



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney
Governor

John McNeal
SCPD Director

BRAIN INJURY COMMITTEE DRAFT MINUTES

February 3, 2020 – 2:00 PM

Smyrna Rest Area Conference Room, Smyrna, DE

15 in attendance of 24 **QUORUM PRESENT**

PRESENT:

Christine **Applegate**, Nurse Navigator, Neurosurgery, Bayhealth Neurosciences; Linda **Brittingham**, ChristianaCare Health System/Delaware Healthcare Association (CCHS) (DHA); Andrew **Burdan**, Brain Injury Advocate; Megan **Coulbourne**, Director of Therapy Operations, Encompass Health; Tammy **Clifton**, DOL/ DVR, Senior Vocational Rehabilitation Counselor and **BIC Chair** (obo Andrea Guest, Director); Sue **Gamel-McCormick**, APRN, DHSS/DMS/Birth to Three; Kristy **Handley**, Executive Director (Brain Injury Association of Delaware (BIAD)); Jeffrey S. **Hysan**, Paralegal, Community Legal Aid Society, Inc., Disabilities Law Program; Miguel **Marcos**, TCM Program Manager, Wilmington VA Medical Center; Karen **McGloughlin**, Director of Women's Health (obo Dr. Karyl Rattay, Director); Christina **Miller**, Insurance Investigator Supervisor, Department of Insurance/TBI Survivor; Dorothy **Prior**, Psychologist, (obo Marie Nonnemacher) (DDDS); Dr. Ron **Sarg**, DCVA/MOAA; Carey **Swartzentruber**, Survivor; Karen **Tanner**, Psychologist, DSAMH (obo Elizabeth Romero); and Tiffani **Taylor**, Nurse Navigator Post-Acute Medical Rehabilitation Dover (obo George DeFarno, Director).

ABSENT: (6)

Sybil **Baker**, GACEC (obo Wendy Strauss); Nicholas A. **Duko**, Program Mgr., BCBS Highmark Health Options; Kristin **Harvey**, DDC (obo Michael Harris); Dale **Matusevich**, DOE, ECE, Education Associate, Transition Services (obo Mary Ann Mieczkowski); Nancy **Ranalli**, Director of Community Outreach, Easterseals; and Jamila **Waigwa**, DHSS/DSAAPD.

ADDITIONAL ATTENDEES: (Not able to vote or count toward quorum)

IN-PERSON – Dee Rivard, SCPD

TELECONFERENCE PARTICIPANTS: Katie **Freeman**, Psychologist, DSCYF/DPBHS (obo Robert Dunleavy); and John **McNeal**, Director (SCPD);

CALL TO ORDER

Tammy Clifton called the meeting to order at 2:04 p.m. after a quorum of members arrived. Tammy thanked everyone for attending and requested everyone to introduce themselves for our everyone's benefit. Tammy announced that Katie Freeman is attending via teleconference.

ADDITIONS/DELETIONS TO THE AGENDA

Tammy inquired if there were any additions, changes or deletions to the agenda.

- Katie requested the addition of a discussion on the Special Education regulation classification changes that she shared with Dee. Katie shared them as soon as the Department of Education released them because the Brain Injury Committee proposed the change to their traumatic brain injury TBI classification.
- Dee announced that Laura Waterland was unable to provide a presentation on the "Rights & Responsibilities of Persons with Disabilities" for the February BIC meeting. Her presentation is postponed until our March meeting. This will allow us to substitute Katie's discussion under agenda item VI New Business.
- Ron Sarg made a motion to approve the agenda as amended that Carey Swartzentruber seconded and the voting members in attendance unanimously approved.

APPROVAL OF PREVIOUS MEETING'S MINUTES

Tammy moved on to agenda item IV asking if everyone reviewed the minutes of the January 6 meeting. Tammy called for additions, corrections, or deletions to the minutes.

- Ron Sarg requested a correction to page 3 on line 10 to correct the word "are" to correctly read "is" just prior to the phrase "any type of child endangerment" so the sentence is grammatically correct.
- Ron Sarg made a motion to approve the minutes of the 01/06/20 BIC meeting as amended, Jeffrey Hysan seconded the motion and voting committee members in attendance unanimously approved the motion.

SURVIVOR INPUT

- Tammy returned to agenda item III. Survivors Brief -- Survivor Carey told BIC members that Director John McNeal provided him with recommendations as to his issues.

OLD BUSINESS

Motorcycle Helmet Advocacy

Tammy moved on to agenda item V Old Business requesting an update from Director John McNeal on the Motorcycle Safety Committee that he mentioned during our last BIC meeting.

