

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for July 12, 2011 *DRAFT***

Attendees:

Susan J. Lucas, MD, PhD, Chair
David Barrett
Hope Cupit
Francoise Mullen
McLain O'Ferrall
John W. Seeds, MD
A. Lee Talley, Jr.

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 July Board meeting to order at 1:00 p.m.

Introductions:

Introductions were made by all parties in attendance including Board Members who stated their name and the type of seat held and Program staff.

Minutes:

David Barrett motioned to accept the June Board minutes. Hope Cupit seconded the motion and it passed unanimously.

Finance:

Candace Thomas reviewed the June 2011 financials. One new claimant was admitted into the Program in June. There are currently 120 active claimants. The Program has \$282 million in investments. Ms. Thomas asked the Board to please note a small correction under General Notes on Page 1 of the Financial Report. Date should be 6/30/11 and not 5/31/11. The Audit Committee meeting will be held July 20, 2011 at 11:30 a.m. Everyone is welcomed to attend.

Investment:

McLain O'Ferrall stated the Program's investments had an increase of 1.22% QTD 4.52% YTD return for the month. An error was found in the MTD calculations and is currently being corrected. The updated investments report will be emailed to all Board Members.

Legislature:

None

Public Comment:

None

Closed Session (Case Update):

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 pending litigation and case updates: 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 Lee Talley, and passed unanimously.

Carla Collins, Assistant Attorney General, excused herself for the Morris & Morris update. Ms. Collins returned once the Morris & Morris representative concluded and the Board excused him from the meeting.

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.

New Business:

None

Executive Director's Report:

The Executive Director reminded the Board a meeting will not be held in August. David Barrett inquired about the third new Board member. Executive Director Deebo stated the third new member is Neal Schuwolf, an attorney from the Tidewater Area. Mr. Schuwolf was unable to attend today but expects to attend in September.

Adjournment:

A motion to adjourn was made by A. Lee Talley, Jr., at 2:25 p.m. The motion was seconded by Dr. John W. Seeds and passed unanimously.