

North Carolina Brain Injury Advisory Council

BYLAWS

ARTICLE 1 NAME

This advisory body shall be known as the North Carolina Brain Injury Advisory Council (BIAC) as specified at N.C. G.S. §143B-216.65.

ARTICLE 2 PURPOSE AND MISSION

The BIAC shall be a self-governed and self-directed organization that advises the North Carolina Department of Health and Human Services, including the Division of Health Benefits (DHB) and Division of Mental Health, Developmental Disabilities, and Substance Use Services (DMHDDSSUS) on the planning, development, funding, and implementation of a comprehensive statewide service delivery system for individuals with traumatic brain injuries and their families.

In alignment with N.C. G.S. §143B-216.65, the BIAC activities include the following:

- (1) Review how the term “traumatic brain injury” is defined by State and Federal regulations and determine whether changes should be made to the State definition to include “acquired brain injury” or other appropriate conditions.
- (2) Assess and study the needs of individuals with traumatic brain injury and their families/caregivers.
- (3) Review and make recommendations for programs and services provided by NCDHHS and/or its subcontractors to individuals with traumatic brain injury.
- (4) Identify program and service gaps for individuals with traumatic brain injury and their families/caregivers.
- (5) Receive feedback from the Brain Injury Association of North Carolina (BIANC) and the Division regarding services provided to individuals with traumatic brain injury and provide comments or recommendations.
- (6) Promote interagency coordination among State agencies responsible for services and support of individuals that have traumatic brain injury.
- (7) Maintain a collaborative working relationship with NCDHHS representatives and any NCDHHS subcontractors associated with the comprehensive statewide service delivery system for individuals with traumatic brain injury.
- (8) At least annually, submit a report to the appropriate parties, including the Governor of North Carolina, the Speaker of the House and Senate President Pro Tem at the North Carolina General Assembly, and the North Carolina Secretary of Health and Human Services regarding the planning, development, funding, and implementation of the comprehensive statewide delivery system for individuals with traumatic brain injury.
- (9) Promote and implement injury prevention strategies across the State.

ARTICLE 3 NC DEPARTMENT OF HEALTH AND HUMAN SERVICES SUPPORT TO BIAC

The Secretary, through the DMHDDSUS, shall provide clerical and other assistance as needed pursuant to N.C. G.S. § 216.66(f). The Director of DMHDDSUS shall appoint a liaison to support the BIAC. Support shall include, but not be limited to, assistance with agendas, minutes, scheduling, hosting meetings, and the maintenance of a webpage where the BIAC may post information of interest to the public. The DHB and DMHDDSUS shall provide relevant information and data to the BIAC upon request and respond promptly to questions from the BIAC. Additionally, the Department shall reimburse BIAC members for expenses incurred in the performance of their duties in accordance with N.C. G.S. § 138-5 and 138-6 pursuant to N.C. G.S. § 143B-216.66(e).

ARTICLE 4 MEMBERSHIP

The BIAC shall be composed of 23 voting members and 10 *ex officio* non-voting members, appointed in compliance with N.C. G. S. § 143B-216.66. All members shall be 18 years or older.

Section 1. Appointment and Vacancies

All vacancies shall be filled by the appointing authority identified in N.C. G.S. § 143B-216.66. Upon a vacancy, the assigned DMHDDSUS liaison shall notify the appointing authority and the BIAC may elect a member to temporarily fill the vacant seat until the appointing authority appoints a new member. Members selected by the BIAC to fill vacancies may only serve temporarily until the appointing authority appoints someone to fill the vacancy unless the appointing authority selects them to fill the vacancy.

Section 2. Terms of Office

The terms of voting members shall be four (4) years with no member appointed by the Governor serving more than two successive terms. The terms of ex-officio non-voting members do not expire.

Section 3. Rights of Members

All members appointed to the BIAC shall have the right to:

1. Vote according to the member's appointment status outlined in N.C. G.S. § 143B-216.66 and as identified in Article 4 of these Bylaws.
2. Attend all meetings
3. Designate a proxy for attendance and voting purposes
4. Work on assigned committees and subcommittees
5. Provide input into the decision-making process
6. Recommend members for appointment

Section 4. Attendance

1. Members may attend meetings either in-person or virtually (by videoconference or telephone), so long as the member can participate in the meeting at all times except for periods during which the meeting is in recess or adjournment.
2. All BIAC members shall attend at least three (3) meetings per year and shall not miss 3 consecutive meetings within one fiscal year.

