

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

## **BOARD MEETING**

### **DRAFT MINUTES**

September 14, 2004

### **MEMBERS PRESENT**

Melina Dee Perdue, Chair  
Lynn Chapman  
Willette LeHew, M. D.  
Edward Mazur, CPA  
McLain O’Ferrall  
Jennifer Ogburn  
Ralph Shelman

### **ALSO PRESENT**

George Deebo, Executive Director  
Ginny Twell, Nurse Case Manager  
Victoria Blair, Administrative Assistant  
Jessica Stuart, Claims Coordinator  
Carla Collins, Office of the Attorney General  
Bill McKelway, Richmond Times Dispatch

### **CALL TO ORDER**

Board Chair, Melina Perdue, called the meeting to order at 1:10 p.m. and introductions were made. Melina Perdue noted appreciation for Bill LeHew substituting for her at the last meeting. She then welcomed Lynn Chapman and introduced her to the Board and other attendees. Jennifer Ogburn made a motion that although Ms. Chapman has not been sworn in, that she be allowed to sit in on the meeting. Ed Mazur seconded the motion and it was passed unanimously.

### **APPROVAL OF MINUTES AND FINANCIAL REPORTS**

Minutes for the August 10, 2004 Board Meeting and Financials for August 2004 were reviewed. Ed Mazur suggested one punctuation change. McLain O’Ferrall made a motion to approve the minutes and financials. Ed Mazur seconded the motion and it was unanimously approved.

Ed Mazur put forth a question concerning where money market income is posted for the claimant home accounts. George will check on this point. A second question arose concerning why the “Other Assets” line reflects proceeds from the recent sale of a trust home. It was determined that the financial committee should review the financials format and include suggested changes in their report to the board. Bill LeHew made a motion that the financials be accepted as presented. Ed Mazur seconded the motion.

### **ADMINISTRATIVE**

Bill LeHew requested an update on the financial advisor RFP process. George Deebo reported that the RFP would be posted in the "*Virginia Register*" on September 20, 2004 with the closing date set in mid-October. McLain O'Ferrall provided a list of possible consultants. These consultants and other respondents will be sent a copy of the RFP by September 23, 2004. Discussion ensued on the best way to review the submissions with the outcome that the financial committee will select the top five or six by November 1<sup>st</sup> for a brief presentation to the Board.

Ed Mazur reported on a meeting with David Bolton of Cherry, Bakeart and Holland that led to recognizing a need for clarification concerning which accounting standards should apply in light of accounting industry changes. The Board will receive a report. Mr. Mazur also noted that a session with the committee and the actuaries might formulate options including suggesting an intensive review.

A general discussion on the status of the program and entry requirements ensued.

### **PUBLIC COMMENT**

Ralph Shelman suggested that the Board members update their language and avoid terms such as "wheelchair bound". He agreed to provide some recommendations.

Bill LeHew asked whether it had been confirmed that fees would increase next year. George responded that legislation was passed to officially increase assessments on January 01, 2005. George Deebo presented a question as to whether a physician paying in December could be assessed at the 2005 amount. Board response was that payment in advance should be for the higher 2005 assessment amount.

Bill LeHew noted that the Mercer actuarial study is due in a month and questioned whether the Board would be talking to the Mercer Company before the study. It was suggested that David Bolton review actuarial study results with the actuarial. George Deebo felt that this might require permission from the SCC. Ed Mazur suggested meeting with the SCC to discuss the Board's expectations.

Melina Perdue noted that the current Board had not voted on her as Chair and that a one-year term was the general rule. Ed Mazur acknowledged Melina Perdue's service and inquired if she would be willing to continue as chair. Melina replied that she has no problem continuing but that the Board would need to elect a Vice Chair. McLain O'Ferrall suggested Melina Perdue continue as Chair and that Bill LeHew be elected Vice Chairperson as he has some length of experience with the Board. Ralph Shelman suggested that the Chair appoint a few people to bring back a nomination report to the next meeting. Melina Perdue appointed Ralph to accept nominations and report back to the Board. Board members may forward nominations to [Rshelman@iepcil.org](mailto:Rshelman@iepcil.org).

George Deebo presented information concerning conductive therapy that is being requested by several families. The 4-6 hours per day therapy sessions are presented in 2-4 week periods currently offered primarily in Grand Rapids, Michigan with smaller programs in Alexandria, Virginia and Cleveland, Ohio. Conductive therapy requires involvement of one other family member.

Following discussion, McLain O’Ferrall made a motion to give the executive director and Program staff ability to educate parents and authorize sessions with an accompanying doctor’s order and periodic reports. Bill LeHew seconded the motion and it was passed unanimously. Melina Perdue requested that Ginny Tweel develop preliminary expectations and guidelines.

McLain O’Ferrall suggested that higher authority levels be set for Program staff rather than requiring Board participation at all levels. George Deebo explained items are brought to the Board generally only when families exercise the right to appeal staff decisions denying their requests.

### **CLOSED SESSION**

Jennifer Ogburn 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). Ralph Shelman seconded the motion and the Board unanimously agreed.

Jennifer Ogburn 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. The motion was seconded by Bill LeHew, polled and unanimously agreed.

### **RESULTS FROM THE CLOSED SESSION**

Ed Mazur made a motion to uphold the staff decision to deny the [REDACTED] request for a new van to replace the one that was damaged in an accident. Bill LeHew seconded and the motion was passed.

Ed Mazur made a motion to uphold the staff decision to deny [REDACTED] request for the Program to provide a new van. Bill LeHew made a motion that in exchange for the van the [REDACTED] are currently using, the Program will provide them with the monetary value of the van plus the amount of adding a raised roof to put toward the purchase of a new van. Bill LeHew seconded the motion and it was unanimously agreed.

Decision on the [REDACTED] request for out-of-network physician approval was deferred to the next Board meeting.

### **EXECUTIVE DIRECTOR’S REPORT**

The Executive Director’s report was provided to the Board. George Deebo announced that Sharon Payne resigned. He noted that she had been a great value to the Program. He also noted that Ed Mazur had led the process to define financial functions within the organization. Ed noted that the Deputy Director position requires a person with a higher-level skill set. McLain O’Ferrall suggested a salary increase if needed. The Board discussed general job requirements.

George announced that Senator Devolates might attend the next Board meeting. The Board requested that Delegate. Tata also be invited.

### **ADJOURNMENT**

There being no other business, a motion was made to adjourn; the motion was seconded and unanimously agreed. At 4:15 p.m. the meeting was adjourned.