



# COMMONWEALTH NEUROTRAUMA INITIATIVE (CNI) TRUST FUND ADVISORY BOARD

8004 Franklin Farms Drive, Richmond, VA 23229 - Phone: 804/662-7107, 800/552-5019, TTY 804/464-9950 –vacni.virginia.gov

Friday, March 14, 2025  
10:00 a.m. - 1:00 p.m.



## In Person Meeting AGENDA

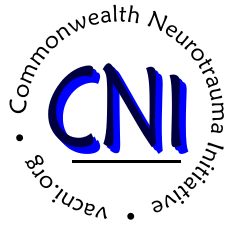
- I. Welcome and Introductions** – *Richard Bagby, (Chair)*
- II. Approval and Adoptions** - *Richard Bagby, (Chair)*
  - Approval of September 20, 2024, meeting minutes
  - Adoption of March 14, 2025, meeting agenda
- III. Public Comment** – *Richard Bagby, (Chair)*
- IV. Welcome New Member** – *Dr. Joseph Svoboda and Cara Meixner, Ph.D.*
- V. CNI Presentation** – *Caitlyn Berry (Sportable)*
- VI. Bylaws** – *Carolyn Turner, Carolyn Turner, Director, Disability Programs/ DARS Division for Community Living*
- VII. Electronic Meeting Policy** – *Carolyn Turner, Director, Disability Programs/ DARS Division for Community Living*
- VIII. CNI Program Update** - *Carolyn Turner, Director, Disability Programs/ DARS Division for Community Living*
- IX. Financial Report** – *Carolyn Turner, Director, Disability Programs/ DARS Division for Community Living*
- X. Other Business** - *Richard Bagby, (Chair)*
- XI. Adjourn** – *Richard Bagby, (Chair)*

**Next scheduled meeting: June 27, 2025 (VIRTUAL)**

For meeting materials, please visit: <https://www.vacni.virginia.gov>

Public comment will be accepted by email ([carolyn.turner@dars.virginia.gov](mailto:carolyn.turner@dars.virginia.gov)) or phone (804-662-7107).

Public comments received by 5p.m. on March 12, 2025 will be read (or if lengthy, summarized) during the meeting.



## **Commonwealth Neurotrauma Initiative (CNI) Trust Fund Advisory Board**

***Meeting Minutes \* September 20, 2024 \* 10:00 a.m. to 10:28 a.m. (Virtual)***

---

### **Members participating In Person**

- Joshua Sloan, Bankruptcy Analyst, Truist
- David Reid, PsyD, Neuropsychologist, Augusta Health
- Richard Bagby (Chair), Executive Director, United Spinal Association of Virginia

### **Members participating Virtually**

- Heather Funkhouse Board, Virginia Department of Health

### **Staff**

- Jacole Thomas (staff), CNI Trust Fund Program Specialist, DARS Brain Injury Services Coordination Unit

### **Guests**

- Carolyn Turner, Director, DARS Office of Disability Programs
- Marcia DuBois, Deputy Commissioner, Division of Community Living

### **Welcome and Introductions**

Richard Bagby, (chair) called the meeting to order and roll call was taken. Quorum was met

### **Adoption**

By unanimous vote the following items were approved without changes.

- o Adoption of September 20, 2024 meeting agenda
- o July 19, 2024, meeting agenda
- o June 21, 2024, meeting agenda

### **Public Comment**

No public comment

### **Bylaws**

The CNI Advisory Board reviewed, approved, adopted and reaffirmed CNI's by laws. Josh Sloan raised the motion to accept, and David Reid seconded.

## **Electronic Meeting Policy**

The CNI Advisory Board reviewed, approved, adopted and reaffirmed CNI's Electronic Meeting Policy. The revised Electronic Meeting policy contains three new requirements:

New Permission: Board members participating electronically in accordance with Permission #1 (Disability or Medical Condition) or Permission #2 (Caregiving), count towards the quorum as if physically present.

New Requirement: When audio-visual technology is available, a member of a Board shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails. Please be sure Board members participating electronically remain visually connected at all times to maintain a quorum.

12. New Requirement: An electronic meeting policy must be adopted annually.

Richard Bagby raised the motion to accept, and David Reid seconded.

Annual Chair and Vice Chair Votes

The Board voted to re-elect Richard Bagby, Chair and Josh Sloan, Vice Chair.

