

**Virginia Birth Injury Program
Board of Director's Meeting
September 13, 2005**

Attendees:

Melina Dee Perdue, Chair
Edward Mazur, CPA
McLain O'Ferrall
Jennifer Ogburn
Ralph Shelman

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
Iris Allen, Claims Manager
Angela Conley, Executive Assistant
Frank Ferguson, Deputy AG, OAG
Bill McKelway, Richmond Times Dispatch
Sam Ragsdale

Mrs. Gwendolyn Kelley and daughter, Yvonne
Mr. and Mrs. Luis Bustios

Call to Order:

Melina Dee Perdue, Chair, called the meeting to order at 1:00 p.m.

Claimant Presentations:

- Gwendolyn Kelley, mother of Yvonne Kelley requested that the program provide some type of assistance for mileage and gas for transporting her to and from school. Due to Yvonne's special needs, she would be going to a school outside her district and the county will not provide transportation. Also, the school buses do not have air conditioning and Yvonne would be on the bus for over an hour that would interrupt her feedings and medicine. Mrs. Kelley also requested the program look into a caregivers allowance. Since she is unable to work and the family relies on one income, it is financially hard on the family with Yvonne's special needs. Mrs. Kelley is unable to commit to employment because of Yvonne's medical needs.

- Mr. and Mrs. Luis Bustios presented to the Board information about hyperbaric oxygen therapy that Giuliana has received and how it could possibly benefit children in the program. Upon describing his daughter's situation and the results that he has seen from

the hyperbaric oxygen therapy, he feels that it has made a great improvement to Giuliana condition. His medical insurance will only pay 60% of the cost, therefore, he is requesting the program to pay the difference.

This therapy for CP is considered experimental.

Minutes:

A motion was made and seconded to accept the minutes of the August 2005 Board of Directors meeting. The motion passed unanimously.

Finance:

Candace Thomas reviewed the Balance Sheet, Profit and Loss, and Financial highlights.

George Deebo noted that nursing costs had increased due to increase in the number of children in the program and more of them requiring a higher level of care.

Melina Dee Perdue made a motion to approve the August financial statements. Motion carried unanimously.

Finance Committee:

Ed Mazur discussed the Audit Report for the years 2002-2004 and stated that it received a clean opinion from the Auditors.

Motion made to accept the Audit Report. Motion carried unanimously.

Investment Committee:

Laine O’Ferrall expressed his concern with Legislation 38.2-5016F that discusses the role of the VRS in our investment management selection. Specifically, the legislation requires us to use a VRS approved list of managers. VRS has no such list. Mr. O’Ferrall would prefer to leave our investments in index funds until the legislation is changed. Frank Ferguson will meet with the lawyer at VRS to discuss how they interpret the legislation and how to reword the legislation to remove them (VRS) from the process.

Continued Old Business:

George Deebo discussed the increase of mileage reimbursement. The current overall rate is \$0.325 if the family uses their own vehicle and the \$0.16 if the family uses a program purchased van. Melina Dee Perdue stated that the federal government rate has increased to \$0.485.

Melina Dee Perdue motioned to begin utilizing the federal government reimbursement rate. Ed Mazur seconded the motion. The motion carried unanimously.

Ed Mazur stated that all Board members had the final response to the Northern Virginia Meeting. Ed Mazur requested that the document be sent to all parties involved.

Ed Mazur motioned to accept the document. Laine O’Ferrall seconded the motion. The motion carried unanimously.

Public Comment:

Bill McKelway, Richmond Times Dispatch, asked why the financials noted payments for utilities for claimants. George Deebo explained it was merely a classification of expenses regarding a trust home that was sold that required some environmental work before the sale could be finalized.

Closed Session Regarding Claimant Issues:

Melina Dee Perdue, Chair, moved that the meeting convene in a closed session to discuss claimant issues pursuant to the exemption at 2.2-3705 (this references 38.2-5002.2). The motion was seconded by Ralph Shelman and unanimously passed.

Melina Dee Perdue made a motion that the Board certify the closed session, to the best of each member’s knowledge, discussed only public business matters lawfully exempted and only such matters as were identified in the motion that closed the meeting. The motion was seconded and unanimously passed.

Results of Closed Session:

Mrs. ██████ requesting new van. The ██████ lost their original van in hurricane Isabel. The program was able to find a used van of similar year and model with low miles. The transmission in the used van is now in need of replacement.

Ralph Shelman motioned to pay the cost for the replacement of the transmission. Also to offset the mileage to 110,000 before they could request a new van. Ed Mazur seconded the motion. The motion carried unanimously.

Mrs. ██████ requests reimbursement for mileage and gas for transporting her daughter, ██████ to and from school.

Ralph Shelman motioned to provide Mrs. ██████ with mileage reimbursement for 90 days while staff worked to find alternative methods to meet the transportation issue (contact Chesterfield County School Board and VOPA). Ralph Shelman stated he would make the initial contact on behalf of the program to VOPA and other independent resources centers to assist the family. After 90 days, the program would revisit the request. Ed Mazur seconded the motion. The motion carried unanimously.

Mr. and Mrs. [REDACTED] request the program to pay the difference of 40% of special therapy that their daughter, [REDACTED], has received where the insurance company only pays 60% of the cost for hyperbaric oxygen treatment.

Melina Dee Perdue motioned to table the issue until additional information could be reviewed. Motion passed unanimously.

New Business:

Melina Dee Perdue announced that Board elections were approaching for the seats of Chair and Vice-Chair. All nominations should be via email to Ralph Shelman.

Closed Session Regarding Legal Advice:

Melina Dee Perdue, moved that the meeting convene in a closed session to discuss legal issues pursuant to the exemption at 2.2-3705 (this references 38.2-5002.2). The motion was seconded and unanimously passed.

Melina Dee Perdue, made a motion that the Board certify the closed session, to the best of each member's knowledge, discussed only public business matters lawfully exempted and only such matters as were identified in the motion that closed the meeting. The motion was seconded and unanimously passed.

Adjournment:

A motion to adjourn was made by Melina Dee Perdue, Chair, seconded and unanimously agreed to at 5:00 p.m.