***BY-LAWS***

***of the***

#### COMMONWEALTH NEUROTRAUMA INITIATIVE TRUST FUND ADVISORY BOARD

**Article I. Definitions**

**Article II. Purpose**

**Article III. Powers and Duties**

**Article IV. Meetings**

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

# **Article VI. Amendment to By-Laws**

**Article I. Definitions**

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

1. “Advisory Board” means the Commonwealth Neurotrauma Initiative Advisory Board.
2. "Commissioner" means the Commissioner of the Department for Aging and Rehabilitative Services.
3. “Fund" means the Commonwealth Neurotrauma Initiative Trust Fund established pursuant to §51.5-12.2.
4. "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 Advisory Board was established for the purpose of administering, in coordination with the Commissioner, the Commonwealth Neurotrauma Initiative Trust Fund.

 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. 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 of 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 his 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.

 Board meetings shall be held as specified in the Virginia Freedom of Information Act. 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 four 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 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 meeting of the Board

 Section 6

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

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. Board Structure, Officers, and Committees**

 Section 1.

1. The 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; and the Commissioner of the Department for Aging and Rehabilitative Services. The State Health Commissioner and the Commissioner of the Department for Aging and Rehabilitative Services may appoint designees to serve on the Advisory Board. Board members shall be appointed by the Governor. Nominations for appointments may be submitted, at the discretion of the Governor, from relevant organizations.
2. All members shall be appointed by the Governor for terms of four years. No member shall serve more than two successive terms of four years.

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

D. 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.

The chairperson shall be elected from the membership of the Advisory Board for a term of two years and shall be eligible for reelection.

 Section 3.

 The 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.

Revised by-laws adopted by the Commonwealth Neurotrauma Initiative Advisory Board on the seventeenth of September, 2010

David B. Reid, Psy.D, Chair

Commonwealth Neurotrauma Initiative (CNI)
Trust Fund Advisory Board