

**Traumatic Brain Injury Services Coordinating Council (TBISCC)  
 Informal Meeting Notes  
 December 4, 2018; 10:38 am – 12:42 pm  
 One Commerce Plaza, 99 Washington Avenue, Albany, NY 12210  
 16th Floor, Conference Room 1613**

**\*\*For Informational Purposes Only as There Was No Quorum for This Meeting\*\***

Topic	Discussion	Action/Next Steps/Who/When
<b>Attendance</b>	<p><b>Council Members Present:</b> Nina Baumbach (OPWDD); Crystal Collins (NYS Justice Center); Michael Davison (Vice Chair); Brent Feuz; Michael Kaplen; Cliff Hymowitz; Paul Novak (Sunnyview Rehabilitation Hospital). Seven members present; nine (9) needed for a quorum.</p> <p><b>Council Members Absent:</b> Megan Clothier; Kenneth Ingenito; Maxine Smalling (OMH); Jennifer Semonite (NYSED); Earl Schmidt (TPS); Kitty Gelberg (NYSDOH); Jeffrey Bazarian, MD (University of Rochester).</p> <p><b>DOH Staff:</b> Maribeth Gnozzio; Teri Schmidt; Laurie Arcuri; Stephen Casscles, Associate Counsel (DOH Division of Legal Affairs).</p>	
<b>Welcome / Introductions</b>  <b>Nominations / Election of Chair &amp; Co-Chair (pending quorum)</b>	<p><b>Maribeth Gnozzio</b>, Home and Community-Based Waivers, Bureau of Community Integration and Alzheimer’s Disease</p> <p><b>M. Gnozzio</b> began the December 4, 2018 meeting at 10:38 AM with introductions and securing that there is a quorum. Stephen Casscles, Associate Counsel, DOH DLA, mistakenly maintained that a quorum was present; there was no quorum. The TBISCC Chair (Dominick Raffio) resigned on September 26, 2018; the Council will elect a new Chair. <b>S. Casscles</b> will preside over the meeting while a new Chair is voted in. <b>C. Hymowitz</b> made a motion to conduct an election of a Council Chair person. <b>M. Davison</b> seconded the motion. Motion passed. <b>M. Davison</b> made a motion to nominate <b>Michael Kaplen</b> as TBISCC Chair. <b>C. Hymowitz</b> seconded the motion. <b>S. Casscles</b> requested any other nominations of Chair person; hearing none <b>M. Kaplen</b> stated that he is humbled to have been nominated and would like to continue to be a strong advocate for individuals living with a TBI – nomination accepted. <b>S. Casscles</b> requested a ballot from each Council member stating “Yes” or “No” Kaplen. Ballots were given to <b>S. Casscles</b>; Ten (10) ballots received and reviewed; Second review of ballots by <b>M. Gnozzio</b> and <b>L. Arcuri</b> confirmed Ten (10) Yes votes. <b>S. Casscles</b> turned the meeting over to <b>M. Kaplen</b>, TBISCC Chair.</p> <p><b>M. Kaplen</b> advised that he is not ready to nominate a Vice Chair at this time.</p>	

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<p><b>Review and Approval of 4/24/18 and 9/26/18 TBISCC Meeting Minutes</b></p>	<p>Meeting minutes of the April 24, 2018 TBISCC meeting were reviewed. <b>C. Hymowitz</b> and <b>P. Novak</b> abstained due to not being members of the Council at the time of this meeting. <b>B. Fez</b> made a motion to approve the minutes. <b>M. Davison</b> seconded the motion. Motion passed.</p> <p>Meeting minutes of the September 26, 2018 TBISCC meeting were reviewed. Since there was no quorum at this meeting, the minutes reflect that no formal action may be taken regarding meeting recommendations. <b>C. Hymowitz</b> requested that a copy of his topic suggestions paper be included with the meeting minutes. The group accepted the meeting notes for the September 26, 2018 meeting.</p> <p><b>M. Kaplen</b> asked if there is a timeframe in which Council members are to be given meeting minutes? <b>S. Casscles</b> responded that per the by-laws, meeting minutes will be mailed to Council members thirty (30) days prior to the next meeting. <b>M. Gnozzio</b> reported that DOH has a process to get meeting minutes approved and posted on the website. <b>M. Kaplen</b> questioned why the Department has control over the Council meeting minutes if they vote on and approved the minutes? <b>S. Casscles</b> responded that because the minutes are publicly posted they need to go through an internal approval process. <b>M. Kaplen</b> requested scheduling a meeting with Council Chair, Co-Chair and DOH to discuss the roles of the Office of Governor Affairs and DOH DLA. <b>C. Collins</b> pointed out that previous meeting minutes suggest a quorum is 11. <b>S. Casscles</b> advised that the quorum is based on the total number of possible appointees not the number of members currently serving, however the by-laws can be modified/revised. Every Council and Board operates differently. <b>M. Kaplen</b> asked if there are any Council's that compare to this one? <b>S. Casscles</b> will research.</p>	
<p><b>Mission of the TBISCC as Established by Legislation / Discussion of By-Laws</b></p>	<p><b>Stephen Casscles</b>, Associate Counsel (DOH Division of Legal Affairs)</p> <p><b>Handouts:</b> New York State Traumatic Brain Injury Services Coordinating Council BY-LAWS (October 2014)</p> <p><b>S. Casscles</b> presented that Public Health Law (PHL) Section 2744 is the mandate of the purpose of this Council. <b>M. Kaplen</b> asked what this Council can do with the mandate given by the Legislature? Can we create our own research and advocacy? <b>B. Feuz</b> reiterated his suggestion from the last Council meeting that each Council member write down a list of topics they would like to discuss at upcoming meetings. <b>M. Kaplen</b> offered to circulate an e-mail to initiate the discussion soliciting topics/issues to be addressed by the Council. <b>P. Novak</b> asked how the Council works with the Department to give recommendations? <b>M. Gnozzio</b> responded that in the past, recommendations were written letters generated by the Council and given to the Department; the Department then presented the recommendation(s) to the Governor's Office and responded back to the Council. <b>M. Kaplen</b> reported that in the past the Council has had presentations from outside organizations. <b>S. Casscles</b> advised that the Council should adhere to the approved agenda as much as possible during</p>	

