

CHAPTER 55  
ADVISORY COUNCIL ON BRAIN INJURIES  
[Prior to 9/30/92, see Persons with Disabilities Division[431] Ch 3]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**641—55.1(135) Definitions.** For the purposes of this chapter, the following definitions shall apply:

“*Appointed members*” means members of the advisory council on brain injuries who have been appointed by the governor’s office.

“*Brain injury*” means a brain injury as defined in Iowa Code section 135.22.

“*Chairperson*” means the chairperson of the advisory council on brain injuries, who has been elected by the majority of the council’s members.

“*Council*” means the advisory council on brain injuries.

“*Department*” means the Iowa department of public health.

“*Ex officio members*” means designated state agency staff who are statutory members of the advisory council on brain injuries.

“*Person from the public*” means a person or agency who does not have an affiliation with the advisory council on brain injuries but who has knowledge or skills beneficial to the council for specific task forces or projects.

“*Service partners*” means representatives of organizations who partner with the Iowa department of public health or the advisory council on brain injuries to carry out activities related to the mission of the council.

[ARC 9772B, IAB 10/5/11, effective 11/9/11]

**641—55.2(135) Mission of council.** The council’s mission is to represent individuals with brain injury, their families, and all Iowans through advocacy, education, training, rehabilitation, research and prevention. By means of these efforts, the council brings about awareness to others and serves as a source of hope and healing to survivors of brain injury. The council will accomplish this mission through the following activities:

1. Studying the needs of individuals with brain injury and their families.
2. Making recommendations regarding the planning, development, and administration of a comprehensive statewide service delivery system.
3. Promoting and implementing injury prevention strategies.

[ARC 9772B, IAB 10/5/11, effective 11/9/11]

**641—55.3(135) Council established.** The advisory council on brain injuries, part of the Iowa department of public health, is established pursuant to Iowa Code section 135.22A.

**55.3(1)** The council shall consist of a minimum of nine appointed members in addition to the ex officio members.

*a.* The following persons or their designees shall serve as ex officio, nonvoting members of the council:

- (1) The director of public health.
- (2) The director of human services and any division administrators of the department of human services so assigned by the director.
- (3) The director of the department of education.
- (4) The chief of the special education bureau of the department of education.
- (5) The administrator of the division of vocational rehabilitation services of the department of education.

(6) The director of the department for the blind.

(7) The commissioner of insurance.

*b.* Appointed members.

(1) Insofar as practicable, the council shall include persons with brain injuries; family members of persons with brain injuries; representatives of industry, labor, business, and agriculture; representatives of

federal, state, and local government; and representatives of religious, charitable, fraternal, civic, educational, medical, legal, veteran, welfare, and other professional groups and organizations.

(2) Members shall be appointed to represent every geographic area of the state and shall include members of both sexes.

**55.3(2)** Appointed members' terms shall be for two years.

**55.3(3)** Vacancies shall be filled in the same manner in which the original appointments were made for the balance of the unexpired term.

**55.3(4)** Members whose terms expire may be reappointed.

[ARC 9772B, IAB 10/5/11, effective 11/9/11]

#### **641—55.4(135) Officers.**

**55.4(1)** Officers of the council shall be a chairperson, vice-chairperson and immediate past chairperson.

*a.* The officers shall be elected at the first meeting of each fiscal year.

*b.* Vacancy in the office of chairperson shall be filled by elevation of the vice-chairperson.

*c.* Vacancy in the office of vice-chairperson shall be filled by election at the next meeting after the vacancy occurs.

**55.4(2)** Duties of the officers.

*a.* The chairperson shall:

(1) Preside at all meetings of the council,

(2) Appoint such task forces as deemed necessary, and

(3) Designate the chairperson of each task force from the appointed members of the council.

*b.* The vice-chairperson shall:

(1) Perform the duties of the chairperson if the chairperson is absent or unable to act. When so acting, the vice-chairperson shall have all the powers of and be subject to all restrictions upon the chairperson.

(2) Perform such other duties as may be assigned by the chairperson.

*c.* The immediate past chairperson shall:

(1) Assist the chairperson at the first meeting of the chairperson's appointment.

(2) Perform the duties of the chairperson if the chairperson and vice-chairperson are absent or unable to act. When so acting, the immediate past chairperson shall have all the powers of and be subject to all restrictions upon the chairperson.

(3) Assist with note taking if there is no council staff person available.

(4) Assist the chairperson to identify council business and necessary task force meetings.

**55.4(3)** The officers shall serve until their successors are appointed.

[ARC 9772B, IAB 10/5/11, effective 11/9/11]

#### **641—55.5(135) Duties of the council.** The council shall perform the following duties:

**55.5(1)** Promote meetings and programs for the discussion of methods to reduce the debilitating effects of brain injuries, and disseminate information in cooperation with any other department, agency, or entity on the prevention, evaluation, care, treatment, and rehabilitation of persons affected by brain injuries.

**55.5(2)** Study and review current prevention, evaluation, care, treatment, and rehabilitation technologies and recommend appropriate preparation, training, retraining, and distribution of personnel and resources in the provision of services to persons with brain injuries through private and public residential facilities, day programs, and other specialized services.

