

**Virginia Birth-Related Neurological Injury Compensation Program  
Board of Director's Meeting  
Minutes for March 8, 2011**

**Attendees:**

Susan J. Lucas, MD, PhD, Chair  
David Barrett  
Hope F. Cupit, CPA  
McLain O'Ferrall  
Jennifer Ogburn  
John W. Seeds, MD  
Gwen Taylor, Esq., MSW  
J. Scott Walters, Esq.

**Also Present:**

George Deebo, Executive Director  
Candace Thomas, Deputy Director  
Angela Conley, Claims Manager  
Linda Chenoweth, Legislative Affairs Coordinator  
Mike Melis, Office of the Attorney General

**Call to Order:**

Susan J. Lucas, MD, called the March Board meeting to order at 1:00 p.m.

**Introductions:**

Introductions were made by all parties in attendance including Board Members who stated their name and the type of seat held, Program staff and visitors.

**Minutes:**

David Barrett motioned to accept the February Board minutes. Hope Cupit seconded the motion and it passed unanimously.

**Finance:**

Candace Thomas reviewed the February 2011 financials. The Program has 116 active claimants. Dr. Susan Lucas motioned to approve the financial report. Gwen Taylor seconded the motion and it passed unanimously.

**Investment:**

Lain O'Ferrall stated there's been no change in the Program's investments.

Dr. Susan Lucas stated that the Board thanks those on the Investment Committee (Lain O'Ferrall, David Barrett and J. Scott Walters) for doing a wonderful job.

**Legislature:**

Linda Chenoweth stated SB 1176 was dropped indefinitely. HB 2170, a bill to amend and reenact § 38.2-5009 of the Code of Virginia passed and awaiting Governor's signature. She also noted that all state legislators are up for re-election this year.

Gwen Taylor thanked Linda Chenoweth for keeping the Board updated and informed.

George Deebo stated Linda Chenoweth has scheduled meetings with several Delegates and legislative aides.

**Public Comment:**

None.

**Closed Session (Claimant Issues):**

Dr. Susan Lucas 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 J. Scott Walters, and passed unanimously.

Dr. Susan Lucas 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):**

Dr. Susan Lucas motioned to replace Mr. [REDACTED] current van with a new one. David Barrett seconded the motion and it passed unanimously.

Dr. Susan Lucas motioned to replace Ms. [REDACTED] van with a new one due to the age of her current van. Dr. John Seeds seconded the motion and it passed with one dissenting vote (Scott Walters).

**Closed Session (Old Business/Case Update):**

Dr. Susan Lucas 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 J. Scott Walters, and passed unanimously.

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**New Business:**

No new business.

**Executive Director's Report:**

George Deebo informed the Board the State has hired a new actuarial contractor to evaluate the Program.

A new conference table has been ordered for the Program and should arrive mid-April.

**Adjournment:**

A motion to adjourn was made by Dr. Susan J. Lucas at 2:15 pm and passed unanimously.