

**Traumatic Brain Injury Services Coordinating Council**

**Meeting Minutes**

**Friday, May 31, 2013**

**10:30am – 3:30pm**

**Empire State Plaza, Concourse Level, Meeting Room 125**

<b>Topic</b>	<b>Discussion</b>	<b>Action/Next Steps/Who/When</b>
<b>Attendance</b>	<p><b>Present:</b> Michael Kaplen, Barry Dain, Michael Davison, Timothy Pruce, Lisa Robateau-Epps, Joseph Vollaro, Megan Clothier, Debby Zetterstrom, Gerri Malone, Colleen Scott, Nina Baumbach, Cher Montayne, and Lydia Kosinski</p> <p><b>Absent:</b> Kenneth Ingenito, Meredith Klein</p> <p><b>Ad-hoc Members Present:</b> Ann Marie Calabrese, Barry Jordan, Judith Avner</p> <p><b>DOH Staff:</b> Helen Hines, Christopher Phillips, Kitty Gelberg and Cheryl Veith</p>	
<b>Welcome and Introduction of new members</b>	<ul style="list-style-type: none"> <li>• The meeting was called to order; Michael Kaplen presided over the meeting.</li> <li>• A quorum was present and it was decided to table a motion to accept minutes from the 1/23/13 meeting until later in the day to give members time to review.</li> <li>• Michael Kaplen introduced the day’s agenda and two new members to the Council, Joseph Vollaro and Megan Clothier. Mr. Kaplen asked each to new member to introduce themselves and their experience to the council.</li> <li>• Joseph Vollaro introduced himself. He stated that he is a licensed clinical neuropsychologist who specializes in treating individuals with traumatic brain injury. He stated that he is a TBI and NHTD waiver provider on Long Island, and has been involved with the waivers for the last thirteen years. Dr. Vollaro said that he is eager to be a part of the council, to serve the citizens of New York State and to improve the lives of individuals with brain injuries.</li> <li>• Megan Clothier introduced herself and stated that she has been involved in work around brain injury for the last few years. She told the council that she experienced a brain injury when she was hit by a drunk driver while in college. She stated that she is from Lake George and speaks at local high schools about the effects of drinking and driving. She explained that she likes to educate others about brain injury because she has learned that brain injury affects people differently, and that everyone with a brain injury needs individualized services to meet their respective needs.</li> </ul>	
<b>Brain Injury Association of New York State-(BIANYS) Recommendations</b>	<p><b>Judith Avner, BIANYS</b></p> <p>Ms. Avner presented Recommendations to Amend the Laws of New York, 1994: Chapter 196 to the council. She stated that BIANYS Public Policy Committee took on this work in recognition of the fact that the field of brain injury has evolved a great deal since 1994. Amendment of this law was also a recommendation included in the NYS Traumatic Brain Injury Five-Year Action Plan issued by the Department of Health in 2012. She summarized the two most significant changes in the recommendations. They are:</p> <ul style="list-style-type: none"> <li>• To establish an Office of Brain Injury within the Office of Public Health (within DOH) to have responsibility for administering the provisions of this article and otherwise coordinate the state’s policies with respect to brain injury. This is in response to fragmentation within the current system</li> </ul>	<p><b>Recommendations to Amend the Laws of New York, 1994: Chapter 196</b></p> <p><b>Senate Bill Number S5148-2013</b></p>

