

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for July 10, 2007**

Attendees:

Ralph Shelman, Chair
Lynn Chapman
Susan Lucas, MD, Ph.D.
Jennifer Ogburn
Dalal Salomon

Also Present:

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

Call to Order:

Ralph Shelman, Chairperson, called the meeting to order at 1:10pm.

Minutes:

Lynn Chapman motioned to accept the June Board minutes with recommended corrections mentioned by Carla Collins. Susan Lucas, MD, 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 added a key on the Profit and Loss Report for a few accounts where Board members in previous months had made inquiries. A new spreadsheet was added to capture the Investment Manager Fees from January to June 2007. Dalal Salomon commented that there were other fees that the Program was paying that are not seen on the financial reports. Candace Thomas will contact Jim Rorrer with CapGroup to inquiry about these other fees.

Susan Lucas, MD, motioned to accept the June financial statements. Lynn Chapman seconded the motion and it passed unanimously.

Investment:

No report for the July meeting.

Legislative Update:

George Deebo, Executive Director, informed the Board that proposals were forthcoming from the next Stakeholders meeting that would be held on Thursday, July 12th, 2007.

Susan Lucas, MD, commented that Mark Rubin, facilitator, was doing a good job with leading the meetings.

Closed Session Regarding Legal:

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 go 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 discussion of duplicate payments for DME. The motion was seconded by Susan Lucas, MD. The motion passed unanimously.

Lynn Chapman 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 (Legal):

Ralph Shelman, Chair, commented that in response to Sturgis Kidder, the Board has agreed to move forward utilizing the current process as set by the Virginia Workers' Compensation Commission.

Closed Session Regarding (Petition Report):

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 go 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 discussion of current and ongoing litigation on pending petitions. The motion was seconded by Susan Lucas, MD. The motion passed unanimously.

Lynn Chapman 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.

Old Business:

In the absence of Lain O'Ferrall, the discussion of paying families for care would be tabled until the September Board meeting.

Public Comment:

Bill McKelway, Richmond Times Dispatch, per the audit report, the number of deceased claimants admitted into the Program had increased a great deal from 2004 to 2006. He wanted to know if the numbers contained claimants who were already deceased when awarded into the program. Candace Thomas responded that the number included both claimants who were deceased when admitted into the Program and those claimants who died after being in the Program for a period of time. In 2006, two claimants died, both of which had been in the Program for at least five years or more.

Bill McKelway, Richmond Times Dispatch, asked why assumptions differed from actual audit report. Candace Thomas commented that from year to year the assumptions are more defined.

Sturgis Kidder, father of Andrew Kidder petitioning claimant, commented regarding the role of the Attorney General's office in representing the Program.

Bill McKelway, Richmond Times Dispatch, asked how many claimants had reapplied under bill 632 and if the program had tried to contact any claimants that they could reapply. George Deebo commented that four claimants had reapplied and the Program had not contacted any claimants in that regard.

Bill McKelway, asked why a former medical expert Dr. McGivor was no longer being used as a medical expert as he had been under the leadership of the former Program director. Carla Collins commented that his opinions were still a part of the file. Medical documentation cannot be removed once it has been presented with or for a petition.

Adjournment:

A motion to adjourn was made by Ralph Shelman, Chair. The motion was seconded by Susan Lucas, MD, and unanimously agreed to at 3:50 p.m.