3. After the second consecutive missed meeting, the Chair or Vice Chair will request the assigned DMHDDSUS liaison send the member an email, requesting a reply, to determine whether that member wishes to continue serving or would like to submit a request for a Temporary Leave of Absence. If no reply is received, the assigned DMHDDSUS liaison will send a letter via certified mail to make the inquiry.

Section 5. Temporary Leave of Absence

A member may request a temporary leave for any reason and not be considered absent during that period for attendance purposes. The BIAC shall not differentiate absences based upon the reason requested by the member, including health, personal, professional, work-related, or another basis for member's absence. Such request must be made in writing for consideration by the Chair and Vice-Chair of the BIAC after consultation with the members of BIAC. Requests may be granted up to three months of absence and the total requests within one fiscal year shall not exceed a maximum of six months. Upon the existence of extenuating circumstances and subject to the approval of the presiding Chair, further Temporary Leave of Absence requests may be considered.

Section 6. Removal and Resignation

1. Any member may resign by giving written notice to the presiding Chair of the BIAC to be effective on the date of receipt or any later date specified in the notice of resignation.
2. The presiding Chair shall notify the assigned DMHDDSUS liaison and the responsible appointing party of the resignation and subsequent vacancy.
3. Only the appointing authority has the authority to remove members. The BIAC may decide, on a case-by-case basis and after discussion among the members, whether to recommend a written request be sent to the member's appointing body to reconsider their appointment to the BIAC, in accordance with these Bylaws.
4. If the BIAC is considering making a recommendation to the appointing authority to reconsider a member's appointment to the BIAC, the assigned DMHDDSUS liaison shall provide at least a fourteen (14) day written notice to the member, by certified mail, of the meeting of the BIAC at which their reconsideration is to be voted upon. The member is entitled to appear before and be heard by the BIAC at the scheduled meeting.
5. At this meeting and following any presentation from the member, the BIAC will decide whether to recommend a written request be sent to the member's appointing body to reconsider their appointment to the BIAC. Such recommendation requires an affirmative vote of two-thirds of the voting BIAC members at any regular or special meeting at which a quorum is present, based on lack of attendance, conduct detrimental to the mission and purpose of the Council, or violation of Article 10.
6. If the vote is to recommend the appointing authority reconsider the individuals' appointment, the assigned DMHDDSUS liaison shall send a letter to the appointing authority that includes a statement of the cause with specific reason(s) justifying such recommendation.

ARTICLE 6 OFFICERS AND THE ELECTION OF OFFICERS

Section 1 Chair and Vice Chair

1. The officers of the BIAC shall include the Chair and Vice Chair. The same person may not hold both offices.
2. The BIAC may elect other officers with powers and duties consistent with these Bylaws and as determined by the BIAC.
3. The Chair shall preside at all meetings of the BIAC, shall have charge and supervision of the affairs of the BIAC, and shall be responsible for scheduling meetings, developing the meeting agenda, submitting recommendations to NCDHHS and any other appropriate party, and performing other duties outlined in the Bylaws or assigned by the BIAC. The Chair shall be the official representative of the BIAC in all situations where representation is appropriate and shall reflect the will or intention of the Committee rather than their own opinion if those should differ.
4. At the request of the Chair, or in the event of the Chair's absence or incapacity, the Vice Chair shall perform the duties and possess the power of the Chair and shall have such other powers as the BIAC may assign.
5. The Chair and Vice Chair are the primary liaisons between the BIAC and NCDHHS representatives, including the DMHDDSUS liaison(s).
6. The Chair and Vice Chair are responsible for maintaining good working relationships with the Governor, General Assembly, Secretary for Health and Human Services, leadership of NCDHHS and its Divisions, and any subcontractors of NCDHHS.

Section 2 Term of Office, Vacancies, Nominations, and Elections

1. The Chair and Vice Chair shall serve a term of two (2) years but may not serve more than two (2) consecutive terms in such position.
2. The presiding Chair and Vice Chair shall notify the members of the BIAC of the expiration date of their terms at least 90 days prior to their effective end dates.
3. Any member of the BIAC may nominate themselves or another member for the offices of Chair or Vice Chair of the BIAC.
4. The presiding Chair shall accept nominations for Chair and/or Vice Chair for no more than 30 days after notifying the members of the upcoming vacancy. Nominations may be made during a meeting or may be in writing addressed to the presiding Chair.
5. The BIAC will vote on nominations at the next regularly scheduled meeting following closure of the nominations period. A special meeting shall be held within 60 days of the Chair and/or Vice-Chairs term expiration to elect successors. The member with the highest number of votes for each position is deemed elected to that position.
6. If an Office becomes vacant because of death, resignation, removal, or any other disqualification, the Office shall be filled by a simple majority vote of the voting members at the next meeting at which a quorum is present to fill the vacancy for the remainder of that term.