- John requested statistics from Delaware's Office of Highway Safety (OHS). Unfortunately, he has not received any statistics yet. He should have the statistics in time for our March meeting.
- Tammy provided a briefing on her, John, and Dee's meeting with Representative Sean Lynn's administrative assistant stating that Representative Lynn provided 3 versions of suggested motorcycle helmet legislation for us to consider. The original legislation is the one that BIC members previously backed. The other two grandfathered all current motorcycle riders licensed prior to enactment of the new legislation. Tammy and Dee read aloud each of the 3 different versions to BIC members.
 - A discussion followed with several members voicing that if it is the only way we can get motorcycle helmet legislation passed is to grandfather existing riders, then this option was acceptable to them.
 - John joined the call and provided further clarification.
 - Ron felt that the individuals who are grandfathered should have an option of wearing a helmet while those currently licensed would have to increase their health insurance coverage in order to provide adequate protection for their choice of not wearing helmets.
 - Christine inquired about the possibility of adding a clause that if a motorcycle driver received a moving violation then they would be required to wear a helmet when riding a motorcycle.
 - Members suggested having the Disabilities Law Program draft our own version of Motorcycle Helmet Safety Legislation to present to Representative Sean Lynn as the official BIC version of this legislation. John agreed to find out.
 - Ron Sarg spoke with Representative Sean Lynn two weeks ago and provided a copy of the questions from the survey that BIC members are working to create and disseminate.
 - Director John McNeal advised that he spoke with Senator Catherine Cloutier who would like to see something less restrictive. She expressed interest in being a part of this legislation.
 - Director John McNeal discussed the cost of Medicaid and acute care costs for motorcycle crash survivors stating that they are pretty-substantial. If we can provide a law that will save \$5, \$10 or \$15 million per year in health care costs it will receive a lot of attention. More so than just sharing the number of fatalities.
 - Ron Sarg agreed stating that legislation definitely follows the money trail.
 - Karen McGloughlin recommend that BIC members be open to compromise as the bill moves forward.
 - John stated that if this legislation doesn't get out of committee that it will be another two years before it goes through unless we try a different version of

it next year. He shared that Senator Nicole Poore and Representative Valerie Longhurst were not able to take a lead on the motorcycle helmet legislation this year.

- John is happy to work with Ron and anyone else to look at existing legislation with CLASI involved. It would help if we had some solid numbers involving the costs.
- BIC members agreed that it is better to start with grandfathering current licensed motorcyclists who have completed the Delaware Division of Motor Vehicles Motorcycle Safety course prior to the enactment of this law. Additionally, BIC members agreed to add a civil fine for any type of motorcycle violation with \$15 of the fine allocated to the Brain Injury Committee, within the State Council for Persons with Disabilities (SCPD) for the purpose of providing prevention, awareness, outreach, and education on brain injuries.
- Christine Applegate made a motion to request motorcycle helmet legislation that grandfathers current licensed motorcyclists who completed and passed the Delaware Division of Motor Vehicle Motorcycle Safety course prior to the enactment of the new helmet law and that adds a civil fine for any type of motorcycle violation that allocates \$15.00 of the fine to Delaware's Brain Injury Committee, housed within the State Council for Persons with Disabilities for the purpose of providing prevention, awareness, outreach, and education on brain injuries. Karen McGloughlin seconded the motion with voting BIC members in attendance unanimously passing the motion.
- Ron Sarg advised that he is meeting with Rep. Sean Lynn on February 17.
- John shared that he received an email to present/speak at the next Motorcycle Ridership & Safety Committee.
 - John has not arranged a meeting yet with ABATE members. John was invited to attend and present at the Motorcycle Ridership & Safety Committee meeting. John feels that this is a better way of addressing not only ABATE but other motorcycle clubs as well on our concern about the failure to wear helmets greatly increasing the possibility of Traumatic Brain Injuries (TBIs).
 - John shared that the Committee's next meeting is March 16 at 10:30 a.m., in the Minority Caucus Room of Legislative Hall.
- John shared that he met with the Office of Highway Safety (OHS) last week during the Pedestrian Council meeting to request additional data; however, they indicated that they do not have much more information available to share at this time. While they do provide good data; their access requirements are difficult to maneuver through. If there is a crash, they are not able to let us know where the crash occurred or who was injured in the

crash, even though the information is shared by news media. This would include sharing information on motorcycle crashes by county where injury occurred.

- John is requesting cost data for groups aged 0-18, 19-64, and 65 and above from Medicaid. Most insurance carriers consider individuals under the age of 30 as a high-risk age group for injuries. He advised that we need to talk in generalities as a starting conversation for brain injuries. John does not believe that Medicaid should have any problem providing costs since he gave them permission for them to review John's care costs over the past 3 years to use as an indicator. Lisa Zimmerman is providing figures from Medicaid.
- Ron Sarg & Jeffrey Hysan requested a copy of the approved motorcycle resolution that BIC members passed.

