

**Virginia Birth Injury Program
Board of Director's Meeting
October 12, 2004**

Attendees:

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

Also Present:

George Deebo, Executive Director
Jessica Stuart, Claims Manager
Frank Ferguson, Office of the Attorney General
Jill Ryan, Office of the Attorney General
Angela Axelle, Office of the Attorney General
David Keeler
Bill McKelway, Richmond Times Dispatch
Senator Jeannemarie Devolites Davis

Call to Order:

The meeting was called to order by Melina Perdue at 1:00 pm.

Minutes:

The minutes of the previous meeting were reviewed and accepted as presented.

Finance:

Financial statements were presented and reviewed. Ed Mazur moved they be accepted. Lynn Chapman seconded and the motion was passed unanimously.

Ed Mazur presented a report of the Finance committee meeting with David Bolton of Cherry Bakaert & Holland. The conclusion was that the Program may view itself as a special purpose government entity for accounting purposes. The motion was called by Ed Mazur to accept the recommendation. McLain O'Ferrall seconded and it was passed unanimously.

Public Comments:

George introduced State Senator Jeannemarie Devolites Davis who carried legislation regarding the Program during the 2004 General Assembly. Sen. Devolites Davis stated her intention to meet with the Bureau of Insurance to ascertain accountability for the

recent change to financial unsoundness. She also announced plans to travel to Florida to review their birth-injury program.

Discussion ensued on increased number of appeals during the Program entry process. Frank Ferguson noted that the increase in appeals results from the overall increase in applicants and are a part of the process. Additional discussion ensued on various topics.

Melina Perdue thanked Sen. Devolites Davis for her comments and support. She noted that the Governor Warner has appointed a commission to study the OB/GYN situation on a statewide level.

Sen. Devolites Davis stated her intention to hold the Board accountable. McLain O'Farrell noted that the Program structure was put into place by legislature and operates according to legislation.

Sen. Devolites Davis requested suggestions on the areas that need further definition. Suggestions included clarification of 1) timing of injury, 2) presumption of acceptance, 3) birth weight, 3) requirement that Program pay all fees.

George Deebo introduced David Keeler, who has a child in the Program. He related his family's past history with the Program and his concerns regarding benefits, change in the diaper reorder process, communication, lack of direct Board representation, infrequent Parental Advisory Committee (PAC) involvement. He invited the Board to spend a day with his family as an aid to understanding the family plight. Jennifer Ogburn noted that she is a mother of a disabled child and would like to work with him toward improving communication and Board involvement. Mr. Keeler accepted the offer and then questioned caps on medical benefits and the cut in toys benefit. George Deebo responded that legislation requires recipients to receive care through their health insurance contracted network prior to utilizing Program benefits. Therefore, the Program has insisted that claimants follow this procedure.

Ralph Shelman stated that the current Board is new and very sensitive to current needs, trying to move ahead and deal with issues. His hope is that both the Board and the families find constructive ways to deal with issues. He stated his desire to be involved with Mr. Keeler's desire to be heard. Also noted is that he is the father of two disabled children and can empathize with the Keeler's situation.

George Deebo noted that the Program regularly communicates with families through mailings, website, and Parents Advisory Committee (PAC) involvement, but noted the PAC's request to limit physical meetings. He also cited recent Board approval of conductive therapy as an example of increased benefits. McLain O'Farrell stated the Board's responsibility not only to current recipients but also to future claimants.

Additional discussion ensued on various topics including communication with families and housing benefits.

Mr. Keeler requested and received confirmation that the Board will meet each month.

McLain O'Farrell requested clarification of the appeal process noting that it is difficult to stay current. Frank Ferguson explained that tracking can be difficult and offered the provision of a monthly status sheet. Discussion arose on the need for the Board to support the appeal process. Bill LeHew stated that it is crucial to remain consistent and follow state legislation and Program guidelines by carrying forward on appeals.

Ralph Shelman offered to chair the Parents Advisory Committee. The Board concurred that this was a good idea. He will work with the staff in upcoming weeks to establish procedures and meeting times.

Board Election:

It was moved and seconded that Melina Perdue and Bill LeHew be elected Board Chair and Vice Chair respectively. The motion passed unanimously.

It was moved and seconded that a Financial Committee consisting of Ed Mazur, chair, Ralph Shelman and Laine O'Ferrall be established. The motion passed unanimously.

It was moved and seconded that an Investment Committee consisting of Laine O'Ferrall, chair, Ralph Shelman and Ed Mazur be established. The motion passed unanimously.

Closed Session:

Jennifer Ogburn moved that the meeting convene in a closed session to seek legal counsel regarding financial issues pursuant to the exemption at 2.2-3705. (This references 38.2-5002.2) The motion was seconded 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. The motion was polled and unanimously agreed.

Results From The Closed Session:

Lynn Chapman motioned that the financial document drafted and presented that was discussed during closed session be accepted as presented. Ralph Shelman seconded and the motion passed unanimously.

New Business:

George Deebo sought Board guidance on the issue of companion dogs which are not a strict medical necessity but do contribute significantly to recipient well-being. In some cases seizure dogs may be considered. Questions arose over whether this would be double coverage if provided for a recipient receiving nursing care and whether an electronic device could provide the same level of care. Additional points included payment of initial fees, travel, training, food and medical costs. Ralph Shelman advised that the Board limit payment to initial fee, training, travel and medical care and volunteered to assist with research.

Director's Report:

George Deebo reported that a new computer server has been installed in the Program office. He also stated that several proposals have been received for the investment advisor RFP which carries a deadline of October 15. The physician assessment process is going forward with initial mailing mid October. He also discussed upcoming Regional meetings and received Board attendance intentions.

Adjournment:

There being no further business the meeting was adjourned at 4:30 pm.