Section 3 Removal of Officers

Any officer may be removed from office by an affirmative vote of two-thirds of the voting BIAC members at any regular or special meeting at which a quorum is present, for conduct detrimental to the

mission and purpose of the Council, violation of these Bylaws including Article 10, and/or for refusal or inability to fulfill the responsibility of the Office. Any officer proposed to be removed shall be entitled to at least fourteen (14) days' notice in writing by mail of the meeting of the BIAC at which removal is to be voted upon and shall be entitled to appear before and be heard by the BIAC at that meeting. Any officer may resign from office by giving written notice to the Chair and/or Vice-Chair of the BIAC.

ARTICLE 7 MEETINGS

Section 1 Regular Meetings

Members of the BIAC will meet a minimum of three (3) times each State Fiscal Year (July 1 through June 30) at the date, place, and time specified by the Chair for the purpose of transacting business and electing officers. All meetings are open to the public and shall comply with Article 33C of Chapter 143 of the North Carolina General Statutes.

Section 2 Meeting Accommodations

Meetings shall be held in facilities that are accessible and functional for people with disabilities. A good faith effort will be made to have materials or interpreters available for those in need of special accommodation so long as the individual makes an accommodation request in writing at least thirty (30) days prior to the scheduled meeting.

Section 3 Notice of Meetings

The DMH liaison(s) shall provide notice of all regular meetings by email or mail at least thirty (30) days before the meeting to the email or mailing address designated for such contacts by each member, and to any persons who have requested notice in accordance with N.C. G.S. § 143-318.12. The DMH liaison(s) will also post notices to the BIAC webpage. The Notice shall contain the specific date, time, and place of the meeting. Meeting agendas shall be available to any interested party at least three (3) days prior to the scheduled meeting. When canceling or rescheduling a BIAC meeting due to inclement weather or other reasons, the DMH liaison(s) shall send prompt notice via email and make all reasonable efforts to notify the public and BIAC members of the cancellation or rescheduling.

Section 4 Meeting Minutes

The DMH liaison(s) shall be responsible for the taking of minutes of all meetings showing the date, time, place, members present, and action taken at each meeting, including all voting results. The minutes of each meeting shall be made public on the BIAC webpage on the NCDHHS website.

Section 5 Special Meetings

The Chair or at least one-third of the BIAC members may call a special meeting by giving at least seven (7) days' written notice to the members of the BIAC. The date, time, and place shall be specified in the special meeting notice. Special meetings shall only be conducted for Council business that cannot wait until the next regular meeting.

Section 6 Business to be Transacted

1. The Chair and Vice Chair shall develop all meeting agendas in collaboration with the DMH liaison(s) in advance of each meeting.

2. Any business may be transacted at any BIAC meeting provided it is listed on the agenda for that meeting. The agenda may be amended at the beginning of the meeting by a simple majority vote of the voting members present.
3. Public comment will be limited to a maximum of three (3) minutes per person, with a total limit of fifteen (15) minutes, with ensuing discussion at the discretion of the Chair. Public comment shall be respectful and shall not violate any individual's right to privacy.
4. For special meetings, the Chair shall prepare an agenda to address the purpose of the special meeting.
5. Minutes from the prior meeting must be approved by the BIAC at the following regular meeting.
6. The BIAC may only go into closed session pursuant to a motion made and adopted during an open meeting in accordance with N.C. G.S. § 143-318.11. The motion shall state the purpose of the closed session and must be approved by a simple majority vote of the voting members present. The DMH liaison(s) shall take minutes during the closed session. The BIAC shall terminate the closed session by a simple majority vote of the voting members present.

