

**Virginia Birth Injury Program  
Board of Director's Meeting  
January 11, 2005**

**Attendees:**

Melina Dee Perdue, Chair  
McLain O'Ferrall  
Willette LaHew, MD  
Jennifer Ogburn

**Also Present:**

George Deebo, Executive Director  
Jessica Stuart, Claims Manager  
Candace Thomas, Deputy Director  
Bill McKelway, Richmond Times Dispatch  
Ann Jones, Jones & Rostant  
Donna Rostant, Jones & Rostant

**Call to Order:**

Melina Perdue called the meeting to order at 1:00 p. m.

**Minutes:**

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

**Finance:**

Candace Thomas presented the Profit and Loss Sheet as well as the Balance Sheet. George Deebo noted that home nursing costs continue to increase and that the Program is reviewing all contracts and spot checking billings to assure all billed hours are accurate.

It was moved and seconded that the financials be accepted. Motion unanimous.

**Investment Committee Report:**

Mr. O'Ferrall reported that progress was being made with the newly hired investment consultants. He expects all changes to be in place in four to six weeks.

**Legislative Report**

George Deebo reported that Del. Tata would carry two bills for the Program. The first, HJ646, is a resolution directing the Program to work with the State Corporation Commission and other parties to develop recommendations regarding future funding

The second, HB 1505 was reviewed during the December 2004 meeting. However, it was noted the required changes to the bill requiring "rebuttable presumption that injury was

caused by prematurity when and infant is less than 1,800 grams or 32 weeks gestation will be introduced in committee since the deadline for filing changes has passed.

**Public Comments:**

Bill McKelway asked Dr. LeHew if he stood by comments made several years ago regarding the number of children eligible for the Fund. Discussion followed.

Ann Jones expressed interest in the legislative changes, primarily with the introduction of HB 425. Discussion ensued regarding the merits of the bill.

**Claimant Issues:**

There were no claimant issues for discussion.

**Director's Report:**

George Deebo noted that per the Board's request several months ago, all Program employees now have access to a benefits program that includes group health insurance, life insurance, 401K retirement, long and short term disability and other options. This should help reduce employee turnover.

**Adjournment:**

There being no further business the meeting was adjourned at 2:35 p. m.

**Virginia Birth Injury Fund  
Board of Directors' Meeting  
February 8, 2005**

**Attendees:**

Lynn Chapman  
McLain O'Ferrall  
Willette LeHew, MD.  
Ralph Shelman  
Jennifer Ogburn  
Ed Mazur, CPA

**Also Present:**

George Deebo, Executive Director  
Jessica Stuart, Claims Manager  
Candace Thomas, Deputy Director  
Frank Ferguson, Office of the Attorney General  
Bill McKelway, Richmond Times Dispatch

**Call to Order:**

The meeting was called to order by Vice-Chair Bill LeHew at 1:00 p m.

**Minutes:**

It was moved and seconded that the January Board meeting minutes be approved. Motion carried.

**Finance:**

Candace Thomas reviewed the Profit & Loss Sheet. An update also was given on the Finance and Audit Committee. Report accepted as given.

**Investment Committee:**

Laine O'Ferrall reviewed the process and upcoming steps in working with the new investment consultant, CapGroup. Included in the process will be development of a new investment policy and the selection of money managers. Frank Ferguson was consulted for clarification purposes on procurement process regarding money managers.

**Public Comments:**

Bill McKelway requested clarification regarding the purpose of legislation for birth weight (HB 1505 & SB 1323). He also requested clarification regarding housing in relation to the use of mobile homes. Information on both was related to him.

**Legislative Update:**

George Deebo reviewed the status of several pieces of legislation involving the Birth-Injury Program that are currently being considered by the General Assembly. They include HB 1505, SB 1323 and HJ 646. All the bills are in various stages of progressing through the legislature.

**Closed Session Regarding Claimant Issues:**

Jennifer Ogburn 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). The motion was seconded and unanimously passed.

Jennifer Ogburn 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. The motion was seconded and unanimously passed.

**Results of Closed Session:**

Ralph Shelman motioned that the request from [REDACTED] to provide additional auto insurance funding be denied. The motion was seconded and passed unanimously.

Ralph Shelman requested that the in near future the Program review the reasons for the current policy of paying up to \$500 per year towards auto insurance for claimants with a Program supplied van. The request was approved by common consent.

**Closed Session Regarding Legal Advice:**

Jennifer Ogburn moved that the meeting convene in a closed session to obtain advice from counsel pursuant to the exemption at 2.2-3705 (this references 38.2-5002.2). The motion was seconded and unanimously passed.

