

**Traumatic Brain Injury Services Coordinating Council (TBISCC)  
Meeting Minutes  
April 4, 2019; 10:34 am – 2:38 pm  
One Commerce Plaza, 99 Washington Avenue, Albany, NY 12210  
16th Floor, Conference Room 1613**

Topic	Discussion	Action/Next Steps/Who/When
<b>Attendance</b>	<p><b>Council Members Present:</b> Nina Baumbach (OPWDD); Megan Clothier; Michael Davison; Brent Feuz; Michael Kaplen; Maxine Smalling; Clifford Hymowitz; Paul Novak; Jennifer Semonite (NYS Education Department); Earl M. Schmidt; Lana I. Earle (NYSDOH)</p> <p><b>Council Members Absent:</b> Crystal Collins (NYS Justice Center); Kenneth Ingenito; Jeffrey Bazarian, MD (University of Rochester)</p> <p><b>DOH Staff:</b> Maribeth Gnozzio; Laurie Arcuri; Thomas Rees; Anna Ko; Stephen Casscles, Associate Counsel (DOH Division of Legal Affairs)</p>	
<p><b>Welcome / Introductions</b></p> <p><b>Nominations / Election of Chair &amp; Co-Chair (pending quorum)</b></p>	<p><b>Michael Kaplen</b>, DeCaro &amp; Kaplen, LLP</p> <p><b>M. Kaplen</b> called the April 4, 2019 meeting to order at 10:34 and secured that there was a quorum, 11 council members being present. <b>M. Kaplen</b> introduced <b>M. Davison</b> and <b>Lana Earle</b>. <b>L. Earle</b> introduced herself to the council and explained her role as the Division Director of the Division of Long Term Care. She also introduced herself as the designee appointed by the Commissioner of the Department of Health and a voting member of the TBISCC. <b>L. Earle</b> introduced <b>Stephen Casscles</b>, Associate Counsel, DOH DLA to address process issues for the council.</p> <p><b>S. Casscles</b> conducted a roll call of members present to ensure a quorum and found that 11 members were present, 9 being the minimum required for a quorum. <b>S. Casscles</b> explained the need for a new election for council chair, the previous election having been held without a quorum. A motion for <b>S. Casscles</b> to conduct the election was introduced by <b>C. Hymowitz</b> and seconded by <b>E. Schmidt</b>. A vote was held on the motion and passed unanimously.</p> <p>A motion for <b>M. Kaplen</b> to serve as TBISCC chair was introduced by <b>M. Davison</b> and seconded by <b>C. Hymowitz</b>. <b>S. Casscles</b> found that there were no other nominations. Paper ballots were distributed to the council members with the instruction that a vote of “Yes” was a vote for <b>M. Kaplen</b> to serve as chair for the TBISCC and a vote of “No” was a vote against <b>M. Kaplen</b> as chair. Upon collecting the completed ballots, <b>S. Casscles</b> found that there were 11 votes for and 0 votes against <b>M. Kaplen</b> as chair. <b>Laurie Arcuri</b> confirmed the vote count. <b>S. Casscles</b> announced <b>M. Kaplen</b> as the chair of the TBISCC and turned the meeting over to him.</p> <p><b>M. Kaplen</b> conducted introductions around the table and inquired as to whether anyone had called in. <b>Amanda Pearlstein</b>, Disability Rights New York Staff Attorney working as an advocate for people with TBI, introduced herself and was the only public call-in participant.</p> <p><b>M. Kaplen</b> appointed <b>M. Davison</b> as the vice chair of the council. <b>S. Casscles</b>, upon a review of the bylaws of the council, found that a motion was required for the vice chair position. A motion for <b>M.</b></p>	

