

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for January 8, 2008**

Attendees:

Susan Lucas, MD, Ph.D., Chair
Laine O'Ferrall, Vice-Chair
Robert Boyle, MD
Jennifer Ogburn
Dalal Salomon
Ralph Shelman

Also Present:

George Deebo, Executive Director
Iris Allen, Claims Manager
Angela Conley, Executive Assistant
Carla Collins, Assistant Attorney General, Office of the Attorney General
Bill McKelway, Richmond Times Dispatch
Gwen Taylor, Workers' Compensation Commission
David Keeler
Sturgis Kidder

Call to Order:

Susan Lucas, Chair, called the January Board meeting to order at 1:03pm.

Minutes:

Laine O'Ferrall motioned to accept the December Board minutes. Bob Boyle seconded the motion and it passed unanimously.

Finance:

Financial reports for December were not available for the meeting due to the early meeting date. Upon completion of financial reports, Candace Thomas will email them to all Board members.

Investment:

Laine O'Ferrall stated that he had not received any updated reports as of yet for the fourth quarter. Mr. O'Ferrall did state to the Board that the stock market had been down so to expect decreases in the Program's profits.

Legislative Update:

George Deebo reported that he had not received a draft of the bills being proposed by Delegate Morgan or Senator Saslaw, which is not unusual, this early in the General Assembly session.

George Deebo stated that Delegate Kilgore's was submitting another bill that might affect the Program. This bill guarantees the right to in-person depositions rather than allowing the Workers' Compensation Commission to make the appropriate decision. Gwen Taylor of the Workers' Compensation Commission stated that she was not sure how the WCC would interpret the bill if passed.

Susan Lucas commented that the Board would need to re-examine the legislative proposal and would welcome comments from Program families via email. Recognized by the chair, Mr. Kidder stated that Delegate Morgan had stated that he wanted all parties (stakeholders) to come together with possibly creating two separate bills out of the proposed legislation.

Commenting on expected provisions in the Morgan legislation regarding payment of nurses and caregivers, Susan Lucas commented that the quality of care for professional services is the same for all types of payors (major insurance, Medicaid and self pay). Laine O'Ferrall asked why the Program could not hire its own nurses instead of going through an agency. George Deebo responded the idea had been examined in the past but found to be very difficult as well raise many logistical and legal problems.

Public Comment:

Sturgis Kidder, father of Andrew Kidder, requested that the Board reconsider his request to write a letter to the Workers' Compensation Commission to admit his son into the Program.

Bill McKelway, Richmond Times Dispatch, stated that he was unclear of the position of the Board in regards to the proposed legislation. Susan Lucas responded without having seen the legislation it is not possible for any position to be taken. Bill McKelway asked once the draft was available, would the Board affirm parts of the proposed legislation or all of the legislation. Ralph Shelman responded that the Board would review each segment of the proposed legislation and make any appropriate decisions. Laine O'Ferrall recommended that all parts of the proposed legislation should be voted upon by all Board members.

Closed Session Regarding (Legal):

Bob Boyle, MD, 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 goes 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. Susan Lucas seconded the motion and it passed unanimously.

Bob Boyle, MD, 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.

Director's Report:

George Deebo shared with the Board that a contract for the Program's new office space was in the works. Mr. Deebo will share more details as they become available.

Adjournment:

A motion to adjourn was made by Susan Lucas, Chair. The motion was seconded and unanimously agreed to at 2:55 p.m.