

**Virginia Birth Injury Program
Board of Director's Meeting
April 12, 2005**

Attendees:

Lynn Chapman
McLain O'Ferrall
Willette "Bill" LeHew, MD
Jennifer Ogburn
Ralph Shelman

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
Iris Allen, Claims Manager
Angela Conley, Executive Assistant
Angela Axselle, Office of Attorney General
Jill Ryan, Office of Attorney General
Frank Ferguson, Office of Attorney General
Bill McKelway, Richmond Times Dispatch

Call to Order:

Vice-Chair Bill LeHew called the meeting to order at 1:00 p.m.

Minutes:

It was moved and seconded that the March Board meeting minutes be approved. Motion carried.

Finance:

Candace Thomas reviewed the Profit and Loss Sheet as well as the Balance Sheet. She explained that the deferred income has been recorded to 2005. Dr. LeHew inquired about the high amount of hospital expense for March 2005. George explained that we have had two very sick children this month that required hospital stays.

Investment Committee:

Laine O'Ferrall reported that CapGroup received the proposals to the RFP for custodians. Time schedule for completion of custodian selection is now the first part of June. Laine O'Farrell invited any interested board member to attend either interviews of custodians or investment managers.

Public Comment:

Bill McKelway requested information on the unfunded liability. George Deebo commented that the amount was not available on a monthly basis but calculated annually by the actuary.

Bill McKelway requested the finalized copy of the 2003 audit. He also wanted to know when the 2004 audit would be completed. He inquired to the attorney fees for the Office of the Attorney General and what was the actual cost for the Program.

Closed Session Regarding Claimant Issues:

Bill LeHew, Vice Chair, 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). The motion was seconded and unanimously passed.

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 and unanimously passed.

Results of Closed Session:

Mr. and Mrs. ██████ request \$500 in reimbursement towards the cost of a bed that their daughter is able to get in and out of by herself even though the bed was not medical equipment. The consensus of the board was to approve the request if a letter of medical need was obtained from a physician.

The staff proposed a formula for routine implementation of the Rental Assistance Policy. Anyone applying for the benefit would be allowed up to 150 percent of the Program's standard allowable footage used when building a bedroom, bath and storage. Additionally up to 125 percent of the cost per square foot of the "old" rental unit would be allowed. This would allow flexibility for families since it would be very difficult to obtain a rental unit with the exact allowable footage. Any unusual circumstances would be brought to the board for consideration. This does not change the current policy, it only allows standardized implementation for routine cases.

Laine O'Ferrall motioned to propose the implementation of the rental assistance policy. The motion was second and passed unanimously.

New Business:

George Deebo presented the VaRisk 2 insurance coverage to the Board. This coverage is a self-funded program by the state of Virginia for Board and staff members. Per the board's prior instruction to obtain D & O insurance the Program has already signed on to VaRisk 2.

George Deebo presented the 457 Plan – Eligible Deferred Compensation Program. This program would provide a retirement plan for staff members however the issuing company requires passage a resolution by the Board for participation.

Ralph Shelman motioned to accept these two new programs. The motion was seconded and unanimously passed.

Closed Session Regarding Legal Advice:

Jennifer Ogburn moved that the meeting convene in a closed session to discuss legal issues pursuant to the exemption at 2.2-3705 (this references 38.2-5002.2). The motion was seconded and unanimously passed.

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 and unanimously passed.

Director's Report:

George Deebo stated that the Program was in the process of developing new claimant handbook that would provide additional details on how to obtain Program benefits. Also, Marshall Cooke of Hirschler – Fleischer law firm has been engaged for some initial research regarding the impact of the wage benefit on claimants. The information will be important to help both claimants and the Program make necessary preparations.

Adjournment:

A motion to adjourn was made by Ralph Shelman, seconded and unanimously agreed to at 3:30 p.m.