

**Virginia Birth Injury Program
Board of Director's Meeting
December 14, 2004**

Attendees:

Melina Dee Perdue, Chair
Lynn Chapman
McLain O'Ferrall
Willette Lahew, MD
Ralph Shelman
Ed Maziur, CPA

Also Present:

George Deebo, Executive Director
Jessica Stuart, Claims Manager
Candace Thomas, Deputy Director
Frank Ferguson, Office of the Attorney General
Christine West
Keith McLamb
Bill McKelway, Richmond Times Dispatch
Ann Jones, Jones & Rostant
Donna Rostant, Jones & Rostant

Call to Order:

The meeting was called to order by Melina Perdue at 1:00 p. m.

Minutes:

The minutes of the October meeting were reviewed and accepted as presented with the changes . The November minutes were reviewed and accepted as presented.

Finance:

Mr. O'Ferrall motioned that the board hire CapGroup as our investment consultant to start as soon as possible with a three-year contract. Mr. Shelman seconded the motion. The motion passed unanimously. George Deebo will work with the Attorney General's office on the contract. Candace Thomas will work on the CapGroup questionnaire.

Candace Thomas was introduced as the new Deputy Director. She presented the Profit and Loss Sheet as well as the Balance Sheet. Assets increased due to the collection of assessments for 2005.. The claims reserve numbers will be addressed at the next meeting.

Ed Mazur advised that he conferenced with David Bolton and the 2003 restatement would be made available over the next several days. Once they are finalized they will be sent out by the next Board meeting.

At this time the rest of the financial update was delayed until the end of the meeting.

Public Comments:

Bill McKelway asked for clarification on the consultants, which other firms were considered and if the fees were all inclusive.

Ann Jones expressed interest in the legislative changes. She stated she was not satisfied with being “at war” with the Fund and wanted to discuss her criticisms of the Program. George addressed several issues of concern for Ms. Jones. Frank Ferguson further clarified the situation to the Board. Key issues of discrepancy included timing of responses during the petition process and claimant attorney’s fees.

Closed Session:

Mr. O’Ferrall 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). Bill LeHew seconded the motion.

Mr. O’Ferrall made 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. Bill leHew seconded the motion. The motion was polled and unanimously agreed.

Results From The Closed Session:

Mr. Mazur made the following motion to grant the [REDACTED] housing request: A motion to provide a housing subsidy of \$108,000 to the mother of the participant child [REDACTED] [REDACTED] to permit the modification of housing arrangements suitable to meet the day-to-day functioning and special physical needs of the participant child, with this sum to be provided under a written memorandum of agreement between the Program and the mother ([REDACTED] as to the timing and transfer of program funds for this approved purpose. The decision involved was in consideration of costs presented by our Construction Manager and the Board’s conclusion that the sum requested was reasonably equivalent to the projected cost of modifying and adding to the [REDACTED] current home. Bill LeHew seconded the motion. Motion passed.

Finance resumed:

Ed Mazur presented a “Resolution to establish a policy objective regarding funding of the Birth-Related Injury Fund”. He also asked to take into consideration his resolution to pursue the legislative package. Mr. LeHew moved to approve and Mr. O’Ferrall seconded. Motion passed.

Director's Report:

George Deebo discussed possible changes to legislation as presented to Delegate Tata regarding the timing issue and birth weight. Ed moved to submit and Bill seconded. Motion passed.

Miscellaneous:

Ed presented his personal report from the Northern Virginia Regional Claimant's Meeting. Staff will provide comments on his report for the next meeting. He also asked that the Board read over and submit recommendations. Melina offered to do the same, as she was present at the Roanoke meeting.

Adjournment:

There being no further business the meeting was adjourned at 4:00 p. m.