

# **VIRGINIA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION PROGRAM**

## **BOARD MEETING**

### **MINUTES**

April 13, 2004

### **MEMBERS PRESENT**

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

### **ALSO PRESENT**

George Deebo, Executive Director  
Sharon Payne, Deputy Director  
Heather Brunner, Administrative Assistant  
Jessica Stuart, Claims Coordinator  
Frank Ferguson, Office of the Attorney General  
Angela Axselle, 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 March 9, 2004 minutes were reviewed. Cynthia Berry made a motion to approve the minutes. Ralph Shelman seconded the motion and the minutes were unanimously approved.

### **ADMINISTRATIVE**

George Deebo introduced Jessica Stuart to the Board. She comes to the Program from CNA Insurance where she was a claims adjuster. Jessica holds a Paralegal degree and will be handling petitions and appeals, housing and vans.

Financial statements, profit and loss sheets, for March 2004 were provided to the Board. Budget software is being updated and balance sheets will be mailed when the update is complete. The Board reviewed the financial report. Jim Ritchie made a motion to accept and enter into record the March 2004 financial report. Dr. LeHew seconded the motion and it was unanimously approved.

## **PUBLIC COMMENT**

There were no public comments.

George Deebo said a suggestion was made by a parent to change the Board meeting time to 3:00 pm. Since the current time facilitates attendance by Board members, the Board agreed to keep the start time at 1:00 pm.

Program Guidelines with a summary of public comment suggestions were provided to the Board. Dr. LeHew made a motion to adopt the Guidelines with the exception of the dental care section which will be tabled until experts have reviewed the policy and provided a report. Jim Ritchie seconded the motion and it was unanimously approved.

McLain O'Ferrall asked staff to prepare a demographic profile for claimants/families to include geographic locations, housing and vehicle information and whether they have insurance.

A proposal for director and officer's insurance coverage was provided to the Board. Frank Ferguson said the Board has statutory immunity however; from a risk assessment standpoint, it may be worthwhile to cover Program staff.

Ralph Shelman moved to accept the necessity to secure D & O coverage for staff. Staff is to provide a refined quote to include staff only and provide the report to the Board for further discussion. Dr. LeHew seconded the motion, McLain O'Ferrall opposed. The motion was passed. George Deebo said he will email the refined quote to the Board.

A recommended format, provided by the Worker's Compensation Commission, for expert panel assessment of birth injury claims was provided to the Board. George Deebo said a standard format for panels may facilitate understanding of the law and clinical aspect in reviewing cases. Dr. LeHew said it would be valuable for participating physicians to have the format because it allows for uniform/consistent reporting. The format is being reviewed by the Office of the Attorney General.

## **EXECUTIVE DIRECTOR'S REPORT**

The Executive Director's report was provided to the Board. George said the Program appreciates Senator Devolites and Delegate Tata for taking up the legislation.

## **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.

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. Dr. LeHew seconded the motion. The motion was polled and unanimously agreed.

## **RESULTS FROM THE CLOSED SESSION**

Dr. LeHew made a motion to deny the [REDACTED] request that the Program to pay for second to die insurance. James Ritchie seconded the motion and it was unanimously approved.

Dr. LeHew made a motion to approve compensation for the [REDACTED] for [REDACTED] to attend the Conductive Learning Center's Program. This therapy falls under the Program's experimental therapy section in the Guidelines as such, the Board will be in receipt of a report of the initial therapy. James Ritchie seconded the motion and it was unanimously approved.

Ralph Shelman made a motion to deny the [REDACTED] request that the Program pay a recruitment fee for a caregiver. Cynthia Berry seconded the motion and it was unanimously approved.

## **OTHER BUSINESS**

A letter from Merrill Lynch regarding portfolio management change was provided to the Board. The Board reviewed the letter. McLain O'Ferrall said he would call Merrill Lynch and request clarification on the management change.

James Ritchie submitted his letter of resignation to the Board effective June, 1, 2004. Mr. Ritchie is retiring. Since he will be unable to attend May's meeting he said that he has enjoyed working with the team. He has the highest respect for the Board and the Program is in good hands. Melina Perdue wished him well, thanked him for all of his work and valuable input and said he will be missed.

Richard Cathey notified the Board of his resignation - effective immediately. Mr. Cathey decided to pursue job related opportunities that will take him out of state. Melina Perdue also thanked him for his work and said he will be missed.

## **ADJOURNMENT**

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