Jennifer Ogburn 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. The motion was seconded and unanimously passed.

**Miscellaneous:**

George Deebo updated the Board on the development of a policy for the use of seizure alert dogs. Unfortunately there is limited literature on this subject and very little medical/scientific study on seizure dogs to verify medical usefulness. Following discussion the Board recommended allowing an amount for the initial costs of obtaining such a dog but not for ongoing costs. The staff will come back with a draft policy for approval.

Meeting adjourned at 4:00 pm.

**Virginia Birth Injury Fund  
Board of Directors' Meeting  
March 8, 2005**

**Attendees:**

Melina Perdue  
Lynn Chapman  
McLain O'Ferrall  
Ralph Shelman  
Ed Mazur, CPA

**Also Present:**

George Deebo, Executive Director  
Candace Thomas, Deputy Director  
Scott Fitzgerald, Office of the Attorney General  
Bill McKelway, Richmond Times-Dispatch  
Jim Rorrer, CapGroup  
Ann Jones, Jones & Rostant  
Donna Rostant, Jones & Rostant

**Call to Order:**

Melina Perdue called the meeting to order at 1:00 p m.

**Minutes:**

It was moved and seconded that the February Board meeting minutes be approved.  
Motion carried.

**Finance:**

Candace Thomas reviewed the Profit & Loss Sheet. Ed Mazur reported that the Finance and Audit committee met with David Bolton of Cherry, Bekhaert and Holland prior to the board meeting and reviewed the final draft of the restated 2003 audit. No major dollar values shifted however other aspects, including a management discussion and analysis statement will be valuable to the Program in presenting its situation.

The Finance and Audit Committee will meet with the auditors and Program staff in the near future to discuss the upcoming 2004 audit process.

**Investment Committee:**

Laine O'Ferrall reported and noted the draft Investment Policy Statement that was sent to all Board members. A discussion ensued regarding the general parameters in the policy. Jim Rorrer of CapGroup Consultants was available to answer specific questions. Per legislative guidelines, a copy has been sent to the Virginia Retirement System for review.

An RFP process to select a money custodian is underway with replies due March 25, 2005. A selection should be made by mid April.

Mr. O'Ferrall moved that the Board of Directors approve the draft Investment Policy Statement subject to any comments or concerns to be expressed by the Virginia Retirement System. Mr. Shelman seconded the motion and it passed unanimously.

**Legislative Update:**

George Deebo reviewed the final outcome of Program legislative efforts. The Governor is expected to sign HJ 646 passed by both House and Senate. Under the direction of the Finance committee and staff, a planning meeting will soon be arranged to set the direction of the study as prescribed by HJ646.

A conference committee version of HB 1505 and SB 1323 (they came out identical) passed both the Senate and House.

During the discussions Board members expressed a desire to hold a legislative planning day to allow for more time on key issues. Program staff will work on arrangements.

**Public Comments:**

Bill McKelway requested clarification on the number of physicians and hospitals currently participating in the Program. He also asked whether the Program conducts a lifetime cost analysis for each child. The Program does not.

Ann Jones added comments regarding such an analysis process.

**Closed Session Regarding Claimant Issues:**

Ed Mazur 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). The motion was seconded and unanimously passed.

Ed Mazur 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. The motion was seconded and unanimously passed.

**Results of Closed Session:**

Lynne Chapman motioned that the request from [REDACTED] provide additional housing funding because the cost of the house they wish to purchase has increased in price be denied. The motion was seconded by Ed Mazur and passed unanimously.

The Board noted that although they empathize with the family the request was outside the parameters of the Program's Guidelines and allowances for housing. The Program will provide all available assistance to the family as usual and per the Guidelines.

### **New Business**

Ed Mazur presented recommendations by an ad hoc committee composed himself, Lynn Chapman, Ralph Shelman and Candace Thomas. The recommendations were in response to discussions held at the Northern Virginia regional meeting last fall. The Program will review the recommendations for further discussion at the May Board meeting.

### **Miscellaneous:**

George Deebo noted that staff is continuing to research the issue of Seizure dogs. He also stated a letter to families on various issues including staffing and payment procedures will be sent out within a few days. With the departure of the Claims Manager, a replacement is being recruited and interviews have already been held.

Meeting adjourned at 4:00 pm.

