

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for May 13, 2008**

Attendees:

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

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
Angela Conley, Executive Assistant
Carla Collins, Assistant Attorney General, Office of the Attorney General
Bill McKelway, Richmond Times Dispatch
Ted Arven
Luis and Roxanna Bustios
Sturgis Kidder

Call to Order:

Susan Lucas, Chair, called the May Board meeting to order at 1:00pm.

Minutes:

Lain O'Ferrall motioned to accept the April Board minutes. Jennifer Ogburn 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. Ralph Shelman motioned to accept the April financial statements. Lain O'Ferrall seconded the motion and it passed unanimously.

Investment:

Lain O'Ferrall reviewed the Investment Committee meeting that was held at 10:00 am prior to the Board meeting. For YTD, the Program's funds are down 1.3%. The first quarter was off to a slow start but the investments are increasing gradually. Mr. O'Ferrall commented that overall the Program's investments are in pretty good shape considering the market conditions. The summaries of the Program's investment will be posted to the website and performance reports will be forthcoming to the Board members.

Finance and Audit Committee:

Candace Thomas stated that the Program will be applying for the Government Finance Officers Association Certificate of Excellence in Financial reporting. Ralph Shelman commented that he wanted to thank Candace for a job well done on the Audit Report. Candace Thomas will have the 2007 Financial reports onto the website following the Board meeting.

Public Comment:

None

Claimant Issues: (Open Session)

Ted Arven, father of Cody Arven, addressed the board regarding reimbursement for providing care to their son Cody during the first four years of his life.

Luis Bustios addressed the board to allow his wife to be paid for caring for their daughter, Giuliana, for a portion of the hours currently provided by the nursing agency.

Closed Session Regarding (Claimant):

Susan Lucas, MD, Chairperson, 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 discussing claimant issues, 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.

Susan Lucas, MD, Chairperson 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, MD, motioned to table ██████████ request for reimbursement due to pending litigation and allow time for Board members to review documentation presented. Motion accepted by unanimous consent.

Susan Lucas, MD, motioned to deny ██████████ request for paying parent since under the current guidelines it is not a reimbursable benefit. Motion accepted by unanimous consent.

Susan Lucas, MD, motioned to deny [REDACTED] request for reimbursement for previous years experimental therapy. Motion accepted by unanimous consent.

Closed Session Regarding (Legal and Litigation)

Susan Lucas, MD, Chairperson, 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 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.

Susan Lucas, MD, Chairperson, 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.

Adjournment:

A motion to adjourn was made by Susan Lucas, Chair. The motion was seconded and unanimously agreed to at 2:50 p.m.