

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Special Meeting – Holiday Inn Koger Center Select
Minutes for September 9, 2008**

Attendees:

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

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
Sturgis Kidder
Kimberly Nelson
Ann Jones, attorney, Jones & Rostant, PC
Bill McKelway, Richmond Times Dispatch

Call to Order (Public Session):

Susan Lucas, Chair, called the Special September Board meeting to order at 10:05 am. Introductions were made for those present. Dr. Lucas made a brief statement to those present to open the public session of the meeting.

Public Session (10:00am to 12:00pm)

During the public session, Sturgis Kidder, Ann Jones and Kimberly Nelson expressed their thoughts on the revised Program Guidelines. Items that were discussed were nursing, family caregiver benefit, therapy, program van allowances, housing, medical insurance, experimental treatment and therapy, and appeal time frame for disagreements.

Call to Order (Regular Meeting)

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

Minutes:

Susan Lucas motioned to accept the July Board minutes. Lynn Chapman 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 \$198.5 million in investments and there are currently 110 active children in the program. Lynn Chapman motioned to accept the August Financial reports. Lain O’Ferrall seconded the motion and it passed unanimously.

Investment:

Lain O’Ferrall presented an Interim Performance Review as of August 31st, 2008. The review showed that the Program’s investments were down by 7% YTD. Lain O’Ferrall stated that market was in turmoil but overall our investments were still in good standing. He stated that along with the stocks being down the bonds were also showing decreases which, in this market, is unusual.

Public Comment:

None.

Claimant Issues:

Sturgis Kidder requested a van with a freedom seat for his son, Andrew. Andrew is unable to sit in the wheelchair during trips and cannot sit in a regular seat either. The wheelchair does need to be transported in the van and a wheelchair lift for the back of the van is required. Mr. Kidder does have a doctor’s request for this specific seat for the van.

Closed Session Regarding (Claimant and Guidelines)

Jennifer Ogburn 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 claimant requests and potential revisions to the Program’s Guidelines. The motion was seconded by Lynn Chapman 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):

Lain O'Ferrall motioned to provide [REDACTED] with a freedom seat along with the program van. Bob Boyle seconded the motion and it passed unanimously.

Results of Closed Session (Guidelines):

Susan Lucas, chair, motioned to table [REDACTED] request of reimbursement for therapy expenses in 2005 until the October Board meeting to have a chance to review additional information presented by Mr. Bustios. Lain O'Ferrall seconded the motion and it passed unanimously.

Adjournment:

A motion to adjourn was made by Susan Lucas, Chair, at 3:10pm. Lynn Chapman seconded the motion and it passed unanimously.