**Virginia Birth Injury Program  
Board of Director's Meeting  
April 12, 2005**

**Attendees:**

Lynn Chapman  
McLain O'Ferrall  
Willette "Bill" LeHew, MD  
Jennifer Ogburn  
Ralph Shelman

**Also Present:**

George Deebo, Executive Director  
Candace Thomas, Deputy Director  
Iris Allen, Claims Manager  
Angela Conley, Executive Assistant  
Angela Axelle, Office of Attorney General  
Jill Ryan, Office of Attorney General  
Frank Ferguson, Office of Attorney General  
Bill McKelway, Richmond Times Dispatch

**Call to Order:**

Vice-Chair Bill LeHew called the meeting to order at 1:00 p.m.

**Minutes:**

It was moved and seconded that the March Board meeting minutes be approved. Motion carried.

**Finance:**

Candace Thomas reviewed the Profit and Loss Sheet as well as the Balance Sheet. She pointed attention to the Deterred Income on the Profit and Loss Sheet. Bill questioned the high amount of hospital expense #9015. Candace stated she would review.

**Investment Committee:**

Laine O'Ferrall reviewed the custodians that he had spoken with, Merrill Lynch and State Street. Both companies proposed same rate. Time schedule for completion of custodial is now first part of June. Laine also stated that he was in the beginning stages of a manager search. He asked if anyone would be interested in assisting him with interviewing candidates. Lynn Chapman inquired about what was detailed in the process.

**Public Comment:**

Bill McKelway requested information on the unfunded amount of income. George Deebo commented that the amount was unknown due to the multiple factors involved. His statement was seconded by Laine O'Ferrall and Bill LeHew.



Bill McKelway requested the finalized copy of the 2003 audit. He also wanted to know when the 2004 audit would be completed. He inquired to the attorney fees to the Office of the Attorney General and what was the actual cost for the Program.

**Closed Session Regarding Claimant Issues:**

Bill LeHew, Vice Chair, 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). The motion was seconded and unanimously passed.

Jennifer Ogburn 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. The motion was seconded and unanimously passed.

**Results of Closed Session:**

██████████ request \$500 in reimbursement towards the cost of a bed that their ██████████ is able to get in and out of by ██████████. Even though the bed was not preauthorized, Ralph Shelman, Laine O'Ferrall, Lynn Chapman felt that the bed would assist in the child's development and self esteem. The motion by the Board was to request a letter of medical necessity for the bed. If the physician approved the bed, the Board would more than likely approve the reimbursement.

George Deebo proposed a Rental Assistance Policy. This policy would assist families who rented their home and needed additional space/assistance for handicap accessibility. The rental square footage would have to be similar. Cases from families wanted to move from low-income to double capacity/rent would not be considered. Laine O'Ferrall asked how the policy would benefit families in subsidized housing. George brought the proposed policy to the Board for guidance in the event future cases would arise.

Laine O'Ferrall motioned to propose the implementation of the rental assistance policy.

**New Business:**

George Deebo presented the VaRisk 2 insurance coverage to the Board. This coverage is a self funded program by the state of Virginia for Board and staff members.

George Deebo presented the 457 Plan – Eligible Deferred Compensation Program. This program would provide a retirement plan for staff members.

Ralph Shelman motioned to accept these two new programs. The motion was seconded and unanimously passed.

**Closed Session Regarding Legal Advice:**

Jennifer Ogburn moved that the meeting convene in a closed session to discuss legal issues pursuant to the exemption at 2.2-3705 (this references 38.2-5002.2). The motion was seconded and unanimously passed.

Jennifer Ogburn 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. The motion was seconded and unanimously passed.

**Director's Report:**

George Deebo stated that the Program was in the process of completing a new employee handbook. Also, he was looking into the benefits claimants could receive after age 18 including claimants in long-term facilities.

**Adjournment:**

The board meeting was adjourned at 3:30 p.m. by Ralph Shelman.

**Virginia Birth Injury Program  
Board of Director's Meeting  
May 10, 2005**

**Attendees:**

Melina Dee Perdue, Chair  
Bill LeHew, MD, Vice-Chair  
Lynn Chapman  
Ed Mazur  
McLain O'Ferrall  
Jennifer Ogburn  
Ralph Shelman

**Also Present:**

George Deebo, Executive Director  
Candace Thomas, Deputy Director  
Iris Allen, Claims Manager  
Angela Conley, Executive Assistant  
Angela Axselle, Assistant AG, AG Office  
Jill Ryan, Assistant AG, AG Office  
Frank Ferguson, Deputy AG, AG Office  
Bill McKelway, Richmond Times Dispatch

**Call to Order:**

Melina Dee Perdue, Chair, called the meeting to order at 1:00 p.m.

**Minutes:**

It was moved and seconded that the April Board meeting minutes be approved. Motion carried.

**Finance:**

Candace Thomas reviewed the Profit and Loss Sheet as well as the Balance Sheet. Ed Mazur asked if financials could be expanded to show prior YTD and revenue to date.

