

**Virginia Birth Injury Program
Board of Director's Meeting
May 10, 2005**

Attendees:

Melina Dee Perdue, Chair
Bill LeHew, MD, Vice-Chair
Lynn Chapman
Ed Mazur
McLain O'Ferrall
Jennifer Ogburn
Ralph Shelman

Also Present:

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

Call to Order:

Melina Dee Perdue, Chair, called the meeting to order at 1:00 p.m.

Minutes:

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

Finance:

Candace Thomas reviewed the Profit and Loss Sheet as well as the Balance Sheet. Ed Mazur asked if financials could be expanded to show prior YTD and revenue to date.

Candace noted that the Program recently had made catch-up payments to the Attorney General's office but that now the program would be paying the attorney general for legal services every quarter beginning in July.

Investment Committee:

Laine O'Ferrall stated that the list of custodians had been narrowed down to three or four: Merrill Lynch, State Street, Bank of America and SunTrust. He hoped that the custodian and manager selection would be complete by July 1st. Laine discussed the purchase/use of index funds. The percentage of the funds would have to be approved by the board and not to exceed

50% of portfolio. A motion was proposed to invest up to 50% of portfolio in index funds. Ed Mazur seconded the motion. Motion carried unanimously

Laine stated he would present a memo to the board explaining the investment options. The board would also receive a monthly “flash” report instead of quarterly. This would allow the board to see any changes in the funds.

Continued Business:

Ed Mazur discussed and reviewed the Ad Hoc Committee recommendations:

- Long-term Funding: Share actuarial results with family once available.
- New Therapies: Inform families when new therapies have been approved or have been clinically proven to be effective. Provide information via newsletter and email/website.
- Brand Name Prescription over Generic Brand Prescription: Fund would pay for prescriptions if declined from insurance, but only if brand prescriptions are required by the doctor.
- Physician Out of Network: Develop additional language.
- 24 Hour Care: Additional research needs to be conducted for respite care. Provide any available resources on website for families. Many members stated that they would like to look into this type of care to hopefully be able to provide this benefit to families. It was noted this would only be reference material; the Program does not pay for respite care outside of nursing hours.
- Reimbursement: Currently being done but Program would continue to seek improvements in the process.
- Transportation: Ed recommended that communication be sent to the families reminding them that it is their responsibility for the maintenance and upkeep of the vans that the Program provides them.
- Inflation Diminishing Value of Benefits: Policy could be amended but the Program would need to review federal and state rates before making any decisions.
- Benefits for Program Participants: Update any changes into the current guidelines.

Ongoing Discussion: Communication and parent committee- to continue to review use of the committee and ongoing communications. A schedule of communications will be established.

Public Comment:

Bill McKelway inquired about the \$200,000 paid to Wachovia. Ms. Thomas noted it is an annual replenishing of funds to care for trust homes.

Closed Session Regarding Claimant Issues:

Melina Dee Perdue, 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 by Ralph Shelman and unanimously passed.

Melina Dee Perdue made a motion that the Board certifies 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 the Board to reimburse the cost for their daughter's health insurance prior to entry into the program. Board members felt that this was out of the scope of the Programs guidelines. Bill LeHew moved to decline the ██████ request. Lynn Chapman seconded the motion.

Mrs. ██████ requests the Board to reconsider the standard reimbursement for rental housing assistance. Even though the guidelines were presented to her, Mrs. ██████ admitted to not reading the housing benefit in its entirety prior to securing the new apartment. Some of the board members felt that Mrs. ██████ simply made a mistake and would make an exception to the housing assistance policy. Ed motioned that the board approve a one-time variance increasing the housing assistance from \$135.72 to \$ 324.22 per month for the length of her current one-year apartment lease. At the end of the lease, the board would examine her situation again. Laine O'Farrell seconded the motion. Motion carried unanimously

Mrs. ██████ requests reimbursement for the fee of a one-year warranty on the elevator that the Program installed in her home. Board members felt that once the elevator was installed, that the equipment became a part of the home and the family's responsibility. Lynn Chapman motioned to deny reimbursement for the warranty. Bill LeHew seconded the motion. Motion carried unanimously.

New Business:

Laine O'Ferrall presented a worksheet on the pros and cons of parental nursing. He stated that parental nursing was conducted in Florida at the federal minimum wage. Each board member was asked to review the pros and cons and bring the ideas back to the next board meeting on June 14th.

Closed Session Regarding Legal Advice:

Melina Dee Perdue, 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.

Melina Dee 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. The motion was seconded and unanimously passed.

Director's Report:

George Deebo discussed computer update for participating physician resident's to reduce the amount of letters that must be sent out by the Program and handled by the residency programs. George Deebo also discussed setting a date in September to meet with the Florida group. George asked the board to think about a separate meeting to discuss legislative matters over the summer. The board decided on a longer meeting versus a separate meeting, tentatively set in July.

Ed Mazur, along with other board members, stated that the Program needed to look deeper into the issue of the birth weight as a financial/medical issue. He wants to find other ideas to improve the birth weight issues. George Deebo stated that the Program needed to develop a better legislative communication link to assist the General Assembly in understanding the purpose of the fund.

Adjournment:

A motion to adjourn was made by Melina Dee Perdue, Chair, seconded and unanimously agreed to at 4:30 p.m.