

**Virginia Birth-Related Neurological Injury Compensation Program  
Board of Director's Meeting  
Minutes for June 13, 2006**

**Attendees:**

Melina Dee Perdue, RN, MBA, CNA, Chairperson  
William "Bill" LeHew, MD, Vice-Chairperson  
Edward Mazur, CPA  
Lain O'Ferrall  
Jennifer Ogburn  
Ralph Shelman

**Also Present:**

George Deebo, Executive Director  
Candace Thomas, Deputy Director  
Angela Conley, Executive Assistant  
Carla Collins, Assistant Attorney General, OAG  
Marshall Cook, HF Consulting, LLC  
Bill McKelway, Richmond Times Dispatch  
Todd and Lee Ann Hershberger with son Joseph

**Call to Order:**

Bill LeHew, Vice-Chair, called the meeting to order at 1:20 p.m.

**Minutes:**

Ed Mazur presented changes to the May Board minutes under Finance for clarification. Melina Dee Perdue motioned to accept the minutes with the presented changes. Bill LeHew seconded the motion and it passed unanimously. Revised minutes will be sent to the Board members in the July Board packet.

**Finance:**

Candace Thomas reviewed the financial highlights that included Balance Sheet, Profit and Loss Report, and clarifications of transactions regarding the Rainier Large Cap Growth Investment. Candace Thomas pointed out that no hospital income was reported in May 2006 because the bulk of payments were received in December. Bill LeHew asked why the physician participation had increased? George Deebo stated that some insurance companies are requiring participation in the Program by the OBs they insure.

Lain O'Ferrall made a motion to approve the May financial statements. Motion carried unanimously.

**Finance Committee:**

No report for the June Board meeting.

**Investment Committee:**

Lain O'Ferrall notified the Board members that the Investment Committee had met with Jim Rorrer and Nick Zizzo, Investment Consultants with Cap Group, earlier in the morning and had decided on two managers for the International Equity Market. The Investment Committee chose Harbor Funds (value manager) and Artisan Funds (growth manager). In addition, the committee chose State Street global Advisors as manager for Emerging Markets investments. The Investment Committee will continue with their selection process at their next scheduled meeting on Tuesday, August 8<sup>th</sup>, 2006 at 9:00 am to select Small Cap and Bond managers.

**Legislative Update:**

Marshall Cook, consultant with HF Consulting, was present to update the Board on actions that had been taken to advance the long term financial stability of the Program. Marshall Cook stated that meetings had been held individually with stakeholders as well as an introductory meeting with other groups of interest. A meeting held on June 7<sup>th</sup>, 2006, at the Medical Society of Virginia closed with more issues raised but with stakeholders eager to work on the Funding Study at their next scheduled meeting on June 20<sup>th</sup>, 2006. The goal that Marshall Cook is working towards is to have something for the Board to consider for the General Assembly by the end of the summer. In his closing remarks, Marshall Cook told Board members that they could contact him directly with any questions regarding the legislative meetings and he would be present at future Board meetings during the summer to update the members of his progress.

George Deebo stated that staff would send out letters to families of the Program to invite them to participate in upcoming meetings either in person or by conference call. Ralph Shelman stated that he would encourage the continuation of the involvement of the families with these legislative meetings.

**Other:**

Todd and Lee Ann Hershberger along with their son, Joseph, new claimants to the program, were present to address several questions regarding program benefits and the process of the funding study.

**Closed Session Regarding Claimant Issues and Legal Advice:**

Melina Dee Perdue, Chair, moved that the meeting convene in a closed session to discuss legal issues pursuant to the exemption at 2.2-3705 (this references §38.2-5002.2). The motion was seconded and 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 agreed.

### **Results of Closed Session:**

Ed Mazur motioned that the [REDACTED] request for reimbursement for expenditures for conductive education prior to the Program allowing payment for such expenditures be denied because it falls under discretionary benefits and does not qualify for reimbursement. Bill LeHew seconded the motion and it passed unanimously.

Ed Mazur motioned that the [REDACTED] request for rental assistance prior to entering the Program be declined. It is the position of the Program that this is a discretionary benefit and does not qualify for reimbursement. Bill LeHew seconded the motion and it passed unanimously.

Ed Mazur motioned to that [REDACTED] request to receive compensation for childcare provided by family members for her son from 1989-2000 be denied because it is not a Program benefit and it falls under discretionary benefits. Ralph Shelman seconded the motion and it passed unanimously.

Ed Mazur motioned [REDACTED] request for reimbursement of diapers for her son Tommy prior to his admittance into the Program be denied because these items could have been received through another source, Medicaid, and the Program is the payer of last resort. Bill LeHew seconded the motion and it passed unanimously.

Lain O'Ferrall motioned to request additional information from [REDACTED] doctor regarding the medical necessity of the presence of a nurse at the conductive education sessions. Upon receipt of this letter, the Board would re-examine the Bustios' request at the next scheduled Board meeting. Ralph Shelman seconded the motion and it passed unanimously.

### **Executive Director's Report:**

George Deebo, Executive Director, commented that Program Handbooks had been provided to the Board members with their July Board packet. He asked each Board member to read, review and make any suggestions or changes to the Program handbook within the next two weeks.

George Deebo reminded members that the July Board meeting would consist of a training session and a regular Board meeting. The meeting will be held at the Sheraton Richmond West Hotel on July 11<sup>th</sup>, 2006. Guest speakers for the July Board meeting will be Jim Rorrer, Investment Consultant with Cap Group and members of the Office of the Attorney General.

George Deebo reminded members that Bill LeHew, Lain O'Ferrall and Ralph Shelman were up for re-appointment by the Governor. Their three year term ends on June 30<sup>th</sup>, 2006.

There, also, will be no August Board Meeting.

**Continued Business:**

George Deebo presented a revised draft of the *Conductive Education Therapy Draft Policy* which included changes from Board members from the May Board meeting. The Board members discussed at length that more research needs to be conducted in regards to conductive education therapy to find where clinical research has been performed and documented with positive results. Board members asked that section L be reworded for clarity. Members also agreed that when the policy is put into affect that the policy should be reviewed annually.

Ralph Shelman motioned to accept the draft policy of Conductive Education Therapy only as an administrative policy to be used in accordance with the operation of the Program until more definite information and research could be made available. Ed Mazur seconded the motion and it passed unanimously.

**Adjournment:**

A motion to adjourn was made by Melina Dee Perdue, Chair, and unanimously agreed to at 4:35 p.m.