

**Virginia Birth-Related Neurological Injury Compensation Program  
Board of Director's Meeting  
Minutes for June 14, 2011**

**Attendees:**

Susan J. Lucas, MD, PhD, Chair  
David Barrett  
McLain O'Ferrall  
Jennifer Ogburn  
John W. Seeds, MD  
Gwen Taylor, Esq., MSW

**Also Present:**

George Deebo, Executive Director  
Candace Thomas, Deputy Director  
Angela Conley, Claims Manager  
Linda Chenoweth, Legislative Affairs Coordinator  
Carla Collins, Office of the Attorney General

**Call to Order:**

Susan J. Lucas, MD, PhD, Chair, called the June Board meeting to order at 1:00 p.m.

**Minutes:**

David Barrett motioned to accept the May Board minutes. Dr. John Seeds seconded the motion and it passed unanimously.

**Finance:**

Candace Thomas reviewed the May 2011 financials. The Program has \$284 million in investments. There are currently 119 active claimants. The June Audit Committee meeting has been rescheduled for July. The final audit report will be reviewed at that time. David Barrett motioned to accept the May financial report. Dr. John Seeds seconded the motion and it passed unanimously.

**Investment:**

McLain O'Ferrall stated the Program's investments had a decrease of -0.62% MTD 2.06% QTD return with a 5.39% YTD return for the month.

**Legislature:**

Linda Chenoweth stated changes are being made within the state legislators due to it being an election year. She will keep the Board updated.

**Public Comment:**

None

**Closed Session (Case Update/Claimant Issues):**

Dr. Lucas moved that the meeting convene in accordance with the provisions of Section 2.2-3711 (A)(7) 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 David Barrett, and passed unanimously.

Dr. Lucas 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.

For the second part of this session, Carla Collins excused herself for the Morris & Morris update given by George Deebo. She returned to the closed session after his conclusion to continue with the case updates.

**Results of Closed Session (Claimant Issues):**

Dr. Lucas moved the Board clarify that it has instructed the Program staff to process future requests for reimbursement for au pair attendant care for claimant [REDACTED] by applying the same methodology approved at the April Board meeting. Motion was seconded by Lain O'Ferrall, and passed unanimously.

Regarding the [REDACTED] request for a specialized bed, Dr. Lucas moved that Program's counsel have a conference call with all parties of interest regarding this request. In addition, the Board authorizes Director George Deebo to accept or deny this claim based upon the additional information obtained. Motion was seconded by David Barrett, and passed unanimously.

**Other:**

The Board excused staff members and legal counsel to discuss the personnel issue.

Staff members and legal counsel returned once the personnel issue was concluded.

**New Business:**

None

**Executive Director's Report:**

George Deebo stated three new Board members have been appointed by the Governor to replace Susan Riddick-Grisham, Jennifer Ogburn and Gwen Taylor. At this time their identities are unknown. McLain O'Ferrall spoke on behalf of the Board to express their appreciation of the excellent jobs Jenny, Sue and Gwen have done while serving on the Board.

**Adjournment:**

A motion to adjourn was made by Susan J. Lucas, MD, PhD, Chair, at 3:05 p.m., and passed unanimously.