**BY-LAWS  
of the  
COMMONWEALTH NEUROTRAUMA INITIATIVE TRUST FUND  
ADVISORY BOARD**

---

<b>Article I.</b>	<b>Definitions</b>
<b>Article II.</b>	<b>Purpose</b>
<b>Article III.</b>	<b>Powers and Duties</b>
<b>Article IV.</b>	<b>Meetings</b>
<b>Article V.</b>	<b>Board Structure, Officers and Committees</b>
<b>Article VI.</b>	<b>Amendment to By-Laws</b>

**Article I. Definitions**

Definitions as used in these by-laws are as follows:

- A. "Advisory Board" means the Commonwealth Neurotrauma Initiative Advisory Board.
- B. "Commissioner" means the Commissioner of the Department for Aging and Rehabilitative Services.
- C. "Fund" means the Commonwealth Neurotrauma Initiative Trust Fund established pursuant to §51.5-12.2.
- D. "Neurotrauma" means an injury to the central nervous system, i.e., a traumatic spinal cord or brain injury which results in loss of physical and cognitive functions.

**Article II. Purpose**

As set forth in §51.5-12.3, the Commonwealth Neurotrauma Initiative Trust Fund was established for the purpose of preventing traumatic spinal cord or brain injuries and improving the treatment and care of Virginians with traumatic spinal cord or brain injuries. The General Assembly created in the state treasury a special non-reverting fund to be known as the Commonwealth Neurotrauma Initiative Trust Fund, hereinafter referred to as the "Fund."

The Fund shall be established on the books of the Comptroller as a revolving fund and shall be administered by the Commonwealth Neurotrauma Initiative Advisory Board, in cooperation with the Commissioner of the Department for Aging and Rehabilitative Services (DARS).

The Fund shall consist of grants, donations and bequests from public and private sources and funds collected as provided in § 46.2-411. Such moneys shall be deposited into the state treasury to the credit of the Fund and shall be used for the purposes of this article. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

Moneys in the Fund shall be used to support grants for Virginia-based organizations, institutions, and researchers of traumatic spinal cord or brain injuries as follows: (i) forty-seven and one-half percent shall be allocated for research on the mechanisms and treatment of neurotrauma, (ii) forty-seven and one-half percent shall be allocated for rehabilitative services, and (iii) five percent shall be allocated for the Department for Rehabilitative Services' costs for administering and staffing the Commonwealth Neurotrauma Initiative Advisory Board. The Fund shall be administered by the Department for Aging and Rehabilitative Services.

Per **22VAC30-50-120. "Unexpended funds"**, Notwithstanding any other law to the contrary, the Commissioner of DRS may reallocate up to \$500,000 per biennium from unexpended balances in the CNI Trust Fund to fund new grant awards for research on traumatic brain injury and spinal cord injuries. The Commissioner of DARS will provide, at each meeting, a report on the Commissioner Designated projects.

The Fund shall be distributed according to the grant procedures established pursuant to § 51.5-12.4. The Department for Aging and Rehabilitative Services shall promulgate regulations establishing procedures and policies for soliciting and receiving grant applications and criteria for reviewing and ranking such applications, including, but not limited to, goals, timelines, forms, eligibility, and mechanisms to ensure avoidance of any conflicts of interest or appearances thereof. The Commissioner shall receive the recommendations of the Advisory Board prior to promulgating or revising any such regulations.

## **Article III. Powers and Duties**

### Section 1.

The Commonwealth Neurotrauma Initiative Advisory Board, hereafter referred to as the "Advisory Board," shall exercise the following general powers and duties as set forth by the Code of Virginia:

1. Administer, in cooperation with the Commissioner of the Department for Aging and Rehabilitative Services, the Commonwealth Neurotrauma Initiative Trust Fund, in accordance with such regulations as shall be established for the Fund by the Commissioner;

2. Recommend to the Commissioner of the Department for Aging and Rehabilitative Services the policies and procedures for the administration of the Fund, including criteria for reviewing and ranking grant applications, distribution of funds, and areas of research need in accordance with the provisions of subsection B of § 51.5-12.2;
3. Review and rank or arrange for reviewers and technical advisers to review and rank grant applications for basic science and clinical research, and community-based rehabilitative services;
4. Report tri-annually on October 1, to the Governor and the General Assembly, aggregate data on the operations and funding of the Commonwealth Neurotrauma Initiative Trust Fund.

