

**Virginia Birth Injury Program  
Board of Director's Meeting  
Minutes for November 8, 2005**

**Attendees:**

Melina Dee Perdue, Chair (via telephone)  
Willette "Bill" LeHew, MD, Vice Chair  
Edward Mazur, CPA  
McLain O'Ferrall  
Jennifer Ogburn  
Ralph Shelman

**Also Present:**

George Deebo, Executive Director  
Candace Thomas, Deputy Director  
Iris Allen, Claims Manager  
Angela Conley, Executive Assistant  
Jim Rorrer, CapGroup  
Gary Burke, Consultant  
Frank Ferguson, Deputy Attorney General, OAG  
Carla Collins, Assistant Attorney General, OAG  
Bill McKelway, Richmond Times Dispatch

**Call to Order:**

Bill LeHew, Vice Chair, called the meeting to order at 1:15 p.m.

**Minutes:**

Ed Mazur motioned to accept the minutes of the October 2005 Board of Directors meeting.  
Ralph Shelman seconded the motion and the motion passed unanimously.

**Finance:**

Candace Thomas reviewed the Balance Sheet, Profit and Loss, and financial highlights. She informed the Board members that the Program has converted to accrual basis of accounting from the cash basis.

A motion was made by Ralph Shelman and seconded by Ed Mazur to approve the October financial statements. Motion carried unanimously.

### **Investment Committee:**

McLain O’Ferrall informed the Board that the Cap Group Quarterly Report would be distributed to each member in the next couple of weeks for review to be discussed at the next Board meeting.

Ed Mazur also inquired about relations with Sun Trust with regard to the physician assessment payments. George Deebo and Candace Thomas commented that the Program is regularly receiving electronic files from SunTrust and that the new vendor is doing very well.

Ed Mazur commented that he felt that the Investment Committee and Jim Rorrer with Cap Group had done a good job with transiting the Program funds from Merrill Lynch to SunTrust.

Melina Dee Perdue stated that some smaller hospitals did not participate because the bottom line figure can be severely affected. However, other larger hospitals that are not participating should be contacted to offer them information about the program and persuade them to participate.

### **Finance Committee:**

Ed Mazur shared with the Board that the Finance Committee had met with David Bolton, the Program’s CPA and highlighted the following: 1) Mr. Bolton will review yearly reports along with actuarial reports, and 2) a deadline of April 1<sup>st</sup> for final audit reports.

Ed Mazur also discussed the possible recommendations to eliminate the deficit of the Program and noted that Rob Walling of Pinnacle Actuarial Services is completing the final actuarial tabulations.

Gary Burke, consultant for the HJR 646 Funding Study, briefly spoke to the Board. The draft of his findings would be forthcoming for the Board members to review and approve. Ed Mazur stated that the next Board meeting might be longer to give ample time to review the draft document.

Melina Dee Perdue commented that George Deebo did a good job presenting the Program at the recent “Common Good – Medical Courts” meeting in Washington, DC. At the meeting, information was received about the Florida Program along with getting positive comments from Katie Webb with the Virginia Hospital Association regarding proposed legislation. George Deebo stated that he was trying to schedule a meeting with the Florida group along with Candace Thomas tentatively for December or January.

### **Public Comment:**

Bill McKelway, Richmond Times Dispatch, asked if a doctor is a participant in the Program and the hospital is not, what happens to the funds of the lawsuit in regards to the hospital? Melina Dee Perdue replied that the Program has a right of subrogation meaning it can ask the court for any monies awarded in such a situation.

**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:**

Melina Dee Perdue motioned to deny the request for an outside whirlpool for [REDACTED]. Bill LeHew seconded the motion and it passed unanimously.

Lain O'Ferrall motioned to deny additional benefit funds to assist the renovation of [REDACTED] home. Per the Program guidelines, the housing benefit is set at \$175,000 and the amount should not be altered. Bill LeHew seconded the motion and it passed unanimously.

**New Business:**

Ed Mazur motioned that the Board members re-elect Melina Dee Perdue as Chair and Willette "Bill" LeHew as Vice-Chair. Ralph Shelman seconded the motion. The motion passed unanimously.

George Deebo discussed the Regional Meetings that had been set up during the months of October and November. The only meeting to take place was in McLean (Northern Virginia). The other meetings were cancelled due to low participation. Ed Mazur commented that the families that attended the McLean meeting were receptive to proposals, especially the respite care. Ralph Shelman and Melina Dee Perdue stated that if any families had any concerns or problems that the staff was aware of and had wanted to attend the regional meeting then an invitation should be sent to them to attend a regularly scheduled Board meeting. George Deebo followed this comment by stating that the families who do have major concerns are met with individually and with the Board. .

**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). Ralph Shelman seconded the motion and passed unanimously.

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.