Section 7 Quorum and Voting

1. Prior to any voting, the Chair shall affirm that a quorum is present. A quorum is a simple majority of all BIAC voting members, excluding any vacancies. No action taken at a meeting at which less than a quorum is present is binding unless approved in writing by the absentee members within ten (10) days.
2. Except as set forth in Article 6, Section 2 of these Bylaws, each voting BIAC member in attendance is entitled to one vote on each matter subjected to a vote, except that a BIAC member who has the proxy of another member shall vote for themselves and up to one other member as their proxy.
3. An individual who is attending the meeting as a proxy for another member is entitled to one vote on each matter subjected to a vote

Section 8 Conflicts of Interest

A conflict of interest exists when a member of the BIAC participates in a way that directly affects the personal or financial interests of the member. To avoid conflicts of interest, BIAC members who have a personal or financial interest in an action shall declare the conflict to the Chair orally or in writing of the conflict of interest and shall abstain from participating in both discussion and voting of that action. If the BIAC member is unsure if they have a conflict of interest, they may declare the potential conflict of interest to the Chair orally or in writing and request a determination from the Chair of whether a conflict of interest exists. The Chair and Vice Chair shall consult with legal counsel for the BIAC to determine if the disclosed issue is a conflict of interest. If a conflict of interest is determined to exist, the BIAC member shall abstain from voting and should be recorded as abstaining when votes are taken. BIAC members shall exercise good faith in handling all potential and confirmed conflicts of interest.

Section 9 Conduct of Meetings

All members shall make certain that discussion at meetings is applicable to the business and issues being considered by the BIAC at that time, consistent with the BIAC's statutory purpose, and conducted within reasonable time limitations. The Chair, or other presiding member, shall set guidelines for the

topics and length of any individual comment or group discussion and all members will abide by such limitations.

ARTICLE 8 COMMITTEES

Section 1 Committee Creation and Purpose

The Council may form standing committees and ad hoc committees as determined necessary and appropriate. The composition and duties of committees shall be determined by the Chair, who serves as an ex officio member of all such committees.

Section 2 Committee Meetings

Committees may conduct virtual meetings and take action electronically.

ARTICLE 9 AMENDMENTS

The BIAC shall have the power to make, alter, amend, and repeal these Bylaws by the affirmative vote of two-thirds of the voting BIAC members at a meeting at which a quorum is present. The action shall be proposed at a regular or special meeting of the BIAC and adopted at a subsequent regular meeting.

ARTICLE 10 ETHICAL AND CONDUCT GUIDELINES

The BIAC does not have a specific code of conduct or code of ethics in the traditional sense. Instead, BIAC operates under a general framework of ethical principles and guidelines, focusing on advocacy for individuals with traumatic brain injury and their relatives/caregivers, and promoting high-quality services. BIAC core values include ensuring the voices of individuals and families affected by TBI are heard, advocating for the rights and needs of individuals with TBI and their relatives/caregivers, and ensuring that services are effective, accessible, and respectful of individual differences.

1. BIAC prioritizes the needs and preferences of individuals with TBI and their relatives/caregivers in all its activities and recommendations.
2. BIAC acts as a voice for individuals with TBI and their relatives/caregivers, ensuring their perspectives are considered in service planning and policy development.
3. BIAC works collaboratively with state agencies, providers, and other stakeholders to improve services and support systems.
4. BIAC operates with transparency and is accountable for its actions and recommendations. BIAC promotes respect for all individuals, regardless of their background or circumstances.
5. BIAC members should avoid conflicts of interest and prioritize professional responsibilities over personal interests.
6. BIAC members should not discriminate in their interactions or recommendations based on any classification or characteristic protected under federal or state law, including race, ethnicity, gender, age, religion, national origin, sexual orientation, or disability.
7. BIAC members should uphold the principles of honesty, integrity, and fairness in their interactions with others.
8. BIAC members will maintain confidentiality.
9. BIAC members will treat all stakeholders and one another with respect, cooperation, and a willingness to deal openly on all matters and will conduct themselves in a manner that demonstrates respect for the views and opinions of other members.

10. BIAC members should try to attend all meetings on a regular and punctual basis and be familiar with the Bylaws so that the BIAC can conduct its meetings in an efficient, knowledgeable, and expeditious fashion.
11. BIAC members shall comply with all applicable laws and rules governing open meetings in the State of North Carolina.
12. BIAC members should conduct themselves in a manner that enhances the integrity of the BIAC and does not compromise the ability of the BIAC to accomplish its mandate or undermine the public's confidence in the members' ability to properly discharge their responsibilities.

ADOPTION AND REVISION HISTORY

First Adopted December 9, 2009

Revised Effective September 11, 2025