## Section 2.

The Advisory Board may choose, at any time, to appoint grant reviewers or other technical advisors, or both, at any time to assist in reviewing and ranking applications. Such reviewers and advisors may represent medical researchers, medical practitioners, community-based service providers, consumers, or advocates for consumers, or others deemed appropriate by the advisory board for this purpose. Reviewers and advisors shall be appointed so as to provide equal representation from Virginia's three medical schools. Reviewers and advisors shall be selected so as to avoid any conflict of interest or the appearance thereof, and the advisory board may choose reviewers and advisors residing or working outside Virginia in order to ensure impartiality. Whenever reviewers or advisors sit as a committee, the chairman of the advisory board or designee shall serve as chairman of the committee but shall not vote on individual applications.

## Section 3.

Advisory Board members shall excuse themselves from reviewing, ranking, or voting on grant applications submitted by organizations, agencies, facilities, or other entities with which they have an employment or other financial relationship, or any personal or professional connection which may have the appearance of a conflict of interest.

# **Article IV. Meetings**

## Section 1.

The Advisory Board shall meet at the call of the chairperson or the Commissioner [of the Department for Aging and Rehabilitative Services].

## Section 2.

Advisory Board meetings shall be held as specified in the Virginia Freedom of Information Act and in keeping with the Advisory Board's approved electronic meeting policy. All meetings shall be public meetings, including meetings and work sessions during which no votes are cast. Meeting notices shall be submitted and published in accordance with the law. Additionally, notice of all meetings, including the time, date, and place of each meeting shall be furnished to any citizen of the Commonwealth who requests such information.

## Section 3.

A quorum shall consist of majority members of the board.

## Section 4.

The proceedings of the Board meetings shall be as prescribed by Robert's Rules of Order or as determined by the Board.

## Section 5.

The Advisory Board may hold a work session preceding regular or special Board meetings, when deemed appropriate. A work session agenda will be prepared which identifies the time and place of the session and shall be included with the agenda for the regular and/or special meetings of the Advisory Board.

## Section 6

The Advisory Board may hold meetings via conference call or teleconference where deemed appropriate and in accordance with the Virginia Freedom of Information Act and the Advisory Board approved electronic meeting policy.

## Section 7.

The agenda and supporting material for the regular and/or special meetings shall be prepared in advance and e-mailed or mailed to the Board members at least seven calendar days prior to the scheduled meeting.

# **Article V. Advisory Board Structure, Officers, and Committees**

## Section 1.

A. The Advisory Board shall consist of seven members as follows:

- One person licensed to practice medicine in Virginia experienced with brain or spinal cord injury;

- One person licensed by a health regulatory board within the Department of Health Professions with experience in brain or spinal cord injury rehabilitative programs or services;
- One Virginian with traumatic spinal cord injury or a caretaker thereof;
- One Virginian with traumatic brain injury or a caretaker thereof;
- One citizen-at-large who shall not be an elected or appointed public official;
- The State Health Commissioner or his/her designee
- The Commissioner of the Department for Aging and Rehabilitative Services or his/her designee.

B. Advisory Board members shall be appointed by the Governor. Nominations for appointments may be submitted, at the discretion of the Governor, from relevant organizations.

C. All Advisory Board members shall be appointed by the Governor for terms of four years. No member shall serve more than two successive terms of four years.

D. In the event of resignation of a member, the Advisory Board may make nominations to the Governor to fill the vacancy.

E. In the event a member of the Advisory Board is absent for two consecutive meetings without good cause, consideration may be given for the chairperson to recommend his/her termination to the Governor.

## Section 2.

A chair shall be elected from the membership of the Advisory Board for a term of one year and shall be eligible for reelection.

A vice-chair shall be elected from the membership of the Advisory Board for a term of one year and shall be eligible for reelection.

Elections shall be held in September of each year.

## Section 3.

The Advisory Board chair may establish special committees for specific assignments, as deemed necessary. The chair shall appoint board members to serve on special committees as appropriate. The findings and recommendations of special committees shall be presented to the Board and the special committees will be dissolved when assignments are completed.



## **Article VI. Amendments to By-laws**

These by-laws may be amended or repealed. Changes to the by-laws may be adopted by a vote of at least two-thirds of the members eligible to vote and present at any regular meeting or at any special meeting, if written notice of the proposed change is given at least seven calendar days prior to the scheduled meeting.

Policy Adoption Date: \_\_\_\_\_

Policy Effective Date: \_\_\_\_\_

# COMMONWEALTH NEUROTRAUMA INITIATIVE ADVISORY BOARD ELECTRONIC PARTICIPATION AND MEETING POLICY

## BACKGROUND

The Virginia Freedom of Information Act (FOIA) requires all boards to adopt an electronic participation policy. It shall be the policy of the Commonwealth Neurotrauma Initiative Advisory Board (CNI Advisory Board) to allow for electronic meeting participation as permitted in FOIA (§ 2.2-3700 et seq. of the Code of Virginia) and in accordance with this policy.

