

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for January 18, 2011**

Attendees:

Susan Riddick-Grisham, RN, Vice-Chair
David Barrett
Lain O'Ferrall
Jennifer Ogburn
Gwen Taylor, Esq., MSW
J. Scott Walters, Esq.

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
Angela Conley, Claims Manager
Wes Russell, Office of the Attorney General
Carla Collins, Office of the Attorney General

Call to Order:

Susan Riddick-Grisham, RN, Vice-Chair, called the January Board meeting to order at 1:00 pm.

Introductions:

George Deebo, Executive Director, introduced Tanya Williams, new Administrative Assistant to the Board. Board Members and Assistant Attorney General Carla Collins introduced themselves to Tanya Williams and welcomed her to the Program.

Minutes:

Gwen Taylor motioned to accept the December Board minutes as amended. Scott Walters seconded the motion and it passed unanimously.

Finance:

Candace Thomas reviewed the December 2010 financials. The Program has 117 active claimants.

Investment:

The Program has approximately \$273 million in investments as of December 2010. Lain O'Ferrall stated that the Program investments had an 11.2% Rate of Return YTD.

Public Comment:

None.

Closed Session (Legal Advice):

Scott Walters 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 Lain O'Ferrall, and passed unanimously.

Scott Walters 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.

Closed Session:

Scott Walters 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 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 pending litigation. The motion was seconded by Lain O'Ferrall, and passed unanimously.

Scott Walters 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.

New Business:

George Deebo, Executive Director, informed the Board of the new employee health insurance plan and the need to assist employees with premium increases of 30 and 20 percent respectively over the last two years. He noted the premium increases were not based on individual usage but on overall market-wide insurer increases. The Board Members were appreciative of the information but determined it best to delegate the authority to make such decisions to the Program's Executive Director and directed that he exercise that delegated authority to make such decisions.

Adjournment:

A motion to adjourn was made by Susan Riddick-Grisham, RN, Vice-Chair, at 3:00 pm. It was seconded by Lain O'Ferrall, and passed unanimously.