

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for October 10, 2006
Richmond Sheraton West, Richmond, VA**

Attendees:

Melina Dee Perdue, RN, MBA, CNA, Chairperson
Lynn Chapman
Susan Lucas, MD, Ph.D.
McLain O'Ferrall
Jennifer Ogburn

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
Angela Conley, Executive Assistant
Carla Collins, Assistant Attorney General, Office of the Attorney General
Frank Ferguson, Deputy Attorney General, Office of the Attorney General
Bill McKelway, Richmond Times Dispatch

Jim Rorrer, Investment Consultant, CapGroup
Mark Ames, Family Participant
Missy Sutterfield, Family Participant

Call to Order:

Melina Dee Perdue, Chair, called the educational meeting to order at 10:00 a.m. to begin this special meeting of Education Session at the Sheraton Richmond West Hotel.

Special Presentations:

- James "Jim" Rorrer, Managing Director, Capital Advisory Group:
Mr. Rorrer gave an overview of how the Investment process functioned which included analyzing the Programs current Investment policy, identifying goals of the Program, reviewing various Investment funds and managers for the Program to select. Mr. Rorrer also reviewed the history of his organization with the Program.

- Carla Collins, Assistant Attorney General, Office of the Attorney General:
Mrs. Collins gave an overview of the Freedom of Information Act. She explained briefly some of the responsibilities of the Board to provide information to the public regarding scheduled Board meetings, types of meetings allowed, how to publish or have available Board minutes, how to handle a FOIA request and how to respond to it.

****The regularly monthly business meeting was called to order at 1:45 p.m.****

Minutes:

Melina Dee Perdue motioned to accept the September Board minutes. Susan Lucas seconded the motion and it passed unanimously.

Finance:

Candace Thomas reviewed the financial highlights that included Balance Sheet, Profit and Loss Report. Susan Lucas motioned to approve the September financial statements. Lynn Chapman seconded the motion and it passed unanimously.

Update:

- **Legislative Meetings:**

George Deebo updated the Board members that the legislative facilitators, Mark Rubin and Barbara Hulburt, were meeting with Providers and Insurance Companies for a second meeting today, October 10th. Another meeting is scheduled for October 24th with all stakeholders. The facilitators requested a Board member or two to try to attend. Susan Lucas, Lynn Chapman and Melina Dee Perdue, chair, tentatively have planned to attend.

- **General Assembly:**

George Deebo mentioned to the Board members that it was time again to hire a lobbyist for the 2007 General Assembly session. This process would be done by RFP.

Board Elections:

Melina Dee Perdue, Chair, recommended that Board Elections be tabled until November to allow all members to be present. Attending members agreed. In November, discussions and nominations would be taken for the positions of Chair and Vice-Chair. Melina Dee Perdue stated that if Board members had any comments to speak with her or George regarding the elections.

Finance Committee:

No report for the September Board meeting.

Investment Committee:

No report for the September Board meeting.

Closed Session Regarding Claimant Issues:

Melina Dee Perdue, 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 probably 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 the potential impact of litigation on future regulatory actions.

Closed Session Regarding Claimant Issues: (Continued)

Melina Dee Perdue, Chair, moved the adoption of the following resolution:

Whereas, the Virginia Birth-Related Neurological Injury Compensation 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 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.

Results of Closed Session:

Susan Lucas motioned for the Board to deny ██████████ request for additional insurance reimbursement because it exceeds the Program's allowable benefit for transportation insurance. Lynn Chapman seconded the motion and it passed unanimously.

No action was taken on the ██████ request for Intensive Therapy to allow for additional research to be completed by staff.

Closed Session Regarding Legal Advice:

Melina Dee Perdue, Chair, moved that the meeting convene in accordance with the provisions of Section 2.2-3711 (A)(7) of the Code of Virginia, I move 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 probably 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 the potential impact of litigation on future regulatory actions.

Melina Dee Perdue, Chair, moved the adoption of the following resolution:

Whereas, the Virginia Birth-Related Neurological Injury Compensation 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 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.

Other Business:

- Susan Lucas commented on minutes of September 7th, 2006, regarding the responsibility of contacting families that may be reconsidered for benefits under HB632. Dr. Lucas proposed that a letter be drafted to the Workers' Compensation Commission for them to contact the group of families (approximately 17) to be made aware of possible reviews of their petitions.

Dr. Lucas motioned that the proposed letter to the Workers' Compensation Commission be drafted by Melina Dee Perdue, Chair, and George Deebo, Executive Director. Lynn Chapman seconded the motion and it passed unanimously.

- Susan Lucas presented information researched regarding Intensive Therapy. Dr. Lucas found information through the University of Minnesota that Intensive Therapy maybe helping patients diagnosed with cerebral palsy and even stroke patients.

Melina Dee Perdue was pleased with the new information and asked George Deebo, Executive Director, to contact the University of Minnesota to obtain additional information, possibly including a standard of care policy.

- Susan Lucas asked to work on a project on her own time to find out more information on the birth weights of claimants being entered into the program along with other medical data. Members still in attendance, Melina Dee Perdue, Chair, and Lynn Chapman, agreed to the request.

Adjournment:

A motion to adjourn was made by Melina Dee Perdue, Chair, and unanimously agreed to at 3:30 p.m.