

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for April 8, 2008**

Attendees:

Susan Lucas, MD, Ph.D., Chair
Laine O'Ferrall, Vice-Chair
Robert Boyle, MD
Lain O'Ferrall
Jennifer Ogburn
Dalal Salomon
Ralph Shelman

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
Iris Allen, Claims Manager
Angela Conley, Executive Assistant
Carla Collins, Assistant Attorney General, Office of the Attorney General
Frank Ferguson, Deputy Attorney General, Office of the Attorney General
Bill McKelway, Richmond Times Dispatch
Sturgis Kidder

Call to Order:

Susan Lucas, Chair, called the April Board meeting to order at 1:00pm.

Minutes:

After minor corrections were noted, Lain O'Ferrall motioned to accept the March Board minutes. Dalal Salomon 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. The Program currently has \$207 million in investments. Candace Thomas stated that she has reviewed the final draft of audit report and should have all comments back from the auditors in a week along with the final draft of the report. Ralph Shelman motioned to accept the March financial statements. Bob Boyle seconded the motion and it passed unanimously.

Investment:

Laine O’Ferrall commented that the mortgage crisis has affected the market globally and driven investments down. The first quarter report for 2008 is not available yet but Mr. O’Ferrall will have it available for the next Investment Committee Meeting. During April, the stock market has been up by 3.4%. Dalal Salomon commented the stock market will recover and investments will gradually begin to rise again. The Program’s portfolios are conservative so the losses will break even once gains return, and then we will see more increases in our investments.

Public Comment:

Bill McKelway, Richmond Times Dispatched, inquired into the number of hospitals currently participating with the Program. George Deebo responded that in 2007, the Program had around 630 doctors and 30 hospitals. In 2008, the hospitals are about the same with losing a few hospitals and gaining Bon Secours, and doctors are around 615. Mr. McKelway commented that the Program was now able to get Bon Secours due to the increase in birth injury malpractice that is on the rise with Bon Secours.

Closed Session Regarding (Claimant and Legal):

Jennifer Ogburn, 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 goes 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.

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.

Results of Closed Session:

Susan Lucas, MD, motioned that for the Program to reimburse ██████████ for experimental therapy completed in 2007, under the current experimental therapy allowances, provided that progress notes were received. Dalal Salomon seconded the motion and it passed unanimously.

New Business:

George Deebo provided a memo to all Board members discussing removal of used equipment currently held in storage to be donated to a hospital or school, or last resort, to the local Goodwill location. Ralph Shelman motioned the Program to donate used durable medical equipment, when appropriate as determined by the Executive Director, to worthy nonprofit or governmental organizations or agencies. Susan Lucas, MD, seconded the motion and it passed unanimously.

Executive Report:

George Deebo reminded Board members that the Program offices would be moving on Friday, April 25th and that the offices would be closed that day. Offices will reopen on Monday, April 28th.

A first draft of the revised guidelines are currently under review by Lynn Chapman, chair of the policy review committee, and Carla Collins of OAG. Revised guidelines will be provided to Board members for review, hopefully by the May Board meeting. After Board members review, the proposed guidelines will be sent out to the public for comment and a notice placed in the Virginia Registrar.

George Deebo stated that Ginny Tweel, Nurse Case Manager, has resigned her position as of April 17th, 2008. Applicants were being interviewed and hopefully, a new person would be in place by mid-May.

Adjournment:

A motion to adjourn was made by Susan Lucas, Chair. The motion was seconded and unanimously agreed to at 3:00 p.m.