



VIRGINIA BIRTH-RELATED
NEUROLOGICAL INJURY
COMPENSATION PROGRAM

January 22, 2010

Dear Families:

With the beginning of the new year we would like to provide you with the following information and updates.

Comment Period Open for Conductive Education Guidelines Proposal

Recently the Board of Directors voted to create new guidance regarding Conductive Education. A 60 day comment period is being held prior to final implementation. Essentially the changes place Conductive Education into a separate category with an annual allowance of up to \$18,000. A copy of the proposed change is included with this letter. Please note that all comments must be submitted in written form and be directed to the Board of Directors c/o the Program's office address. Comments also may be emailed to Board@vabirthinjury.com. All comments must include the name and address of the submitting party. This 60-day comment period ends March 18, 2010.

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New Board Chair and Vice-Chair

The Board of Directors has elected Dr. Robert Boyle as Board Chair and Gwen Taylor as Vice-Chair. Dr. Boyle is a Professor of Pediatrics, Division of Neonatology, with the University of Virginia Medical Center. He joined the Board in 2007 as the participating hospitals representative.

Ms. Taylor joined the Board in 2008 as the "attorney with ...experience in the practice of law representing clients with physical personal injuries."

Update on Embezzlement

As you know from prior communications, a former Program employee has been charged with embezzlement and a trial is currently scheduled for February. Earlier letters noted the key actions taken by the board regarding prosecution, recovery of funds and steps to prevent any future occurrences. More than \$100,000 has already been recovered through insurance coverage. The Board is consulting with appropriate legal authorities regarding all other possible avenues for recovery of funds.

You also may recall the Program arranged for personal identity theft protection for one year for any claimant and/or a claimant family member that desires to enroll. That opportunity is still available. To take advantage of the coverage simply log onto the specially created web page

A lifetime of help

www.trustedid.com/protection and provide this activation code: PROTECTVBR98847. You will need to activate an account for each person. If you have any questions about using this service please call them at 1-888-548-7878.

Additionally the Program has dismissed its former CPA firm and has hired a new firm, KPMG, generally recognized as one of the top firms nationally.

Reserves Reach \$235 Million Amidst All-Time High Income

Last year showed the highest income in the Program's history - more than \$30 million. Several factors, including increased assessments, strong investment returns and more participating physicians and hospitals, led to this achievement. On another positive note, due to rebounding investment markets the Program's financial reserves also have reached the highest point ever at more than \$235 million.

Family Contact List

Every year the Program provides an opportunity for families to have their name, location and phone number placed on a list for distribution to other Program families also desiring to be on the list. A consent form is included with this letter. If you wish to include your information please return the signed form to the Program's office. Once the information is compiled it will be distributed to everyone on the list.

Annual Expenditures Report

Within a few weeks a report will be mailed to each family showing expenditures made on behalf of the claimant during 2009. If you have any questions regarding this report please contact Candace Thomas.

Reimbursement for Family Caregivers

Please note that reimbursement checks for family caregivers generally require at least 15 days for processing before they are placed in the mail. Additionally all required documents must be received before processing can be completed.

If you are emailing reimbursement documents please use this address: admasst@vabirthinjury.com. Documents sent to any other email address may be delayed.

For Verification of Receipt of Documents...

To verify if the Program has received any documents you send (fax, email, etc.) please call ext. 301.

Always Keep a Copy!

Please be sure to keep a copy of any document you send (especially via U.S. mail) to the Program.

Health Insurance Documents

It is important that the Program is up-to-date regarding your primary health insurer so that medical bills can be processed appropriately and in a timely manner. If your health insurer changes or there are modifications to your coverage, please send copies of the new materials including your medical card, benefits summary and plan description.

Utilizing In-Network Providers

- Please remember that all medical services, including durable medical equipment, must first be billed through your primary insurance provider. By law the Program must be the payer of last resort and we may not be able to pay for services if they have not first gone through your primary insurer and you (or your provider/vendor) submit an Explanation of Benefits (EOB) form from the insurance company (along with your receipt of payment).
- All medical services must be provided through clinicians and facilities in your primary insurance's network. Any exceptions must receive pre-authorization from the Program.

Prior Authorization for Travel Over 100 Miles

If you need to travel more than 100 miles for medical care please remember that prior authorization must be obtained to receive benefits (including mileage and lodging/meals per diems). Please contact Sharon Brittle for additional information.

Need a Copy of the Guidelines?

If you just can't put your hands on a copy of the Program Guidelines it is available on the Program's website at www.vabirthinjury.com and www.vabirthinjury.info. It is posted under the "Claimants" section. You also can give the office a call and have a copy mailed to you.

Staff Contacts

Angela Conley (ext. 306): Questions regarding van and housing benefits.

Patricia Cheatham (ext. 303): General processing of medical invoices and purchase of medical supplies.

Don Harvey (ext. 309): Handles reimbursements including mileage, nursing for those employing their own nurses and miscellaneous expenses.

Sharon E. Brittle, RN (ext. 310): All medical issues, nursing concerns, authorizations, medical equipment and home visits.

Candace Thomas (ext. 302): Financial questions and supervision of all reimbursements and medical payments.

George Deebo (ext. 307): Any questions or concerns regarding the overall organization or if you have not been able to resolve an issue through the staff.

Sincerely,



George Deebo
Executive Director

Enclosures: Proposed Changes; Contact Listing

Proposed Addition to Guidelines.

Therapy:

Conductive Education

- A. The Program will pay, up to a maximum of \$18,000.00 per calendar year per admitted claimant, for conductive education therapy that is determined to be medically necessary and reasonable, and for which there is a letter of medical necessity provided by the admitted claimant's primary care physician or appropriate treating specialist physician. The letter of medical necessity must be received in the Program's offices at least 60 days prior to the desired start of treatment. The requester must also submit evidence as to whether the primary insurer(s) or other payers will cover any portion of the cost.
- B. A written request for authorization must be submitted to the Program within 60 days of completion of the initial therapy. No further sessions/treatments will be authorized prior to the Program's receiving an annual assessment by the admitted claimant's primary care physician or appropriate treating specialist physician demonstrating the efficacy of the therapy and/or maintenance of achievement from the therapy for the admitted claimant. The receipt of the annual assessment does not guarantee that further treatments or therapy will be authorized.
- C. At the Program's discretion, all requests for reimbursement for conductive education therapy may be reviewed by an objective qualified physician.
- D. The conductive education services must be rendered in the admitted claimant's state of residence.
- E. All other Program provisions regarding therapies, including the in-state travel policy, are applicable to authorized conductive education treatments or therapy. These include, but are not limited to:
 - 1. Payment for travel, lodging, and meals on a per diem basis is based upon the current Commonwealth of Virginia rates;
 - 2. For travel other than by car/van, prior authorization must be obtained.

----(The following portion of the Guidelines will be altered as noted below)---

Experimental Treatment and Therapy:

Experimental treatments or therapy not typically covered by health insurance, ~~including, but not limited to, conductive education,~~ may be covered up to a maximum of \$6,000.00 per year, combined, with written prior authorization from the Executive Director.



Family Contact Listing

Please place my information on the Family Contact List. I understand I may receive phone calls from other families also placing their information on the list.

Printed Name: _____

Phone number to be distributed: _____

City/Town of
Residence: _____

Signature: _____

Date: _____

Mail to:
Va. Birth-Injury Program
7501 Boulders View Drive
Suite 210
Richmond, VA 23225

Or fax to: 804-330-3054