

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for December 11, 2007**

Attendees:

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

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
Iris Allen, Claims Manager
Angela Conley, Executive Assistant
Carla Collins, Assistant Attorney General, Office of the Attorney General
Bill McKelway, Richmond Times Dispatch
Mark Ames
Sturgis Kidder

Call to Order:

Susan Lucas, Chair, called the December Board meeting to order at 1:05pm.

Minutes:

Laine O'Ferrall motioned to accept the November Board minutes. Ralph Shelman seconded the motion and it passed unanimously.

Finance:

Candace Thomas reviewed the financial highlights that included the Balance Sheet and the Profit and Loss Report. Mrs. Thomas noted that during November six new claimants were admitted into the Program, one of which was deceased. Laine O'Ferrall motioned to accept the November financial statements. Jennifer Ogburn seconded the motion and it passed unanimously.

Investment:

Laine O'Ferrall stated that the Investment Committee met on November 27th, 2007. As of today, the Program has \$216 million in investments. Our portfolios have an overall profit of 11%. The program investments are ranked in the top 7% of all institutional portfolios. Mr. O'Ferrall stated that overall the Program's investments were in a very good position.

Legislative Update:

George Deebo reported that he had been talking with representatives to possibly carry upcoming legislation based on the stakeholder meeting recommendations. However, he had nothing confirmed as to who would be interested in carrying the bill for the Program. He has spoken with Delegate Harvey Morgan and Senator Richard Saslaw about carrying the legislation, however currently there was no final commitment other than to have something drawn up by legislative services. The program should have more information in about 2 or 3 weeks.

George Deebo commented that the Program would be working with Morris and Morris as the lobbyists for the 2008 General Assembly.

Public Comment:

None.

Closed Session Regarding (Claimant Issue):

Lynn Chapman 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. Ralph Shelman seconded the motion and it passed unanimously.

Laine O’Ferrall 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.

Results of Closed Session (Claimant Issue):

Lynn Chapman motioned to deny the ██████ request for bathroom modifications due to previous use of the one-time housing benefit. Dalal Salomon seconded the motion, and it passed unanimously.

Ralph Shelman motioned to deny the ██████ request for prior years’ expenses for specialty therapist due to not meeting Program guidelines/regulations. Lynn Chapman seconded the motion, and it passed unanimously.

Open Discussion:

Laine O’Ferrall opened a discussion regarding adding a claimant parent to the Board as recommended in the Proposed Recommendations to reduce the Program deficit. Mr. O’Ferrall commented that he felt that adding a claimant parent to the Board would be a conflict of interest. It could cause the claimant parent to be under too much pressure and his/her decisions on claimant issues would be bias.

A discussion ensued regarding placing a claimant family member on the Board of Directors. It was noted that doing so may place such a person in a difficult position with other claimants. Additionally it was suggested that having such a member on the board might improve relations and communication between the Board and claimants. It also was stated that adding such a member might help claimants understand the process and responsibilities of the Board.

Adjournment:

A motion to adjourn was made by Susan Lucas, Chair. The motion was seconded and unanimously agreed to at 2:25 p.m.

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