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	<p>and to acknowledge that brain injury is a public health issue as well as the chronic nature of the injury.</p> <ul style="list-style-type: none"> <li>• Change the TBISCC to be advisory to the Governor rather than the Commissioner of the Department of Health. This is in response to the multiagency reach of state policies with respect to brain injury. This change will allow for the most comprehensive infiltration of recommendations across departments and programs.</li> </ul> <p>Ms. Avner advised that BIANYS leadership has been visiting the legislature and reached out to Senator Libous, the author and sponsor of the Laws of New York, 1994:Chapter 196, and are pleased that Senator Libous has drafted and sponsored Senate Bill, S-5148, which incorporates BIANYS recommended changes to the Laws of New York, 1994:Chapter 196. She states that BIANYS is currently looking for a sponsor in the Assembly.</p> <p>The council members present were all given the opportunity to comment on the recommendations. Council member comments were very enthusiastic and expressed support and gratitude. The council discussed the idea of voting to recommend supporting BIANYS recommendations and Senate bill S-5148 to the Commissioner of DOH. It was decided that this will be done later in the day to give members time to review each document thoroughly.</p>	
<p><b>State Agency Updates</b></p>	<p><b>New York State Education Department (NYSED)-ACCESS-VR - Gerri Malone</b> Provides vocational and employment services (e.g. job coach) to individuals with substantive physical or mental impairment. Of the 87,774 served in 2012, only 1015 (1.2%) are recorded as having a TBI, although many others have a similar diagnosis (e.g. cognitive deficit). An RFP was recently issued seeking Access-VR providers; TBI waiver providers could provide services. Technical Assistance Bulletins are available on-line for guidance, but unclear how much TBI patient specific training is available.</p> <p><b>Office of Persons with Developmental Disabilities (OPWDD) - Nina Baumbach</b> Many changes going on, see website. Moving towards Managed Care system, coordinated assessment tool, standardizing processes, training, education across all regions, streamlined self-directed services. This new “front door” will promote easier access for all.</p> <p><b>Office of Mental Health (OMH) - Debby Zeterstrom</b> Multiple recent changes in agency. OMH has limited role for persons with acquired brain injury, but new</p>	<p><b>Update of 2012 Five-Year TBI Action Plan Implementation</b></p>

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	<p>involvement of acting commissioner regarding streamlining access to care has taken place.</p> <p><b>Commission on the Quality of Care and Advocacy for Persons with Disabilities (CQC) – Colleen Scott</b>                      On July 1, 2013, the Justice Center for the Protection of People With Special Needs will assume most CQC responsibilities. Contract with Disability Rights New York extended for 15 months. Protection and Advocacy (P&amp;A) System and Client Assistance Program (CAP) transferred June 1, 2013 to Disability Rights New York (Disability Advocates, Inc.) Contacted DOH regarding multiple complaints about one provider.</p> <p><b>Office of Victim Services (OVS) – Ann Marie Calabrese (ad hoc member)</b>                      Provides medical care, victim assistance, etc. to about 17,000 victims per year. Number of these with TBI unavailable. Striving to raise awareness of the range of OVS services available.</p> <p><b>Department of Health (DOH) – Lydia Kosinski/Helen Hines/Kitty Gelberg</b>  <b>Lydia Kosinski</b> - Approximately 2800 people receive TBI waiver services. Ongoing efforts to transfer recipients to Managed Care and Managed Long Term Care programs by end of 2015, with current services and levels, presents challenges.  <b>Helen Hines</b> - Five year action plan moving forward; enhancing public knowledge, access to community based services, and provider training, including EMS.  <b>Kitty Gelberg</b> - Discussed Injury Prevention’s current efforts, including activities with SED regarding sports concussions, and making information available for interested stakeholders (e.g on the DOH website.)</p>	
<b>Review of Minutes 1/23/13</b>	The minutes were reviewed. A motion to accept was made by Mr. Dain and seconded by Mr. Pruce. All in favor. Minutes were approved.	<b>Final minutes e-mailed to members 6/3/13</b>
<b>Election of Chair</b>	The two candidates, Barry Dain and Michael Kaplen, each expressed a desire to serve as chair, spoke of his qualifications to serve, and presented a vision for the future of the TBISCC. Twelve members were eligible to vote and the election was overseen by Mark Kissinger, DOH staff, and Peter Kahrman. The results were: Seven (7) votes for Barry Dain; Five (5) votes for Michael Kaplen. Mr. Kaplen chaired the remainder of the meeting.	
<b>Discussion of Council Bylaw</b>	A first draft version of the revised bylaws was discussed at length and further revisions suggested. A revised draft will be provided to members for further discussion at the next TBISCC meeting.	<b>Discussion documents</b>

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<b>Revisions</b>		<b>provided</b>
<b>New Business</b>	<ul style="list-style-type: none"><li>• Mr. Kaplen introduced a press release, dated 5/30/13, reporting IG audit finding that DOH improperly billed CMS \$54 million for Medicaid TBI reimbursement for 2007 through 2009. DOH has refuted the methodology used for the audit and has conducted due diligence to revise billing and other procedures and other criteria. No clients will be harmed.</li><li>• Dr. Vollaro suggested topics for the next meeting: Uniform Assessment System (UAS-NY) and Managed Long Term Care (MLTC).</li></ul>	
<b>Public Comment</b>	There was no public comment.	
<b>Next Meeting</b>	<ul style="list-style-type: none"><li>• The next Council meeting is scheduled for 9/30/13. The meeting was adjourned.</li></ul>	