

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for October 9, 2007**

Attendees:

Lynn Chapman, Acting Chairperson
Robert Boyle, MD
Susan Lucas, MD, Ph.D.
Laine O'Ferrall
Dalal Salomon

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
Iris Allen, Claims Manager
Carla Collins, Assistant Attorney General, Office of the Attorney General
Bill McKelway, Richmond Times Dispatch
David Keeler, Claimant Family
Sturgis Kidder, Petitioning Family

Call to Order:

Lynn Chapman, Acting Chairperson, called the meeting to order at 1:05pm.

Minutes:

Susan Lucas made a motion to accept the corrections proposed by Carla Collins to the July minutes and August minutes. The motion was seconded by Bob Boyle and passed unanimously.

Finance:

Candace Thomas reviewed the financial highlights that included the Balance Sheet and the Profit and Loss Report. Susan Lucas, MD, motioned to accept the August financial statements. The motion was seconded by Bob Boyle and it passed unanimously.

Investment:

No report given. Laine O'Ferrall stated that the market was down. Next scheduled Investment Committee and Finance and Audit meeting will be Tuesday, November 27th, 2007, at 10:00 am.

Public Comment:

Sturgis Kidder asked the Board to again, consider, accepting his son, Andrew, into the Program. He stated that another child who was recently admitted into the Program had the same situation as Andrew.

Bill McKelway, Richmond Times Dispatch, asked why claimant expenses had a 20% decrease in September compared to a year ago. Candace Thomas responded that the Program had not purchased as many vans and the nursing expense was lower than it had been in 2006.

Bill McKelway also asked why the Program had purchased a swing through an out of the area DME supplier, Carolina Mobility and Seating, alleging something less expensive could have been found closer in Richmond.

Bill McKelway stated that in previous Board meeting, a request had been made to seek outside counsel to determine the members' responsibilities to the Board. Also, had any changes been made to the petition process so that Board members were aware of pending petitions, the actions being taken on those petitions, and what actions the Board needed to take if it so choose to? Susan Lucas, MD, stated that Carla Collins, Office of the Attorney General, was providing the Board with a monthly report of the petitions and their status. The Board is being kept up to date, however, the decision to accept or decline a petition is the responsibility of the Workers Compensation Commission and not that of the Program's Board members.

George Deebo noted the process for Board decision making regarding petitions currently under review by the Virginia Workers Compensation Commission has been noted and reviewed in open session at Board meetings several times this year.

Closed Session Regarding (Claimant Issues #1):

Lynn Chapman 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 discussing claimant issues and 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 probable litigation. The motion was seconded by Susan Lucas, MD. The motion passed unanimously.

Lynn Chapman 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 #1):

Susan Lucas, MD, motioned to deny [REDACTED] request for payment of personal property taxes, however, the Board would have staff write a form letter for [REDACTED] to use to request assistance from the Board of Supervisors. Also, deny [REDACTED] request for additional van insurance fees due to it exceeds the Program benefit of \$500 which has already been paid to the claimant. Lynn Chapman seconded the motion, and it passed unanimously.

Closed Session Regarding (Claimant Issues #2):

Lynn Chapman 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 discussing claimant issues and 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 probable litigation. The motion was seconded by Lain O'Ferrall. The motion passed unanimously.

Lynn Chapman 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:

Dalal Salomon motioned to approve reimbursement to [REDACTED] for medically necessary equipment due to non-specific benefits under the guidelines. Lynn Chapman seconded the motion, and it passed unanimously.

Closed Session Regarding:

Lynn Chapman 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 discussing claimant issues and 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 probable litigation. The motion was seconded by Lain O'Ferrall. The motion passed unanimously.

Lynn Chapman 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:

No motion was necessary for the requests made from [REDACTED] on behalf of her son, [REDACTED] for medically necessary modifications to their Program van along with therapeutic lessons for driving. The Board directed staff to request letter of medical necessary for driving lessons.

Susan Lucas, MD, motioned to allow [REDACTED] to receive two visits to Dr. Gail Henry, Houston Chiropractic Neurology, in Houston, Texas, along with applicable customary rates for travel. A plan of care and/or evaluation after each session with a progress report must be submitted to Program staff. Lynn Chapman seconded the motion, and it passed unanimously.

Closed Session Regarding (Petition Report):

Lynn Chapman 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 current and ongoing litigation on pending petitions. The motion was seconded by Susan Lucas, MD. The motion passed unanimously.

Lynn Chapman 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, Director, briefed the Board on the recommendations of the Stakeholders meeting that wrapped up its discussions in September. He reviewed the recommendations of increasing revenues, stabilizing costs, and implementing actuarial methodology. He stated that he would be compiling a more detail report to be available to Board members shortly. The report would need to be discussed at length at the next scheduled Board meeting. David Keeler, claimant parent and parent representative at the Stakeholders Meeting, stated that he would be willing to share any information with the Board members and answer any questions they may have.

It was decided that the next Board meeting would be extended, beginning in the morning to allow discussion of the Stakeholders Report.

Adjournment:

A motion to adjourn was made by Lynn Chapman, Acting Chair. The motion was seconded and unanimously agreed to at 4:15 p.m.