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	<p>Council meetings and deliberate using “Robert’s Rules of Agenda”. To deviate from the agenda would require a suspension of the rules.</p> <p>TBISCC Council Members reviewed the NYS TBISCC By-Laws: <b>C. Hymowitz</b> pointed out on page 1 membership shall consist of 17 members however, during other discussions membership was said to be 19. <b>S. Casscles</b> stated the number is 19. <b>M. Kaplen</b> asked if notice must be given to the public or Council members before amending the By-Laws? <b>S. Casscles</b> responded that he will offer an answer before any amendments are adopted. <b>M. Davison</b> inquired about vacant seats on the Council and the number of members. <b>S. Casscles</b> confirmed that <b>Anne Marie Calabrese</b> is a voting member of the Council because the Office of Victims Services is in the Legislative paper as a member. <b>M. Davison</b> suggested the Council identify current members and those who are Ad Hoc members. He indicated that efforts should be made to appoint members to vacant seats. <b>M. Gnozzio</b> advised members there are Legislative appointments that require re-nomination, and terms are quite extended. <b>S. Casscles</b> provided clarification on page 2: A of the Council By-Laws; a State agency representative cannot be Chair of this Council, but they may vote. <b>C. Hymowitz</b> commented on page 3: Article IV of the By-Laws the by-laws indicate:  <i>“Should a member of the Council fail to attend two (2) regularly scheduled Council meetings without a valid excuse acceptable to the Chair within two calendar years, the Council Chairperson shall recommend to the appointing authority that such member be removed from the Council and a new member be appointed to fill the vacancy”</i>      And presented that these requirements should be enforced.</p> <p><b>M. Kaplen</b> commented that the Council members should decide if they are able to commit to the time and effort to actively participate in the Council’s efforts. Members should decide if they want to be on the Council and participate. <b>C. Hymowitz</b> suggested reviewing Council members attendance history at the next meeting. <b>C. Hymowitz</b> suggested to members that at least one meeting annually, be held in a different region in the state. Attached is a list of topics/issues <b>Mr. Hymowitz</b> previously prepared for the Council to consider for future discussion.. <b>M. Kaplen</b> commented that pursuant to 4: Article VII of the By-Laws; current subcommittees are Repatriation and UAS. <b>M. Kaplen</b> asked, who is the Council’s conduit to the Department of Health. <b>M. Gnozzio</b> answered, she will serve as the liaison to the Council until Lana I. Earle, DLTC Division Director begins to attend the Council meetings. <b>M. Gnozzio</b> provided contact information for Ms. Earle. <b>M. Kaplen</b> requested a Word document version of the By-Laws. <b>S. Casscles</b> provided his contact information.</p>	<p style="color: red;">Provide TBISCC Members with a Word document version of By-Laws</p>
<p><b>Public Comment</b></p>	<p><b>Julie Keagan</b>, Disability Rights New York (DRNY): Suggested that Council membership should include a representative from DRNY.</p>	

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	<p><b>Anne Marie Todd</b>, TBI Survivor: Commented that she has been attending TBISCC meetings for a long time and is a TBI waiver participant. Ms. Todd indicated she would like to contribute to the TBISCC in a formal capacity. <b>Ms. Todd</b> commented that the Council frequently has not been able to meet a quorum and for people to get appointed and then not attend meetings indicates a lack of commitment. <b>B. Feuz</b> confirmed that attendance for all members needs to improve.</p>	
<p><b>TBISCC Member and Guest Updates</b></p>	<p><b>Nina Baumbach</b>, NYS Office for People with Developmental Disabilities (OPWDD): OPWDD is Moving towards Managed Care (MC); Voluntary enrollment should begin next year. Forums were held in November for public feedback on what matters most when choosing services. A new qualifications document is available that outlines the requirements to become a MC Plan serving people with Developmental Disabilities.</p> <p><b>Anne Marie Calabrese</b>, NYS Office of Victim Services (OVS): OVS is working with agencies to assist with getting people to their medical and legal appointments because a lot of times there is no available family/friend support. OVS is doing outreach to Police Departments, Emergency Rooms and Ambulance companies to let them know about OVS services.</p> <p><b>Crystal Collins</b>, NYS Justice Center: Recent updates have been posted to the website.</p> <p><b>Cliff Hymowitz</b>: Repatriation – Is there data on NYS residents that are currently residing in out of state Nursing Homes? <b>M. Gnozzio</b> responded that the Money Follows the Person (MFP) program presented information at a previous meeting and are currently updating the data, to include those individuals who want to come back to NYS.</p>	
<p><b>Adjournment</b></p>	<p><b>M. Kaplen</b> made a motion to adjourn the informal December 4, 2018 TBISCC meeting, since no quorum was present. <b>N. Baumbach</b> seconded the motion. The December 4, 2018 TBISCC Meeting was adjourned at 12:42 PM.</p>	