

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for March 9, 2010**

Attendees:

Robert "Bob" Boyle, MD, Chair
Lain O'Ferrall
Susan Riddick-Grisham, RN, LCP
Scott Walters, Esq.
Susan Lucas, MD, Ph,D,
Jenny Ogburn

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
Linda Chenoweth, Legislative Coordinator
Wes Russell, Office of the Attorney General
Carla Collins, Office of the Attorney General
Steve Walls, Walls and Associates
Ginger Edwards, Walls and Associates

Call to Order:

Bob Boyle, Chair, called the January Board meeting to order at 1:00 pm.

Minutes:

Minor corrections recommended by Carla Collins. Lain O'Ferrall motioned to accept the recommended changes and approve the December Board minutes. Scott Walters seconded the motion and it passed unanimously.

Finance:

Candace Thomas reviewed the January and February 2010 financial reports. Scott Walters motioned to accept the financial reports. Susan Grisham seconded the motion and it passed unanimously.

Investment:

Lain O'Ferrall stated that the Investment Committee met prior to the Board meeting. No changes are recommended at this time.

Public Comment:

None

Closed Session (Claimant Issue)

Susan Grisham moved that the meeting convene in accordance with the provisions of Section 2.2-3711 (A)(7) and 2.2-3705.5 (16) of the Code of Virginia that the Board go into closed meeting for the purpose of consultation with legal counsel and briefings by staff members or

consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Board, and consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel regarding: Discussion of records the Virginia Birth-Related Neurological Injury Compensation Program is required to keep confidential pursuant to Virginia Code Section §38.2-5002.2; more specifically, records concerning the deliberations of the Board of Directors in connection with specific claims, as prevented from being disclosed by Virginia Code Section §38.2-5002.2 (iii). The motion was seconded by Scott Walters and passed unanimously.

Susan Grisham moved the adoption of the following resolution:

Whereas, the Virginia Birth-Related Neurological Injury Compensation Program's Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

Now, therefore, be it resolved, that the Virginia Birth-Related Neurological Injury Compensation Program's Board certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. Board members were polled and all certified the motion.

Results of Closed Session (Claimant Issues):

Scott Walters made a motion to deny the request of ██████████ to be reimbursed as an LPN for family caregiver services. The motion was seconded by Sue Lucas and passed unanimously.

Old Business

Laine O'Farrell moved to hire the firm of Morris and Morris to provide legal advice to the Program regarding recovery of funds due to the embezzlement. Susan Grisham seconded the motion and it passed unanimously.

Executive Director's Report:

George Deebo noted the following:

- As required by legislation financial and investment reports have been sent to the appropriate offices of the Commonwealth of Virginia.
- A document with information they requested regarding the number of births in Virginia, the top delivering hospitals and physicians has been distributed.
- Two nominations for Board membership have been submitted to the Office of the Secretary of the Commonwealth.

Old Business Continued

Closed Session Regarding (Personnel):

Susan Grisham moved that the meeting convene in accordance with the provisions of Section 2.2-3711 (A)(7) and 2.2-3711 (A)(1) of the Code of Virginia that the Board go into closed meeting for the purpose of consultation with legal counsel and briefings by staff members or consultants pertaining to personnel matters where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Board, and consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel regarding pending litigation pursuant to Virginia Code § 2.2-3711 (A)(1). The motion was seconded by Sue Lucas and passed unanimously.

Susan Grisham moved the adoption of the following resolution:

Whereas, the Virginia Birth-Related Neurological Injury Compensation Program's Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

Now, therefore, be it resolved, that the Virginia Birth-Related Neurological Injury Compensation Program's Board certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. Board members were polled and all certified the motion.

Carla Collins was not present for this closed session.

Open Session

Steve Walls provided a very brief presentation on recommendations for future financial controls.

Adjournment:

A motion to adjourn was made by Bob Boyle, MD, Chair, at 4:20 pm. It passed unanimously.