

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for July 13, 2010**

Attendees:

Robert Boyle, MD, Chair
Gwen Taylor, Esq, MSW, Vice-Chair
Lain O'Ferrall
Susan Lucas, MD
Susan Riddick-Grisham, RN, LCP

Also Present:

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

Jeffrey Still, Parent

Call to Order:

Bob Boyle, Chair, called the July Board meeting to order at 1:05 pm.

Minutes:

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

Finance:

Candace Thomas reviewed the June 2010. Lain O'Ferrall asked about total income received to date was \$26 million. He wanted to know if any additional monies would be received. Candace Thomas answered that the majority of the assessments have been received with a few that will still come in but nothing of substantial amounts. Total Income is about the same as it was last year this time. Lain O'Ferrall also asked about Administrative Expenses. The Programs' Administrative Expenses account form 8% of Total Income. Susan Grisham asked what is the Refund of Overpayment. Candace Thomas stated these are monies that are paid back to either the physician or physician's offices when overpayment is made on behalf of the physician or if a physician leaves the practice, the Program probates the amount refunded. Lain O'Ferrall 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 with Jim Rorrer with CapGroup. It was discussed in the meeting the possibility of moving up to 10% into alternative investments in-line with the practices of most institutional funds similar to the Program. Jim Rorrer with CapGroup will be at the September Board meeting to make a presentation regarding alternative funds and answer any questions the Board may have.

Public Comment:

None

Old Business:

Gwen Taylor asked if the Board would be discussing the Audit Report. George Deebo stated it was not on the agenda for this meeting, but he could put it on the agenda for the September meeting. Additionally the Audit Committee has reviewed and accepted the report and the committee meeting minutes were distributed to all board members.

Open Session (Claimant Issue):

Jeffrey Still, father of [REDACTED], addressed the Board in regards to his request for reimbursement for an additional lift on the back of their home. Mr. Still informed the Board that due to property codes, entry into their backyard to gain access to the pool was impossible for their daughter's wheelchair. They looked into getting a ramp but the ramp would need to be 55" long and no possible due to the elevation. Additionally the codes would not allow a paved walkway from the front of the house. The only remedy was an additional lift on the rear of the home. The first lift was paid for by the EDCD waiver through Medicaid.

Closed Session (Claimant Issue):

Bob Boyle, MD, Chair, 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 Lain O'Ferrall and passed unanimously.

Bob Boyle, MD, Chair, 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):

A motion was made by the Board to reimburse for the lift in question, as supported by the letter of medical necessity, given the circumstances (██████████) The motion was seconded by Gwen Taylor.

A motion was made that the Board offer the parent's (██████████) one of the three choices of vehicles as already offered. The motion was seconded by Lain O'Ferrall, and it passed unanimously.

A motion was made that the Board offer the equivalent cost of an addition that would cover the bedroom, bathroom and storage area and any legally required upgrades to the septic system not to exceed \$125,000 (██████████). The motion was seconded by Lain O'Ferrall.

New Business:

None

Closed Session Regarding (Case Updates):

Bob Boyle, MD, Chair, 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. The motion was seconded by Sue Lucas, MD, and passed unanimously.

Bob Boyle, MD, Chair, 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.

Executive Director's Report:

George Deebo stated that a new MOU had been signed with the OAG to continue services for the next three years.

Other:

At 3:00 pm, the Board excused staff members and legal counsel to discuss the annual evaluation of George Deebo, Executive Director.

Adjournment:

A motion to adjourn was made by Bob Boyle, Chair, at 3:20 pm. It passed unanimously.