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	<p><b>Davison</b> to serve as vice chair of the TBISCC was introduced by <b>M. Kaplen</b> and seconded by <b>E. Schmidt</b>. The motion was voted on and passed unanimously, making <b>M. Davison</b> vice chair.</p>	
<p><b>WebEx Training for Council Members</b></p>	<p><b>M. Kaplen</b> introduced the first agenda item as the WebEx training for council members. <b>L. Arcuri</b> shared that in a previous council meeting, it was made clear that members who call in cannot vote. <b>C. Hymowitz</b> pointed out that in order to vote remotely, a screen is required. <b>L. Arcuri</b> continued that WebEx training was made available to council members in order to enable them to access WebEx on personal phones and computers. <b>B. Gnozzio</b> indicated that the instructions were left out of folders but would be provided to council members prior to the close of the session. <b>L. Earle</b> offered to work with council members to set up further WebEx trainings. <b>B. Gnozzio</b> recounted that the training was circulated to council members and that <b>C. Hymowitz</b> and <b>J. Semonite</b> attended the training. <b>M. Kaplen</b> requested that the instruction pdf be circulated to the council members via email. <b>L. Arcuri</b> agreed to circulate.</p>	
<p><b>Mission of the TBISCC Goals and Activities</b> Open discussion for Council members</p>	<p><b>M. Kaplen</b> introduced the mission of the TBISCC as the next agenda item. Began by discussing the history of the council. He shared that he was first a member, then the chair, then a member and now is serving as chair of the council again. He has observed that the council has worked effectively and has been ineffective in different areas. He shared that the NYS Legislature called for the creation of the TBISCC in order to be an advisory committee to NYSDOH. <b>M. Kaplen</b> emphasized that the council needs to decide how to accomplish this task and move forward effectively.</p> <p><b>M. Kaplen</b> shared some history regarding the council <b>He discussed how meetings would be</b> organized so that subcommittees met on individual topics and brought those back to the committee. As Chair, Mr. Kaplen steered the council toward an agenda that presented a different topic of interest for each s meeting. This included such issues as housing, domestic violence, veteran’s affairs. The council invited experts from outside of the state to present, which allowed the council to make informed recommendations to NYSDOH. Even with this format the impact and progress of the council was limited.</p> <p><b>M. Kaplen</b> posited that the council now has an opportunity to reset the agenda. He shared further that the council is only as effective as the knowledge the members have in order to provide advice to NYSDOH.</p> <p><b>C. Hymowitz</b> expressed that he has experience with TBI both as a survivor and an advocate. He shared that he has worked with many people with head injuries and feels that he council should work on covering TBI through insurance, especially for those not on the waiver. <b>M. Davison</b> voiced agreement with <b>C. Hymowitz</b> and suggested that the TBISCC move this goal forward by studying best practices and making recommendations to NYSDOH.</p> <p><b>M. Clothier</b> shared that she sees a service gap in higher functioning brain injury survivors who need assistance with higher-level executive functions and the organization of thoughts. Further, she feels that the people hired to provide assistance through HCSS and ILST (waiver services) are not</p>	

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	<p>necessarily suitably trained to work with the population of survivors who are higher functioning. She would like to see the council focus energy on this issue. <b>M. Davison</b> suggested that <b>M. Clothier</b> would be an excellent training resource for providers. <b>Anne Marie Todd (member of the public)</b> agreed that ILST is insufficient, but her view is that the funding is inadequate to hire and retain qualified individuals.</p> <p><b>E. Schmidt</b> requested that the bylaws be sent to the council, that it may clarify the mission of the council. <b>L. Earle</b> agreed to disseminate the bylaws.</p> <p><b>B. Feuz</b> suggested that the council has missed opportunities to improve post-TBI care and that protocols need to be put in place. He has worked to create protocols to share with the NYS EMS Leadership, but these protocols have not continued to be implemented. These protocols are the foundation for TBI treatment – if a TBI is not recognized at the time of the incident, the individual will not be appropriately treated. <b>M. Kaplen</b> asked what <b>B. Feuz</b> sees as the role of the council in this endeavor considering that the TBISCC has no staff, no funding, and no resources. <b>B. Feuz</b> replied that he has completed the work and needs help from TBISCC and NYSDOH to present the protocols to the EMS leadership. There are tri-fold cards which should be shared with every EMS technician and ER. <b>L. Earle</b> asked for clarification on NYSDOH's role in the protocols. <b>B. Feuz</b> said that he wants to ensure that the protocols and tri-fold cards are disseminated. He shared that the council has never formally acted on the protocols. <b>C. Hymowitz</b> advised <b>M. Kaplen</b> that the council must express and opinion on the matter and support this effort.</p> <p><b>M. Kaplen</b> read a document delivered to the Office of the Governor by NYSDOH on TBI goals. After the reading, <b>M. Kaplen</b> asked why the TBISCC is discussing the same things that were being discussed in 1998? He feels that looking at the past is a good way to get back on track and move forward. <b>L. Earle</b> expressed that she appreciates the work that <b>B. Feuz</b> put into the protocols and called on the council to move the protocols forward. <b>B. Feuz</b> agreed to present to the council. He requested 15 minutes on the agenda. <b>M. Kaplen</b> agreed to put the presentation on the agenda but wants the materials circulated prior to the next meeting. The council received copies of the tri-fold cards.</p>	
<p><b>Approval of Minutes: 12/4/18, 9/26/18, 4/24/18</b></p>	<p><b>S. Casscles</b> presented that because of a lack of quorum the minutes from 3 prior meetings were not approved. He requested that the council vote that the minutes reflect the discussion of the meetings in question rather than vote to adopt them.</p> <p><b>M. Kaplen</b> introduced a motion to accept the minutes as an accurate depiction of the discussion held on April 24, 2018. <b>Maxine Smalling</b> wanted the record to note that the program she discussed at that meeting was funded by NYSOMH, not DSRIP as the minutes reflect. <b>S. Casscles</b> requested that <b>M. Smalling</b> strike through the erroneous section. <b>E. Schmidt</b> seconded the motion to vote on the April 24, 2018 minutes. 9 members who were present for that meeting voted to approve, motion carried.</p> <p><b>M. Kaplen</b> requested a motion to approve the discussion for the September 26, 2018 meeting. <b>C. Hymowitz</b> introduced the motion, <b>M. Davison</b> seconded. 9 members who were present for that meeting voted to approve. Motion carried.</p>	

