

VIRGINIA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION PROGRAM

BOARD MEETING

MINUTES

March 9, 2004

MEMBERS PRESENT

Melina Dee Perdue, Chair
Cynthia Berry, Vice Chair
James Ritchie
McLain O'Ferrall
Willette LeHew, M.D.

ALSO PRESENT

George Deebo, Executive Director
Sharon Payne, Deputy Director
Heather Brunner, Administrative Assistant
Frank Ferguson, Office of the Attorney General
Kelly Ford, Office of the Attorney General
Bill McKelway, Richmond Times Dispatch

CALL TO ORDER

Board Chair, Melina Perdue, called the meeting to order at 1:00 p.m. and introductions were made.

APPROVAL OF MINUTES

The February 10, 2004 minutes were reviewed. Dr. LeHew made a motion to approve the minutes. Jim Ritchie seconded the motion and the minutes were unanimously approved.

ADMINISTRATIVE

Financial statements, profit and loss and balance sheets for February 2004 were provided to the Board. The Board reviewed the financial reports. Sharon Payne noted that representatives from Cherry, Beckardt and Holland are performing the annual audit. Also, reconciliation for 2003 is ongoing. George said that the second annual assessment mailing is in process and should increase income.

Dr. LeHew made a motion to accept and enter into record the February 2004 financial report. Cynthia Berry seconded the motion and it was unanimously approved.

The Board agreed to form an investment committee to review/reevaluate investment strategies. McLain O'Ferrall, Melina Perdue and Richard Cathey volunteered to serve on the committee. Sharon Payne will function as Program staff to the committee. McLain O'Ferrall asked for a copy of the Program's procurement policy. George Deebo said he

would provide a copy to the committee. The committee agreed to meet via conference call as soon as schedules permit.

George provided a legislative update to the Board. In summary, the House Bill and the Senate Bill are similar. Both eliminate legal fees for claimants who are not admitted into the program and increase all fees over time. The 2000gm weight limit was taken out. The two changes in legislation provide \$28 million in deficit reduction right away. George expressed his gratitude to Senator Devolites and Delegate Tata for taking up the legislation. He also said that he will continue to educate folks about the weight limit and will continue to keep everyone updated.

Dr. LeHew asked if the Board should create medical benchmarks for taking a position on a claimant's entry in the Program. Frank Ferguson said that the Board could have an opinion but any medical committee review guidelines would need statutory changes.

Frank Ferguson said that legislation next year might include defining a reasonable time table for the panel commission and Attorney General's office to make responses to claims.

PUBLIC COMMENT

There were no public comments.

CLOSED SESSION

James Ritchie moved that the meeting convene in a closed session to discuss claimant issues pursuant to the exemption at 2.2-3705. (This references 38.2-5002.2) McLain O'Ferrall seconded the motion and the Board unanimously agreed.

Melina Perdue made a motion that the Board certify the closed session, to the best of each member's knowledge, discussed only public business matters lawfully exempted and only such matters as were identified in the motion that closed the meeting. James Ritchie seconded the motion. The motion was polled and unanimously agreed.

RESULTS FROM THE CLOSED SESSION

McLain O'Ferrall made a motion that the Program would pay overtime for one specific nurse who is employed by Carilion for eight hours per week to care for [REDACTED]. Jim Ritchie seconded the motion. Melina Perdue recused herself from voting citing conflict of interest. With all others in favor, the motion passed.

CLOSED SESSION

James Ritchie moved that the meeting convene in a closed session to discuss claimant issues pursuant to the exemption at 2.2-3705. (This references 38.2-5002.2) Richard Cathey seconded the motion and the Board unanimously agreed.

James Ritchie made a motion that the Board certify the closed session, to the best of each member's knowledge, discussed only public business matters lawfully exempted and

only such matters as were identified in the motion that closed the meeting. Richard Cathey seconded the motion. The motion was polled and unanimously agreed.

RESULTS FROM THE CLOSED SESSION

Jim Ritchie made a motion to transfer applicable Program benefits to the now custodial grandparents of [REDACTED]. The motion was seconded and it was unanimously approved.

McLain O’Ferrall made a motion to sell the trust home to the [REDACTED] for \$580,000. Also, a memo drafted and copied to file outlining the reasons the Program agreed to sell for \$580,000. Dr. LeHew seconded the motion and it was unanimously agreed.

Dr. LeHew made a motion for the Program to deny the [REDACTED] request for an additional van for [REDACTED]. James Ritchie seconded the motion and it was unanimously agreed.

EXECUTIVE DIRECTOR’S REPORT

George Deebo provided an oral report to the Board.

ADJOURNMENT

There being no other business, a motion was made to adjourn; the motion was seconded and unanimously agreed. The meeting was adjourned.