

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for April 14, 2009**

Attendees:

Susan Lucas, MD, Ph.D., Chair
Lain O'Ferrall, Vice-Chair
Robert Boyle, MD
Jennifer Ogburn
Dalal Salomon
Ralph Shelman
Gwen Taylor, Esq, MSW

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
Angela Conley, Executive Assistant
Shirley Ricks, Legislative Affairs Coordinator
Carla Collins, Assistant Attorney General, Office of the Attorney General
Frank Ferguson, Deputy Attorney General, Office of the Attorney General

Call to Order:

Susan Lucas, Chair, called the April Board meeting to order at 1:10 pm. Susan Lucas, Chair, made general introductions for those who were present.

Minutes:

Carla Collins made a few minor suggestions to the minutes. Bob Boyle motioned to accept the suggested changes. Gwen Taylor seconded the motion and it passed unanimously. Gwen Taylor motioned to accept the March 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. Program has \$167 million in investments. There are currently 112 active children in the program. Ralph Shelman motioned to accept the March Financial reports. Jennifer Ogburn seconded the motion and it passed unanimously.

Investment:

Lain O'Ferrall handed out the Preliminary Performance Review as of March 31, 2009, to the Board. Laine O'Ferrall stated that the program funds had a realized loss of 3.5%.

Legislative Update:

Shirley Ricks, Legislative Affairs Coordinator, reported that she has made contact with several legislators to meet individually over the upcoming months to discuss legislative issues. Mrs. Ricks will keep the Board informed of the discussions.

Public Comment:

None.

Closed Session Regarding (Claimant)

Jennifer Ogburn 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 goes 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 and case updates to the Program's Guidelines. The motion was seconded by Ralph Shelman and passed unanimously.

Jennifer Ogburn 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):

Susan Lucas motioned that the Board pay up to \$500 as an allowance for additional heating per the housing request for [REDACTED] Lain O'Ferrall seconded the motion and it passed unanimously.

Susan Lucas motioned that the Board approve a combined payment of \$40,000 to cover Program allowances for bathroom remodeling, door replacement, and ramps for the home of [REDACTED] per the request of [REDACTED] Alternatively, the parents of the claimant may request an independent consultant to render an opinion, at the Program's expense, within 30 days, with a recommendation to the Board for a final decision on payment. Ralph Shelman seconded the motion and it passed unanimously.

Closed Session Regarding (Personnel Issue and Case Update)

Jennifer Ogburn moved that the meeting convene in accordance with the provisions of Section 2.2-3711 (A)(7) and 2.2-3711 (A)(1) of the Code of Virginia that the Board goes 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 a personnel matter pursuant to Virginia code §2.2-3711 (A) (1) and pending litigation. The motion was seconded by Susan Lucas and passed unanimously.

Jennifer Ogburn 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.

Director's Report:

George Deebo commented that Program staff would be sending out the new participant handbook over the next couple of weeks. Plan of Operation has been updated and will be sent to the SCC for approval in the next couple of weeks. Program staff has sent out the life expectancy questionnaires as required by new methodology. Many questionnaires have been received back. Program staff will then forward the forms to Dr. Robert Shavelle, Life Expectancy Project, for review.

Adjournment:

A motion to adjourn was made by Susan Lucas, Chair, at 3:30 pm. It passed unanimously.