

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for July 8, 2008**

Attendees:

Susan Lucas, MD, Ph.D., Chair
Lain O'Ferrall, Vice-Chair
Robert "Bob" Boyle, MD
Lynn Chapman
Jennifer Ogburn
Dalal Salomon

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
Angela Conley, Executive Assistant
Carla Collins, Assistant Attorney General, Office of the Attorney General
Francis Fox
Sturgis Kidder

Call to Order:

Susan Lucas, Chair, called the June Board meeting to order at 1:00 pm. Introductions were made for those present.

Minutes:

Lynn Chapman motioned to accept the June Board minutes. Susan Lucas 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. Candace Thomas stated that the Program had \$205 million in investments and there are currently 110 active children in the program. Lynn Chapman motioned to accept the May Financial reports. Bob Boyle seconded the motion and it passed unanimously.

Investment:

The Board was presented an Interim Performance Review emailed by Jim Rorrer with CapGroup. The review showed that the Program's investments were down by 5.7% YTD as of June 30th, 2008.

Public Comment:

Francis Fox, grandmother of Britney Fox, was present to observe the Board meeting process.

Sturgus Kidder, father of Andrew Kidder, commented to the Board that he had questions regarding the proposed paying of parents as caregivers. The proposed guidelines for paying of parents comment period is due to expire around the next Board meeting. Mr. Kidder felt that families should be given the opportunity to address questions and/or concerns at the next Board meeting therefore adjusting the review period from 60 to 90 days. George Deebo commented that it would be okay to extend the comment period of time. Mr. Deebo suggested having a longer September Board meeting to allow parents to present questions or comments regarding the proposals to the Board.

Susan Lucas, MD, wanted to clarify a discussion at the Board's June meeting that occurred during closed session regarding Intensive Physical Therapy. Intensive Physical Therapy has been taken out of experimental therapy and will follow normal Program requirements.

Claimant Issues:

None.

Closed Session Regarding (Guidelines)

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 and legal advice regarding potential revisions to the Program's Guidelines. The motion was seconded by Lynn Chapman and passed unanimously.

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 (Guidelines):

Susan Lucas, MD, motioned to adopt minor proposed modifications to the proposed guidelines Jennifer Ogburn seconded the motion and it passed unanimously.

Susan Lucas, MD, motioned to extend the public comment period until September 15th, 2008 for families. Lynn Chapman seconded the motion and it passed unanimously.

Closed Session Regarding (Case Updates)

Susan Lucas, MD, Chairperson, moved that the meeting convene in accordance with the applicable provisions 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. The motion was seconded by Bob Boyle and passed unanimously.

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 2:55 p.m.