

**Virginia Birth Injury Program
Board of Director's Meeting
October 11, 2005**

Attendees:

Melina Dee Perdue, Chair
Willette "Bill" LeHew, Vice Chair
Lynn Chapman
Edward Mazur, CPA

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
Iris Allen, Claims Manager
Angela Conley, Executive Assistant
Jim Rorrer, CapGroup
Frank Ferguson, Deputy AG, OAG
Tom Kegley, Assistant AG, OAG
Bill McKelway, Richmond Times Dispatch

Call to Order:

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

Minutes:

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

Finance:

Candace Thomas reviewed the Balance Sheet, Profit and Loss, and financial highlights. She stated that dividends would begin appearing on the financial statements due to the new type of funds the Program were investing in.

Bill LeHew asked about the differences in participating hospitals. George Deebo stated that it was possible that the Program had dropped some hospitals but also added new ones. Melina Dee Perdue asked for an updated list of the participating hospitals for the next Board meeting.

A motion was made by Melina Dee Perdue and seconded by Lynn Chapman to approve the September financial statements. Motion carried unanimously.

Finance Committee:

Ed Mazur stated that staff was to ask the audit firm to have financial reports ending 12/31/05 to be finalized by April 2006. He also stated to ask if the field audit could be moved up a few weeks into February instead of the first two weeks in March.

Ed Mazur shared with the Board that the draft report of the Funding Study HR646 would be presented by Gary Burke at its November meeting.

Ed Mazur discussed the Analysis of Potential Program Changes presented to the Finance Committee by Rob Walling of Pinnacle Actuarial Resources, Inc. He reviewed the five recommendations that were presented to the committee at an earlier meeting. Ed Mazur asked Rob Walling to develop an analysis report for the Program using the 2005 financial numbers presented in the Audit report from Mercer.

Public Comment:

Bill McKelway, Richmond Times Dispatch, requested a copy of the Actuary Report even though it is only in draft. A copy of the Actuary Report was given to Bill McKelway at the earlier meeting of the Audit Committee. He also asked if the Program had the funds available to reimburse families for the cost incurred to copy medical records for their petition into the program.

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 Bill LeHew 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:

Ed Mazur motioned to give the [REDACTED] the allowable amount of \$1,000 per the guidelines for experimental therapy for their daughter, [REDACTED]. He stated if the [REDACTED] wanted additional treatments that the treatments must be with a credible study at a medical academic center providing positive data for said treatments. Bill LeHew seconded the motion and unanimously passed. Motion passed unanimously.

New Business:

Melina Dee Perdue stated that since only four Board members were present she preferred that the Board postpone elections until the next Board meeting. This was agreed to unanimously.

Ed Mazur reviewed proposed amendments to the current enabling legislation for the Program. He asked Board members to review the whole document for discussion at the next Board meeting.

Melina Dee Perdue made a motion to have staff communicate to the Virginia Retirement System the proposed amendments to the enabling legislation and share with the Program its comments/recommendations. Also, included in the motion was to communicate with the 3 Chairs of the Medical Panels and Mr. Larry Tarr, SCC with the proposed amendments for comment before the next Board meeting

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 by Bill LeHew, Vice-Chair, and unanimously agreed to at 3:10 p.m.