**55.5(3)** Participate in developing and disseminating criteria and standards which may be required for future funding or licensing of facilities, day programs, and other specialized services for persons with brain injuries in Iowa.

**55.5(4)** Make recommendations to the governor for developing and administering a state plan to provide services for persons with brain injuries in Iowa.

[ARC 9772B, IAB 10/5/11, effective 11/9/11]

**641—55.6(135) Meetings.**

**55.6(1)** The council shall meet at least quarterly. The annual meeting schedule shall be established by the beginning of the fiscal year.

**55.6(2)** Notice of routine meetings and agenda will be made available to the members a minimum of five working days prior to the meeting.

**55.6(3)** Meetings may be scheduled as business requires, but notice must be given to members at least five working days prior to the meeting.

**55.6(4)** All meetings will be held in facilities accessible to and functional for people with physical disabilities.

**55.6(5)** Notification for reasonable accommodations should be made to department staff at least three working days prior to the meeting.

**55.6(6)** All meetings are open to the public in accordance with the open meetings law, Iowa Code chapter 21.

**55.6(7)** Cameras and recording devices may be used at open meetings, provided they do not obstruct the meeting. The presiding officer may request a person using such a device to discontinue its use if it is obstructing the meeting.

**55.6(8)** The presiding officer may exclude any person from the meeting for repeated behavior that disrupts or obstructs the meeting.

**55.6(9)** The operation of council meetings will be governed by the following rules of procedure:

*a.* A simple majority of the appointed members shall constitute a quorum. Motions may not be made without a quorum.

*b.* When a quorum is present, a motion is carried by affirmative vote of two-thirds of appointed members present.

*c.* Time for public comment will be made during each council meeting.

**55.6(10)** Meeting attendance.

*a.* Council members are expected to attend council meetings with the exception of extenuating circumstances that have been cleared beforehand by the chairperson.

*b.* Any council member who is unable to attend a meeting will notify council staff at least 24 hours prior to the start of a regularly scheduled meeting. A meeting may be canceled if attendance is expected to be low.

*c.* A teleconference option shall be set up for the members to participate in the meeting.

*d.* Appointed members may be recommended for dismissal from the council if they miss more than three meetings annually.

**55.6(11)** Special meetings. Special meetings shall be for business of the council that cannot wait until the next scheduled meeting.

*a.* Special meetings may be called by the chairperson to discuss emergent issues within a 24-hour time period.

*b.* A majority of council members may call a special meeting.

*c.* Special meetings shall be held in accordance with Iowa Code chapter 21.

**55.6(12)** Rescinded IAB 6/17/20, effective 7/22/20.

[ARC 9772B, IAB 10/5/11, effective 11/9/11; ARC 5060C, IAB 6/17/20, effective 7/22/20]

**641—55.7(135) Minutes.** The advisory council shall keep minutes of all its meetings showing the date, time, place, members present, members absent, and the general topics discussed.

**55.7(1)** The minutes shall reflect the actions agreed upon by the members for topics requiring the members' input or consensus.

**55.7(2)** If a meeting is convened within a 24-hour time period to discuss emergent issues, the minutes shall reflect the emergent nature of the meeting.

**55.7(3)** If a meeting is conducted via telephone, the minutes shall reflect the reason for the use of this method of meeting.

**55.7(4)** The minutes shall be available at the council staff office for inspection Monday through Friday from 8:30 a.m. to 4:30 p.m.

[ARC 9772B, IAB 10/5/11, effective 11/9/11]

**641—55.8(135) Task forces.** The chairperson of the council may establish task forces as needed to carry out the business of the council.

**55.8(1)** The council will have two standing task forces: the executive task force and the state plan task force.

*a.* The executive task force shall be made up of the council chairperson, vice-chairperson, immediate past chairperson and chairperson of the state plan task force.

*b.* The state plan task force shall be made up of members appointed by the chairperson.

**55.8(2)** The council may designate additional task forces to perform such duties as may be deemed necessary.

**55.8(3)** Task forces may be composed of appointed members, ex officio members, service partners, and persons from the public.

**55.8(4)** The chairperson of each task force will be an appointed member of the council.

**55.8(5)** All members of task forces shall have voting privileges during task force meetings; however, all decisions made by task forces must be approved at the next regular council meeting by a vote of the appointed members.

**55.8(6)** Task force meetings shall be scheduled at least five working days prior to the meeting.

[ARC 9772B, IAB 10/5/11, effective 11/9/11]

**641—55.9(135) Expenses of advisory council members.** The following may be considered necessary expenses for reimbursement of advisory council members when the expenses are incurred on behalf of advisory council business and are subject to established state reimbursement rates:

1. Reimbursement for travel in a private car.
2. Actual lodging and meal expenses, including sales tax on lodging and meals.
3. Actual expenses of public transportation.

[ARC 9772B, IAB 10/5/11, effective 11/9/11]

These rules are intended to implement Iowa Code section 135.22A.

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