

# **VIRGINIA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION PROGRAM**

## **BOARD MEETING**

### **MINUTES**

November 11, 2003

### **MEMBERS PRESENT**

Melina Dee Perdue, R.N., MBA, CNA, Chair  
Cynthia E. Berry, Esq., Vice Chair  
Ralph Shelman  
James Ritchie  
McLain O'Ferrall  
Willette LeHew, M.D.

### **ALSO PRESENT**

George Deebo, Executive Director  
Sharon Payne, Deputy Director  
Heather Brunner, Administrative Assistant  
Melissa Ainsworth  
David Keeler  
Christine and Keith West  
Michael Hunt  
Frank Ferguson, Office of the Attorney General  
Bill McElway, Richmond Times-Dispatch

### **CALL TO ORDER**

Chair, Melina Perdue, called the meeting to order at 3:10 p.m. and introductions were made.

### **APPROVAL OF MINUTES**

The October 14, 2003 minutes were reviewed. Cynthia Berry made a motion to approve the minutes. Jim Ritchie seconded the motion and the minutes were unanimously approved.

### **ADMINISTRATIVE**

Financial statements, profit and loss and balance sheets as of October 31, 2003 were provided to the Board. The Board reviewed the financial reports. George Deebo noted that the nursing/home care expenses were significant because of back invoices that were processed.

Ralph Shelman made a motion to accept and enter into record the October 2003 financial report. McLain O'Ferrall seconded the motion and it was unanimously approved.

### **PUBLIC COMMENT**

There were no public comments.

George Deebo reminded the Board to finalize changes to the draft-Guidelines and give them to him for changes.

The Board discussed the housing policy for submission to the General Assembly. Ralph Shelman moved to redraft the Guidelines to include a provision that the Program will reimburse the claimant family for moving expenses and the difference in rent between a typical apartment and an ADA accessible apartment to meet the medical necessities of the claimant. Also, the Program will seek council on the wording to address affecting the family's (as a whole) standard of living. McLain O'Ferrall seconded the motion and the motion was unanimously approved. George Deebo will email the draft with changes to the Board.

The Board discussed the housing policy for duplicate benefits especially in a case where parents have divorced and there is joint custody of the claimant child. Sharon Payne said the Program does not provide duplicate equipment in a case where a parent/guardian has sole custody of the claimant child. Copies of Frank Ferguson's analysis of the question were provided to the Board. The Board discussed a \$10,000 limit on duplicate equipment if it is not portable. The Board discussed having the Program provide duplicate equipment in a case where the Program did not purchase the initial equipment. James Ritchie moved that the Program will not pay for duplicate medically necessary equipment for divorced parents/guardians. McLain O'Ferrall seconded the motion and it was unanimously approved.

The Board discussed the Actuarial Report. George Deebo will provide copies of the physician fee study to the Board and ask for comments. George Deebo summarized the draft-study and said there were three remedies: a fee per birth plus a base, a flat fee per child or ask the legislature for a dollar for dollar discount to the physicians rather than a percentage discount.

Cynthia Berry made a motion that the Program contact Rob Walling at Pinnacle Actuaries to provide an analysis of the financial impact of five items: mandatory participation of all physicians, hospitals and insurers, removal of the \$100,000 payout to families whose child dies within the first six months, amended statute to exclude premature babies, and removal/amended provisions for legal fees paid to families who are not admitted to the Program. James Ritchie seconded the motion and it was unanimously approved.

George Deebo provided an oral Executive Director's Report. George Deebo and Sharon Payne noted that the workshop in Northern Virginia given by Dr. Naseef on Special Families, Special Children was a success. There was positive feedback from the families. Board members were given complimentary copies of Dr. Naseef's book. George Deebo said the Program will consider holding the workshop in the Roanoke area.

#### **CLOSED SESSION**

James Ritchie moved that the meeting convene in a closed session to discuss claimant issues pursuant to the exemption at 2.2-3705. (This references 38.2-5002.2) Ralph Shelman seconded the motion and the Board unanimously agreed.

Melina Perdue called for 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. So moved by Cynthia E. Berry, Esq.. The motion was polled and unanimously agreed.

#### **RESULTS FROM THE CLOSED SESSION**

Ralph Shelman made a motion that the Program will pay for water damage repair and a commode for [REDACTED] and will not pay for a new tub and plumbing. The motion was seconded and the Board unanimously agreed.

James Ritchie made a motion that the Program deny [REDACTED] request for the Program to compensate her for staying home to care for [REDACTED]. McLain O'Ferrall seconded the motion and the Board unanimously agreed. Ralph Shelman suggested that the [REDACTED] contact the Center for Independent Living in their area to see if the Center can give information about personal care attendant services.

Dr. LeHew made a motion to deny the [REDACTED] request for the Program to buy a new van for [REDACTED] and allow their vehicle insurance company to handle the claim. The motion was seconded and unanimously agreed.

#### **OTHER BUSINESS**

McLain O'Ferrall said the Board should spend some time revisiting the quarterly reports provided by Merrill Lynch. Merrill Lynch is scheduled to present at the January meeting. George said he will check into moving the presentation to December. It was also suggested that a financial committee be formed from members of the Board to oversee the Merrill Lynch reports.

#### **ADJOURNMENT**

A motion to adjourn was made, seconded. The motion passed. The meeting was adjourned.