

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for September 12, 2007**

Attendees:

Ralph Shelman, Chair
Lynn Chapman
Robert Doyle, MD
Susan Lucas, MD, Ph.D.
Laine O'Ferrall
Jennifer Ogburn
Dalal Salomon

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
Iris Allen, Claims Manager
Carla Collins, Assistant Attorney General, Office of the Attorney General
Frank Ferguson, Deputy Assistant Attorney General, Office of the Attorney General
Gwen Taylor, Virginia Workers Compensation Commission
Bill McKelway, Richmond Times Dispatch
Mahesh, Vanita and Anjali Patel

Call to Order:

Ralph Shelman, Chairperson, called the meeting to order at 1:00pm.

Minutes:

Ralph Shelman motioned for minutes to be accepted. Carla Collins requested minor changes to pages 3. A motion was made by Susan Lucas to accept the July minutes with the proposed revisions. 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. She also noted the Program is now paying the wage benefit to qualifying claimants. Lynn Chapman asked if this was the wage they would have earned if they could have been working. George Deebo responded with an explanation of how the wage benefit was formulated per the Birth-Injury Act. Laine O'Ferrall motioned to accept the August financial statements. It was seconded by Susan Lucas and it passed unanimously.

Investment:

Laine O'Ferrall announced that an investment meeting was held on September 12th, 2007, at 10:00 am. The committee's discussion ended with no new changes being made to the portfolio.

He noted that even in the downturn occurring in the second quarter of 2007 the Program only lost \$36,000 in a 193 million dollar portfolio. Lynn Chapman motioned to accept the Investment Report. It was seconded by Susan Lucas and it passed unanimously.

Ralph Shelman, Chair, commented that he was grateful for Dalal Salomon and Laine O'Ferrall for being on the investment committee and that they were doing an excellent job.

Closed Session Regarding (Claimant Issues/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 discussing claimant issues and 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. 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 (Claimant Issues/Legal):

Susan Lucas motioned to apply the use of the Conductive and Intensive Therapy Policy to ██████████ request for additional caregivers for therapy purposes for his daughter, ██████████ Robert Boyle, seconded the motion and it passed unanimously.

Lynn Chapman motioned to reimburse ██████████, for nursing care for her son, Tommy, because no other source of care was available. This type of reimbursement must be verified by staff prior to processing reimbursement to family. Susan Lucas, MD, seconded the motion and it passed unanimously.

Laine O'Ferrall motioned to deny ██████████ request for additional van insurance for her daughter, Chloe, because the guidelines do not provide for additional insurance coverage. Lynn Chapman seconded, and it was unanimously approved.

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:

Based on information from the Stakeholders meeting, the Board has decided to wait on making a decision to pay parents for caring for their child. Members of the Stakeholders meeting will be proposing a plan of action that will include possible legislation for paying parents. If proposed legislation passes, the Program can begin paying parents as early as March 2008, once an hourly rate has been established.

Executive Director's Report:

George Deebo, Director, commented that the Program is considering new office space at "The Boulders" and if it works out would move by January 2008. This move will provide more office space and a larger conference room at nearly the same cost as the current space.

George Deebo, Director, Susan Lucas, Ralph Shelman and other members of the Stakeholders meeting are working on a draft of the proposed plan. Part of the proposed plan is to expand the Board with replacing an investment member with a finance member, and the disabled parent with a parent of a program claimant.

Public Comment:

None.

Adjournment:

A motion to adjourn was made by Ralph Shelman, Chair. The motion was seconded and unanimously agreed to at 3:40 p.m.