COMMITTEE & SUBCOMMITTEE UPDATES

• Motorcycle Helmet Safety Survey Ad Hoc Working Group

- Katie Freeman provided an update stating that she didn't get a lot of input from BIC members since only 1 member responded.
- She removed the question asking where participants worked so people would be more inclined to provide information.
- The last page of the handout that Katie provided has good information that she found from the National Transportation Safety Board (NTSB) showing motorcycle deaths as a percentage of homeowner deaths. -- 11.8%. It also showed that there were 15 motorcycle crash fatalities in the State of Delaware in 2016.
- John shared that the OHS approved their 5-year report ending in 2019 that contains specifics for all types of fatalities in Delaware. He felt that the link provides some excellent data. He will share the link for the report with BIC members following the meeting.
- John also advised that he received the 2019 data from the OHS and that he would also share those statistics with the BIC members following today's meeting. There were 33 Pedestrian fatalities last year with the pedestrian fatalities accounting for 23% of all roadway fatalities.
- Karen commended Katie for the great work Katie did in obtaining the handouts that Katie provided to Dee to share with the BIC members.
- Katie does not know how to work with Survey Monkey and requested someone familiar with the software to volunteer to assist her. Karen McGloughlin volunteered to assist. Dee stated that if she received a

copy of the questions, that she could also add the survey to the SCPD website for people to be able to participate

- John found his copy of the OHS statistics for 2019 and advised that there was a total of 16 fatal crashes involving motorcycles that resulted in 19 fatalities. Of those, only 9 wore helmets, which equates to 47% of motorcyclists involved in crashes wearing helmets and **53%** not wearing helmets.
- Kristin is not present - No Switzerland Effect meeting. John does not feel that having a lunch meeting is the best way to proceed. He would instead rather work with Representative Daniel B. Short and Senator Bruce Ennis through the Motorcycle Rider Education Advisory Committee to reach all motorcyclists.
- **TBI Fund Application Review Committee Update**
 - Katie Freeman stated that the Traumatic Brain Injury (TBI) Fund Committee has not met since our last BIC meeting.
- **Data Development Subcommittee (DDS) Update**
 - Karen McGloughlin stated that the Data Development Subcommittee has not met since the last BIC meeting; however, we have received a large amount of data from the Delaware Health Information Network (DHIN).
- **Prevention and Outreach Subcommittee (P & O)**
 - Christine Applegate advised that the P & O Subcommittee met just prior to the BIC meeting and were able to develop a firm path to move forward.
 - Christine is creating an outreach introductory letter that she should have ready by March 1.
 - The subcommittee is waiting on statistics from the DDS and the OHS in order to create a one-page info sheet. Members agreed to list the SCPDGeneralMailbox@delaware.gov email address and SCPD main line as the point of contact in the introductory letter and one-page info sheet. This will allow Dee to forward outreach requests to Christine for her to subsequently forward to appropriate P & O Subcommittee members by county for them to facilitate the outreach.
 - Christine asked for all BIC members to help obtain testimony from brain injury survivors advising that they can use the Brain Injury Survivor fillable form that is available on the SCPD website at: <https://scpd.delaware.gov/frmYourStory.shtml>. This form allows survivors to: (1) share their name or choose to have their story listed by initials only; (2) include a picture of themselves if they wish; (3) submit their story using the online form, by email, by U. S. Mail, or by calling the SCPD office and having

a staff member ask them the questions and typing their responses into the form.

- Dee provided members with a brief synopsis of the Survivor Story Submission form and encouraged them to read the existing survivor story that is already on the website.
- Christine told BIC members that the P & O Subcommittee needs additional representatives and requested anyone who is interested to please contact Christine directly.
- Christine stated that Andrew Burdan participated on the Dan Gaffney radio show to share information about brain injuries in Delaware and the availability of the Delaware Brain Injury Fund. Andrew also agreed to appear on Weller Loves Delmarva radio show as soon as he can confirm a date and time to participate.
- Several members of the P & O Subcommittee are working to arrange an appearance on WBOC Delmarva Life to discuss brain injuries, the lack of enough treatment facilities in Delaware, and the Delaware Brain Injury Fund. If anyone is interested, please contact Dee or Christine.

ACTION ITEMS

- Advocate for Brain Injury Survivor Rights (BIC & BIAD);
- Invite Laura Waterland to present at the March BIC meeting;
- Attend the Motorcycle Rider Education Advisory Committee (John, Tammy, Ron, Kristin and Dee);
- Upload survey questions to Survey Monkey and share link (Ad Hoc Survey Subcommittee);
- Obtain Medicaid statistics (Nick and John);
- Analyze sample data from DHIN (DDS).

