

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for October 12, 2010**

Attendees:

Gwen Taylor, Esq, MSW, Vice-Chair
Hope Cupit, CPA
Lain O'Ferrall
Jennifer Ogburn
Susan Riddick-Grisham, RN, BA
Scott Walters, Esq.

Also Present:

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

Call to Order:

Gwen Taylor, Vice-Chair, called the October Board meeting to order at 1:05 pm.

Introductions:

Board Members, Program staff and Carla Collins introduced themselves to Hope Cupit, new Board member. Board Members stated their name, and the type of seat held on the Board.

Minutes:

Lain O'Ferrall motioned to accept the September Board minutes. Scott Walters seconded the motion and it passed unanimously.

Finance:

Candace Thomas reviewed the September 2010 financials. The Program has 115 active claimants. The Program has approximately \$243 million in investments as of September 2010 compared to \$211 million in September 2009. Scott Walters asked why there was a difference on the Profit and Loss in Total Income versus Net Income. Candace Thomas stated that she would research the information and provide a response at the November Board meeting.

Investment:

Lain O'Ferrall stated that the Program had a gain of \$15 million in investment accounts. Due to computer problems, Cap Group was unable to provide the Monthly Performance Report (as of 9/30/10) to the Board. A Board member asked about the start of the alternative investments account. Lain O'Ferrall and Candace Thomas stated that the investment policy had to be

revised first which would need to take place in the next 30 days before the Hedge Fund account would be set up.

Public Comment:

None

Closed Session (Claimant Issue):

Jennifer Ogburn, 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 Scott Walters, and passed unanimously.

Jennifer Ogburn 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):

Scott Walters motioned for the Program Staff to request more information about medical necessity and an analysis of all equipment for claimant #1 [REDACTED]. Susan Riddick-Grisham seconded the motion.

Gwen Taylor, Vice-Chair, motioned to deny the request for pre-admission expenses for claimant #2 [REDACTED] because the request was outside Program Guidelines based on time of submission. Susan Riddick-Grisham seconded the motion.

Board Members extensively debated policy related to the Program's Family Caregivers benefit. Policy will be drafted reflecting the Board's decision for approval at the next scheduled Board meeting in November. At that time, Board will make a decision in pending issues before.

Executive Director's Report:

George Deebo stated that the State Corporation Commission (SCC) has been producing actuarial reports annually, however, notification received today (10/12/10) that the SEC will return to the legislatively allowed practice of producing the actuarial reports every other year.

Elections for Board Chair and Vice Chair will take place in November. Lain O'Ferrall volunteered to receive nominations for the open chair position. Elected Chair will start in January.

Dr. Robert Boyle was not reappointed to the Board, however, Board agreed to send Dr. Boyle a letter of gratitude for his service.

Adjournment:

A motion to adjourn was made by Gwen Taylor, Vice-Chair, at 3:45 pm. It passed unanimously.