) Merge regional priorities into a statewide list of legislative priorities;
 - 4) Develop the Texas BIAC's legislative agenda; and
 - 5) Develop, edit and finalize actions, such as statements or official communications stating the Texas BIAC's position on proposed or pending legislation.
- C. Long-term Services and Community Supports Committee: The goals of the Long-term Services and Community Supports Committee shall be to:
- 1) Increase communication between stakeholders to leverage resources and improve collaboration between survivors, family members, stakeholders and providers addressing all acquired brain injuries; and
 - 2) To develop action plans to address enhanced long-term services and supports for brain injury survivors, including support groups, housing, transportation, education, employment, training, funding through public sources such as Medicaid, and funding through private insurance.
- E. Membership Committee: The Membership Committee shall:
- 1) Develop nomination procedures for recommending appointees to the Executive Commissioner of the Texas HHSC;
 - 2) Review all nominations and applications for Texas BIAC membership, and in collaboration with the OABI make membership recommendations to the Texas BIAC; and
 - 3) Develop and present to the full Texas BIAC a slate of officers for election at the last regular meeting of the State fiscal year.
- F. Executive Committee: The Executive Committee shall be composed of the Chairperson, the Vice Chairperson, the Immediate Past Chair, and the chairpersons of each standing committee. The Executive Committee shall, at the

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request of the Chairperson, review developments in the interim between Texas BIAC meetings and provide guidance as needed to the Chairperson.

G. Bylaws Committee (ad hoc): Every four years, or as needed, the Texas BIAC Chair will convene an ad-hoc Bylaws Committee to complete a thorough review of the bylaws to ensure that the document reflects current technology and practices of the Council, and make recommendations for changes to be voted on by the membership. The Immediate Past Chair or the Vice-chair will serve as chair of this committee.

4. Other committees may be appointed by the Chairperson as needed to evaluate the Texas BIAC's activities, identify areas of concern for the Texas BIAC's attention, and coordinate with other agencies and groups that share an interest in legislation, regulation, planning, and programming relating to services for brain injury survivors.
5. Task forces and study groups shall be formed at the direction of the Texas BIAC Chairperson. These Task forces and study groups shall reflect the Texas BIAC's planning cycle and shall be ad hoc unless otherwise specified.
6. No committee, task force, or study group shall be empowered to expend funds without consent of the full Texas BIAC and the Texas HHSC.
7. Committee Chairpersons may vote on all committee business.
8. Committees may meet in person or by teleconference, and may allow written and electronic submission from committee members. Committees of less than a quorum of the Council are not subject to the Open Meetings Act.

IX. TEXAS BIAC MEETINGS

The Texas BIAC shall meet at least once each calendar quarter on meeting dates set by the Texas BIAC in collaboration with the OABI, and at the call of the Texas BIAC Chairperson.

1. A minimum of four full Texas BIAC meetings will be held annually.
2. A quorum shall consist of a majority of the membership of the Texas BIAC.
3. Meetings may also be held at the call of the Chairperson. All meetings will be conducted in accordance with the Americans with Disabilities Act, the Open Meetings Act, and other laws.
4. *Robert's Rules of Order* will serve as a guide for conducting business as applicable and when not in conflict with these Bylaws.

X. VOTING

1. All Texas BIAC members present are entitled to vote on all matters before the Texas BIAC.
2. The outcome of votes shall be recorded.

XI. COMPENSATION AND EXPENSES

1. Texas BIAC members are not entitled to compensation for service on the Texas BIAC and are not entitled to reimbursement for travel expenses.

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XII. EXPENDITURE OF FUNDS

All expenditures of funds shall be subject to applicable State and Federal laws, rules and regulations, the approved State Brain Injury Action Plan, and in accordance with the Texas BIAC's approved/revised budget.

XIII. GIFTS AND GRANTS

1. The Texas BIAC is encouraged to seek a gift or grant from any public or private entity.
2. The HHSC shall deposit any money received under Subsection (1) of this section to the credit of the Texas BIAC.
3. If a donor contributes for a particular purpose the TX BIAC must use the money accordingly.