This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

CNI Advisory Board members shall notify staff of the need to participate electronically as soon as possible. The timing of the notice provided to CNI Advisory Board staff may impact the ability to use the permission options outlined below.

## MEMBER ELECTRONIC PARTICIPATION

Pursuant to § 2.2-3701, "remote participation" means "participation by an individual member of a public body by electronic communication means in a public meeting where a quorum of the public body is otherwise physically assembled."

When audio-visual technology is available, a member of the CNI Advisory Board shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails.

**Electronic Member Participation Permission #1: Disability or Medical Condition** – If notified on or before the day of the meeting, it shall be the policy of the CNI Advisory Board to allow a member to participate electronically under § 2.2-3708.3(B)(1) ("the member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance"). For purposes of determining whether a quorum is physically assembled, an individual member of the CNI Advisory Board who is a person with a disability as defined in § 51.5-40.1 and uses this remote participation permission counts toward the quorum as if the individual was physically present. At the beginning of the meeting, the Chair shall state the member's electronic participation and the general reason (specifics are not required). A quorum of the CNI Advisory Board must be physically assembled at the primary or central meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. The CNI Advisory Board shall record in its minutes the remote location from which the member participated and the fact that the member participated through electronic means due to a disability or medical condition.

## **COMMONWEALTH NEUROTRAUMA INITIATIVE ADVISORY BOARD ELECTRONIC PARTICIPATION AND MEETING POLICY**

**Electronic Member Participation Permission #2: Caregiving**– If notified on or before the day of the meeting, it shall be the policy of the [Board] to allow a member to participate electronically under 2.2-3708.3(B)(2) (“[a] medical condition of a member of the member’s family requires the member to provide care that prevents the member’s physical attendance or the member is a caregiver who must provide care for a person with a disability that prevents the member’s physical attendance”). For purposes of determining whether a quorum is physically assembled, an individual member of the CNI Advisory Board who is a caregiver for a person with a disability and uses this remote participation permission counts toward the quorum as if the individual was physically present. At the beginning to the meeting, the Chair shall state the member’s electronic participation and the general reason (specifics are not required). A quorum of the CNI Advisory Board must be physically assembled at the primary or central meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. The CNI Advisory Board shall record in its minutes the remote location from which the member participated and the fact that the member participated through electronic means due to caregiving.

**Electronic Member Participation Permission #3: Principal Residence is More Than 60 Miles Distance from the Meeting Location** – If notified on or before the day of the meeting, it shall be the policy of the CNI Advisory Board to allow a member to participate electronically under § 2.2-3708.3(B)(3) (“[t]he member’s principal residence is more than 60 miles from the meeting location identified in the meeting notice for such meeting”). At the beginning to the meeting, the Chair shall state the member’s electronic participation and the reason. A quorum of the CNI Advisory Board must be physically assembled at the primary or central meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. The [Board] shall record in its minutes the remote location from which the member participated and the fact that the member participated through electronic means due to the distance between the member’s principal residence and the meeting location.

**Electronic Member Participation Permission #4: Personal Matters** – If notified on or before the day of the meeting, it shall be the policy of the CNI Advisory Board to allow a member to participate electronically under § 2.2-3708.3(B)(4) (“[t]he member is unable to attend the meeting due to a personal matter”). At the beginning to the meeting, the Chair shall state the member’s electronic participation and the specific nature of the personal matter. Each CNI Advisory Board member may not use this permission more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. A quorum of the CNI Advisory Board must be physically assembled at the primary or central meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. The CNI Advisory Board shall record in its minutes the remote location from which the member participated, and the specific nature of the personal matter cited by the member.

**Dealing with Objections to Electronic Member Participation** – It shall be assumed that a member can participate under Permissions #1-4 unless another member objects

## **COMMONWEALTH NEUROTRAUMA INITIATIVE ADVISORY BOARD ELECTRONIC PARTICIPATION AND MEETING POLICY**

once it is stated by the Chair at the beginning of the meeting. At such time, if any other member objects, the Chair shall call for a vote on the matter. If a member's disapproval for electronic participation for Permissions #1-4 is due to a violation of the CNI Advisory Board's electronic participation and meeting policy, then it will be recorded with specificity. If the vote is such that the member will not be permitted to participate electronically, the member should be advised that they may only monitor/witness the meeting and the member is not permitted to participate (e.g., vote, discuss). The outcome of any vote on the member's electronic participation under Permissions #1-4 shall be documented in the minutes accordingly.