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	<p><b>S. Casscles</b> postponed the review and acceptance of the minutes for the December 4, 2018 meeting until such a time as an adequate number of council members who were in attendance at that meeting are available to vote.</p>	
<p><b>Mission of the TBISCC Goals and Activities</b> Open discussion for Council members</p>	<p><b>M. Kaplen</b> expressed that the minutes should be distributed within a reasonable period of time so that TBISCC members have adequate opportunity to review them prior to the meeting. NYSDOH staff committed to make every effort to distribute the minutes in a timely fashion.</p> <p><b>M. Kaplen</b> asked if NYSDOH maintains all of the council documents, reports, etc. NYSDOH staff reported that the minutes are posted to the website and that all other info is stored in a NYSDOH drive dating back to 2012.</p> <p><b>M. Kaplen</b> asked what service agency representatives are able to contribute to the council.</p> <p><b>Nina Baumbach, OPWDD Agency Rep</b>, indicated that she reports issues back to her agency. Also shared that OPWDD does not track people with brain injury specifically.</p> <p><b>M. Kaplen</b> suggested a segment in a future meeting devoted to the contributions that each agency can make to the TBISCC. <b>L. Earle</b> proposed a collaborative discussion between all agencies focused on person-centered service planning and ways to wrap services around the individual.</p> <p><b>C. Hymowitz</b> requested to start a subcommittee focused on OPWDD and TBI. <b>M. Kaplen</b> indicated that he was not prepared to make a decision on that subcommittee at this meeting.</p> <p><b>M. Smalling, NYSOMH Agency Rep.</b>, shared that she has learned a great deal about the services available to and challenges facing people with TBI from her approximately 2 years participating on the TBISCC. She shared further that OMH oversees 24 hospitals statewide and has many people who have a TBI who receive services from OMH. <b>M. Davison</b> suggested exploring expanding services for people who have a TBI and comorbidities. He feels that there are many barriers to serving these people that could be addressed by the TBISCC.</p> <p><b>M. Davison</b> offered to work with <b>M. Kaplen</b> to develop broad headings of issues for future consideration by the TBISCC.</p> <p><b>M. Smalling</b> informed the council that NYSOMH faces issues looking for placement for people who have mental health diagnoses along with TBI. She suggested that specialized beds might be a topic worth discussing at future TBISCC meetings. <b>M. Davison</b> agreed that the topic fits the mission of the council. <b>M. Kaplen</b> said that the TBISCC can highlight specific issues and then the state agencies can discuss the issues and develop recommendations for support by the council.</p>	
<p><b>Open Doors Update – Out of State SNF Placements</b></p>	<p><b>Andrea Juris, Money Follows the Person/Open Doors</b>, presented on the topic of out of state placement of people with a diagnosis of TBI. It was determined that more data was required for the purposes of the TBISCC.</p>	

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<b>Adjournment</b>	<b>M. Davison</b> made a motion to adjourn the April 4, 2019 TBISCC meeting. <b>C. Hymowitz</b> seconded the motion. The April 4, 2019 TBISCC Meeting was adjourned at 2:38 PM.	
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