

**Virginia Birth-Related Neurological Injury Compensation Program  
Board of Director's Meeting  
Minutes for February 14, 2006**

**Attendees:**

Lynn Chapman, Acting Chair  
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  
Seth Ginther, Hirschler & Fleischer Consulting  
Carla Collins, Assistant Attorney General, OAG  
Bill McKelway, Richmond Times Dispatch

**Call to Order:**

Lynn Chapman, Acting Chair, called the meeting to order at 1:05 p.m.

**Minutes:**

Laine O'Ferrall, motioned to accept the minutes of the January 2006 Board of Directors meeting. Jennifer Ogburn seconded the motion and the motion passed unanimously.

**Finance:**

Candace Thomas reviewed highlights of Investments (list of funds), Profit and Lost Report, and Insurance Fees. Mrs. Thomas also stated that the legislative requirements for filing year end investment and financial results with the Virginia House of Delegates, Senate and Governor's office had been completed.

Lain O'Ferrall made a motion to approve the January financial statements. Ralph Shelman seconded the motion. Motion carried unanimously.

**Investment Committee:**

The Board members received the Market Review & Fund Performance Analysis with other material for the February Board meeting. Lain O'Ferrall asked if any Board members had any questions pertaining to the report. Mr. O'Ferrall stated the Program's funds were doing well and CapGroup was managing the accounts in a good manner. At this time, the Program is only involved in index funds. Lain O'Ferrall also stated that CapGroup would be merging and would be now known as Focus Financial Partners. This merger will have no impact on the Program's

funds or the way they are being managed. The merger would eventually provide more resources for the Program and even lead into International Funds.

Ralph Shelman motioned to accept the Investment Report of Lain O'Ferrall. Lynn seconded the motion. Motion carried unanimously.

Ralph Shelman commended Lain O'Ferrall for his leadership with his work on the Investment Committee.

### **Public Comment:**

Bill McKelway, Richmond Times Dispatch, asked if the home of a deceased claimant had been purchased by the parents? George Deebo stated ...that. Candace Thomas during the financial review stated that the sale of the Davis home had to be rebooked. Laine O'Ferrall stated that it seemed low and inquired about the sale amount. Candace Thomas stated that there was a loss of \$30,000. George Deebo commented that the loss was due to the economy of the Danville area.

Bill McKelway also asked if the Program had considered providing the home to another claimant family who were very poor and living in a shack? George Deebo noted that he would look at the situation.

### **Legislative Update**

Seth Ginther, lobbying consultant, updated the Board with the current legislation for the Board:

- House Bill 416 was being carried for the Program by Delegate Tata with an identical bill carried by Senator Watkins in the Senate. The purpose of House Bill 416 was to have the definition of birth injury to go back to the original scope of the 1989 legislation and update several other provisions of the Birth-Injury Act.. Due to the complexity of the bill and some opposition, the House carried it over to 2007.
  
- House Bill 417 was carried for the Program by Delegate Tata. The purpose of House Bill 417 was to remove provision requiring consultation and advice from the Virginia Retirement System and have Program decide on their own investment manager. It also would offer benefits of the Program's employees to receive VRS benefits and insurance options for employees through Local Choice. The second portion of the bill had to be removed because the House stated the bill could not have a dual purpose. Following the amendment, the bill was passed by the committee and sent to the House.
  
- Mr. Ginther stated that he would continue to work on the employee benefits piece. He encouraged Board members to come and speak to the Commerce and Labor Committee when the information was going to be presented. Mr. Ginther would notify George Deebo the date that it would be discussed.

Seth Ginther also noted that Senator Edwards had proposed a bill for claimants who had been denied entry into the Program a re-hearing if new medical evidence or medical technology could support the claimant's petition for benefits.

**Closed Session Regarding Claimant Issues:**

Lynn Chapman, Acting 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 Ralph Shelman, and passed unanimously passed.

Jennifer Ogburn 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:**

- Laine O'Ferrall motioned to temporarily extend mileage reimbursement to [REDACTED] [REDACTED] for transporting their daughter, [REDACTED], to and from school until the next meeting when the request would be reconsidered.

Ralph Shelman seconded the motion. Motion passed unanimously.

- Ralph Shelman motioned that the Program provide [REDACTED], on behalf of their son, with a wheelchair accessible minivan available under the current transportation benefit or the requested Turny Seat to be installed in their personal vehicle.

Jennifer Ogburn seconded the motion. Motion passed unanimously.

**Executive Director's Report:**

George Deebo, Executive Director, announced that two new claimants had entered the program.

**Adjournment:**

A motion to adjourn was made by Lynn Chapman, Acting Chair, and seconded by Ralph Shelman and unanimously agreed to at 3:15 p.m.