### **ELECTRONIC MEETINGS DURING A STATE OF EMERGENCY**

As permitted by § 2.2-3708.2, it shall be the policy of the CNI Advisory Board to allow a meeting without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17 provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. This allowance is applicable only for the duration of the emergency declared pursuant to § 44-146.17 or 44-146.21.

When convening a meeting in accordance with this permission, the CNI Advisory Board shall:

1. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;
2. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body;
3. Provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and
4. Otherwise comply with the provisions of FOIA.

In addition, the minutes shall state the:

1. Nature of the emergency,
2. Fact that the meeting was held by electronic communication means, and
3. Type of electronic communication means by which the meeting was held.

In addition, for electronic meetings conducted during a state of emergency, the minutes shall include (1) the identity of the members of the CNI Advisory Board who participated in the meeting through electronic communication means, (2) the identity of the members of the CNI Advisory Board who were physically assembled at one physical location, and

## **COMMONWEALTH NEUROTRAUMA INITIATIVE ADVISORY BOARD ELECTRONIC PARTICIPATION AND MEETING POLICY**

(3) the identity of the members of the CNI Advisory Board who were not present at the location identified in clause (2) but who monitored such meeting through electronic communication means.

### **ALL-VIRTUAL MEETINGS**

Pursuant to §§ 2.2-3701, 2.2-307(I), and 2.2-3708.3, an “all-virtual meeting” means “a public meeting (i) conducted by a public body, other than those excepted pursuant to subsection C of § 2.2-3708.3, using electronic communication means, (ii) during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means.”

It shall be the policy of the [Board] to allow for all-virtual meetings under § 2.2-3708.3(C) provided that the CNI Advisory Board does not convene an all-virtual public meeting (i) more than two times per calendar year or 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual meeting. For an all-virtual meeting, the [Board] shall:

1. Indicate that the meeting will be an all-virtual meeting in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;
2. Provide public access to the all-virtual meeting via electronic communication means, and the electronic communication means used allows the public to hear all members participating in the all-virtual meeting and, when audio-visual technology is available, to see the members.
  - a. NOTE: When audio-visual technology is available, a member of the [Board] shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails;
3. Provide a phone number or other live contact information to alert the CNI Advisory Board if the audio or video transmission of the all-virtual meeting provided fails. The CNI Advisory Board monitors such designated means of communication during the meeting, and the CNI Advisory Board takes a recess until public access is restored if the transmission fails for the public;
4. Make available a copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of the CNI Advisory Board for the all-virtual meeting to the public in electronic format at the same time that such materials are provided to members;
5. Afford the public the opportunity to comment through electronic means, including by way of written comments, at all-virtual meetings when public comment is customarily received;

## **COMMONWEALTH NEUROTRAUMA INITIATIVE ADVISORY BOARD ELECTRONIC PARTICIPATION AND MEETING POLICY**

6. Ensure that no more than two members of the CNI Advisory Board are together in any one remote location unless that remote location is open to the public to physically access it;
7. Ensure that minutes of all-virtual public meetings are taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity;
8. If a closed session is held during an all-virtual meeting, transmission of the meeting to the public resumes before the CNI Advisory Board votes to certify the closed meeting as required by subsection D of § 2.2-3712.

In addition, for all-virtual meetings, the minutes shall include (1) the identity of the members of the CNI Advisory Board who participated in the meeting through electronic communication means, (2) the identity of the members of the CNI Advisory Board who were physically assembled at one physical location, and (3) the identity of the members of the [Board] who were not present at the location identified in clause (2) but who monitored such meeting through electronic communication means.

### **BOARD SUBCOMMITTEES**

Any committee, subcommittee, or other entity however designated by the CNI Advisory Board to perform delegated functions of the CNI Advisory Board or to advise the CNI Advisory Board shall comply with this policy regarding the use of electronic member participation and all-virtual public meetings.

### **FUTURE REVISIONS AND POLICY ADOPTION**

All future revisions to this policy, including those that are required as a result of changes to FOIA, shall be submitted for consideration to the CNI Advisory Board at least one week prior to the CNI Advisory Board meeting at which the policy revisions shall be considered. Revisions shall be approved with a majority vote of the CNI Advisory Board members present at the meeting and become effective immediately upon adoption.

Policy Adoption Date: \_\_\_\_\_

Policy Effective Date: \_\_\_\_\_