

**Virginia Birth-Related Neurological Injury Compensation Program**  
**Board of Director's Meeting**  
**Minutes for January 10, 2006**

**Attendees:**

Melina Dee Perdue, Chair  
Willette "Bill" LeHew, MD, Vice Chair  
Ed Mazur  
McLain O'Ferrall  
Jennifer Ogburn

**Also Present:**

George Deebo, Executive Director  
Candace Thomas, Deputy Director  
Iris Allen, Claims Manager  
Angela Conley, Executive Assistant  
Jim Rorrer, CapGroup  
Marshall Cook, Hirschler & Fleischer  
Paul Hoelschen, Hirschler & Fleischer  
Seth Ginther, Hirschler & Fleischer Consulting  
Frank Ferguson, Deputy Attorney General, OAG  
Carla Collins, Assistant Attorney General, OAG  
Bill McKelway, Richmond Times Dispatch  
Martinez, Gwendolyn and Yvonne Kelley

**Call to Order:**

Melina Dee Perdue, Chair, called the meeting to order at 1:05 p.m.

**Minutes:**

Bill LeHew, Vice Chair, motioned to accept the minutes of the December 2005 Board of Directors meeting. Melina Dee Perdue, Chair, seconded the motion and the motion passed unanimously.

**Finance:**

Candace Thomas distributed revised financial reports before reviewing the Balance Sheet, Profit and Loss, and financial highlights. Ed Mazur requested that Ms. Thomas do further research into the insurance fees, make a comparison of 2005 balance sheet to 2004, and make some other changes to the reports and submit amended 2005 year end reports at the February meeting.

Bill LeHew, Vice-Chair, made a motion to approve the December financial statements with discussed amendments. McLain O'Ferrall seconded the motion. Motion carried unanimously.

**Investment Committee:**

McLain O'Ferrall stated that the Program has a 1.5% return in the last month. Jim Rorrer of Cap Group concurred with McLain O'Ferrall that currently the market was strong and the Program's investments were doing well. He also cautioned the Board that short-term returns fluctuate and to consider the long term returns when evaluating investment performance.

**Public Comment:**

Bill McKelway, Richmond Times Dispatch, asked why the Program's unfunded liability was reported lower than shown in the Mercer 2004 report. George Deebo stated that the Program's revenues are higher at the beginning of the year since that is when the assessments are due. As the year goes on, the revenues are reduced with expenses of the Program and claimants.

Bill McKelway also asked why there were no proposed bills for funding going before the General Assembly? Melina Dee Perdue stated that the Board did not take a vote to proceed with a funding bill but to let the General Assembly be able to absorb the information presented. She also stated that the Board wanted to see what the patrons thought of the recommendations set before them. After reviewing the information, the Board would ask patrons which of the recommendations they liked the best or other options that could be looked at to assist the Program.

Bill McKelway also asked what was the cost of the funding study. George Deebo stated that he did not have an exact figure to give him but he thought the total study cost approximately between \$20,000 and \$30,000.

**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, Vice-Chair, and passed 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 extend mileage/gas reimbursement to the [REDACTED] [REDACTED] for transporting their daughter, [REDACTED] to and from school until Staff was able to speak with a representative of Chesterfield County School Transportation Department and possibly the Chesterfield County Attorney for alternatives to the transportation situation. Also Staff would need to request a more specific letter of medical necessity from [REDACTED] doctor detailing exactly why such transportation was medically necessary.

Bill LeHew, Vice-Chair, seconded the motion. Motion passed unanimously.

- Bill LeHew, Vice-Chair motioned that the Program provide the current housing benefit – modification of bedroom and bathroom, up to \$175,000, in accordance with the Program's current guidelines to [REDACTED]

McLain O'Ferrall seconded the motion and it passed unanimously.

### **New Business:**

Marshall Cook with Hirschler and Fleischer reviewed his findings regarding implementation of the wage benefit.

Mr. Cook highlighted the following three areas:

- § What would the amount of the wage be when the child reaches age 18? How is it calculated?
- § Who would get the payment for the claimant?
- § How would the payment affect the claimant in various areas?

### **Special:**

Ed Mazur excused himself to leave the meeting early to go to the General Assembly Building to speak with various legislators concerning the proposed funding study and legislative House Bills 416 and 417.

### **Executive Director's Report:**

George Deebo, Executive Director, stated that Seth Ginther, consultant with Hirschler and Fleischer Consulting, would be the Program's lobbyist for the 2006 General Assembly session. He also stated that an initial cap of \$25,000 had been set for the contract.

### **Adjournment:**

A motion to adjourn was made by Melina Dee Perdue, Chair, and seconded by Bill LeHew, Vice-Chair, and unanimously agreed to at 3:05 p.m.