NEW BUSINESS

- Katie Freeman explained her other handout today relating to the Department of Education's definitions. She stated that they are now in the period of asking for public comments prior to finalizing the changes. She is not sure how anyone can participate in the public commenting period.
 - Chair Tammy Clifton shared several advertisements that were published in the Delaware State News (DSN) this past Saturday. She advised that public comment occurs 60 days prior to April 1 and that people wishing to comment should send their comments in writing to the Department of Education (DOE), Office of the Secretary (OSEC), Attention: Regulation Review, 401 Federal Street, Suite 2, Dover, DE 19901 or email their comments to DOERegulations.comment@DOE.k12.de.us.

- Karen McGloughlin inquired if they were intentionally combining acquired injuries with Traumatic Brain Injuries (TBIs). Katie responded that the new definitions will better capture and encapsulate children within a broader definition of injuries.
- Tammy shared BIC members should be proud that this committee had input into the creation of these new policies and regulations.

ANNOUNCEMENTS

- Tammy called for any announcements.
- Kristy Handley announced that the Brain Injury Conference is scheduled on March 5 and that registration is now open online at www.BIAofDE.org. She shared conference flyers advising that the Brain Injury Association of Delaware (BIAD) is still accepting exhibitor and sponsorships application. If you want to exhibit or be a sponsor, please let her know or go online to their website at www.biaofde.org to find the information there. Due to the change of ownership with Dover Downs Conference Center, they will also have a limited number of spaces available for exhibitors.
- Ron asked Miguel about the Veteran's Affairs brain injury data. Miguel clarified that he only has data up through 2014. Miguel promised to forward the information to Dee for her to share with the BIC members.
- Karen asked John a question about the rewording of the TBI Fund to the BI Fund?
 - John stated that he was ready to make a leap; however, Dee reined him back in. John advised that the change is going to have to happen through a legislative amendment to get the legislation updated to specifically say brain injury or TBI and Acquired Brain Injury. At this time, he doesn't want to put any extra effort on the TBI Fund Committee because our request could end up being denied.
 - John asked all BIC members to curb their enthusiasm for announcing the expansion of the fund to include acquired brain injuries until legislative changes are finalized.
- Karen circled back to the motorcycle data inquiries and read information from an article based out of Europe where a survey asked participants different types of questions. E.g. Why don't you wear a helmet? What complaints do you have about helmets? Karen shared that there were numerous complaints about hearing problems and ventilation in helmets. Some riders complained about the helmet visor restricting visibility; however, there are different innovations available to try to improve visibility. The article listed helmet visibility and comfort as issues reported by survey participants. We are all creatures of comfort and helmets tend to get super sweaty during hot weather. Perhaps the BIC needs to dig into this issue a little more. The study she read from was completed in 2010. Another interesting

note was that 82.7% of accident cases involved people over 25 years of age. On the flip side there are probably more traumatic injuries for those who are younger along with a higher level of survival. John requested that Karen email the data to John and Dee.

- John shared that the information that he found provides data by county and gives more comprehensive data than he would have thought. However, he shared that the reported 114.2% should probably be 14.2% of crashes occur in New Castle County.
- Karen's report covered the European continent and had a much different focus with a higher percentage of male vs. female. Of 208 cases, 185 were men and only 36 were under 25. For some reason they noted that 42% of the crash cases were considered obese. The study also looked at previous crashes, engine size, types of helmets being worn, and types of chin straps.
- Andrew inquired if any of the anti-helmet groups pose any of these questions or is it just about civil rights with them? Have they surveyed their clientele?
- While comfort can have something to do with it, Carey Swartzentruber rides often, and ventilation is not a huge issue, and neither is comfort. He also doesn't have a problem with visibility unless he doesn't clean his visor. Everyone has their own reason and beliefs. People don't like to be told what to do.
- There are a multitude of other clubs. Ron Sarg identified a few like the Buffalo Soldiers and Hogs-N-Heroes who require their members to wear helmets during club events. Perhaps someone from another motorcycle group could provide testimony. However, we need to ensure that the survey has cover letter from John for sending it out. Tammy advised that she completed her survey cover letter as requested. She just needs to add her credentials prior to sending it to Dee.
- John inquired if there is an EMS distribution list that the BIC can utilize in order to get the surveys distributed to as many first responders as possible.
- Karen provided information on a study in Texas that showed that as high as 70% of motorcycle riders wear helmets even though they are not required to wear them. The Texas survey also asked: What is your level of education? What is your history of accidents? What is your history of moving violations? It is interesting to see how other states have approached this issue. It would be nice if we published something similar once we are finished.

ADJOURNMENT

- Ron made a motion to adjourn that Karen McGloughlin seconded. Tammy called for discussion and hearing none, called for a vote by committee members present who unanimously approved the motion to adjourn at 3:50 pm.

NEXT MEETING

- The next scheduled Brain Injury Committee meeting is scheduled for **Monday, March 2, 2020 at 2:00 p.m.**, at the Smyrna Rest Area Conference Room, 5500 DuPont Parkway, Smyrna, DE.

DRAFT