

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for May 19, 2010**

Attendees:

Robert Boyle, MD, Chair
Gwen Taylor, Esq, MSW, Vice-Chair
Lain O'Ferrall
Jennifer Ogburn
Susan Riddick-Grisham, RN, LCP
Scott Walters, Esq.

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
Angela Conley, Claims Manager
Linda Chenoweth, Legislative Coordinator
Wes Russell, Office of the Attorney General
Carla Collins, Office of the Attorney General

Phil Morris, Morris and Morris Attorneys at Law
Matt Green, Morris and Morris Attorneys at Law

Call to Order:

Bob Boyle, Chair, called the May Board meeting to order at 1:05 pm.

Minutes:

Minor corrections recommended by Carla Collins. Scott Walters motioned to accept the recommended changes and approve the March Board minutes. Gwen Taylor seconded the motion and it passed unanimously.

Finance:

Candace Thomas reviewed the April 2010 (March 2010 provided) financial reports. Lain O'Ferrall motioned to accept the financial reports. Susan Grisham seconded the motion and it passed unanimously.

Investment:

Lain O'Ferrall stated that there had been little movement so far for the 3rd quarter. The next Investment Committee will be on Tuesday, June 8th, 2010, at 11:30am prior to the June Board meeting.

Legislative:

Linda Chenoweth provided a two-page summary of the proposed Health Care Reform for Board members to review.

Public Comment:

None

Old Business (Continued):

George Deebo noted the completion of the public comment period regarding draft revisions to the Program Guidelines concerning conductive education and experimental therapy. No comments were received.

Bob Boyle motioned to accept the recommended changes for conductive education therapy to the Program Guidelines. Lain O’Ferrall seconded the motion and it passed unanimously.

Closed Session Regarding (Personnel):

Jennifer Ogburn moved that the meeting convene in accordance with the provisions of Section 2.2-3711 (A)(7) and 2.2-3711 (A)(1) 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 personnel matters 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 pursuant to Virginia Code § 2.2-3711 (A)(1). The motion was seconded by Scott Walters 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.

Carla Collins was not present for this closed session.

Closed Session (Claimant Issue)

Scott Walters moved that the meeting convene in accordance with the provisions of Section 2.2-3711 (A)(7) and 2.2-3705.5 (16) 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 records the Virginia Birth-Related Neurological Injury Compensation Program is required to keep confidential pursuant to Virginia Code Section §38.2-5002.2; more specifically, records concerning the deliberations of the Board of Directors in connection with specific claims, as prevented from being disclosed by

Virginia Code Section §38.2-5002.2 (iii). The motion was seconded by Jennifer Ogburn and passed unanimously.

Scott Walters 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):

Bob Boyle made a motion to authorize staff to reimburse ██████████ for family caregiver services. The motion was seconded by Lain O'Ferrall. The vote was 5 for the motion and 1 opposed the motion.

Bob Boyle made a motion to authorize purchase request of handicapped accessible van for ██████████ based on medical necessity. The motion was seconded by Jennifer Ogburn, and it passed unanimously.

Executive Director's Report:

George Deebo stated that he had spoken to the Governor's Office in regards to the Board membership nominations, and we should have the results in about 2 weeks.

General Comments:

Gwen Taylor asked if any actions had been taken to follow-up to the report of Steve Walls presented in January during her absence. George Deebo stated that the Audit Committee has been reviewing the recommendations and after the Audit Committee meets in June information will be provided to the Board.

Adjournment:

A motion to adjourn was made by Bob Boyle, Chair, at 3:40 pm. It passed unanimously.