Candace noted that the Program recently had made catch-up payments to the Attorney General's office but that now the program would be paying the attorney general for legal services every quarter beginning in July.

**Investment Committee:**

Laine O'Ferrall stated that the list of custodians had been narrowed down to three or four: Merrill Lynch, State Street, Bank of America and SunTrust. He hoped that the custodian and manager selection would be complete by July 1<sup>st</sup>. Laine discussed the purchase/use of index funds. The percentage of the funds would have to be approved by the board and not to exceed 50% of portfolio. A motion was proposed to invest up to 50% of portfolio in index funds. Ed Mazur seconded the motion. Motion carried unanimously

Laine stated he would present a memo to the board explaining the investment options. The board would also receive a monthly "flash" report instead of quarterly. This would allow the board to see any changes in the funds.

**Continued Business:**

Ed Mazur discussed and reviewed the Ad Hoc Committee recommendations:

- Long-term Funding: Share actuarial results with family once available.
- New Therapies: Inform families when new therapies have been approved or have been clinically proven to be effective. Provide information via newsletter and email/website.
- Brand Name Prescription over Generic Brand Prescription: Fund would pay for prescriptions if declined from insurance, but only if brand prescriptions are required by the doctor.
- Physician Out of Network: Develop additional language.
- 24 Hour Care: Additional research needs to be conducted for respite care. Provide any available resources on website for families. Many members stated that they would like to look into this type of care to hopefully be able to provide this benefit to families. It was noted this would only be reference material; the Program does not pay for respite care outside of nursing hours.
- Reimbursement: Currently being done but Program would continue to seek improvements in the process.
- Transportation: Ed recommended that communication be sent to the families reminding them that it is their responsibility for the maintenance and upkeep of the vans that the Program provides them.
- Inflation Diminishing Value of Benefits: Policy could be amended but the Program would need to review federal and state rates before making any decisions.
- Benefits for Program Participants: Update any changes into the current guidelines.

Ongoing Discussion: Communication and parent committee- to continue to review use of the committee and ongoing communications. A schedule of communications will be established.

**Public Comment:**

Bill McKelway inquired about the \$200,000 paid to Wachovia. Ms. Thomas noted it is an annual replenishing of funds to care for trust homes.

**Closed Session Regarding Claimant Issues:**

Melina Dee Perdue, Chair, 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). The motion was seconded by Ralph Shelman and unanimously passed.

Melina Dee Perdue made a motion that the Board certifies 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. The motion was seconded and unanimously passed.

**Results of Closed Session:**

██████████ request the Board to reimburse the cost for their ██████████ health insurance prior to entry into the program. Board members felt that this was out of the scope of the Programs guidelines. Bill LeHew moved to decline the Turner's request. Lynn Chapman seconded the motion.

██████████ requests the Board to reconsider the standard reimbursement for rental housing assistance. Even though the guidelines were presented to ██████████ ██████████ admitted to not reading the housing benefit in its entirety prior to securing the new apartment. Some of the board members felt that ██████████ simply made a mistake and would make an exception to the housing assistance policy. Ed motioned that the board approve a one-time variance increasing the housing assistance from \$135.72 to \$ 324.22 per month for the length of ██████████ current one-year apartment lease. At the end of the lease, the board would examine ██████████ situation again. Laine O'Farrell seconded the motion. Motion carried unanimously

██████████ requests reimbursement for the fee of a one-year warranty on the elevator that the Program installed in ██████████ home. Board members felt that once the elevator was installed, that the equipment became a part of the home and the family's responsibility. Lynn Chapman motioned to deny reimbursement for the warranty. Bill LeHew seconded the motion. Motion carried unanimously.

**New Business:**

Laine O'Ferrall presented a worksheet on the pros and cons of parental nursing. He stated that parental nursing was conducted in Florida at the federal minimum wage. Each board member was asked to review the pros and cons and bring the ideas back to the next board meeting on June 14<sup>th</sup>.

**Closed Session Regarding Legal Advice:**

Melina Dee Perdue, moved that the meeting convene in a closed session to discuss legal issues pursuant to the exemption at 2.2-3705 (this references 38.2-5002.2). The motion was seconded and unanimously passed.

Melinda Dee Perdue, 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. The motion was seconded and unanimously passed.

**Director's Report:**

George Deebo discussed computer update for participating physician resident's to reduce the amount of letters that must be sent out by the Program and handled by the residency programs. George Deebo also discussed setting a date in September to meet with the Florida group. George asked the board to think about a separate meeting to discuss legislative matters over the summer. The board decided on a longer meeting versus a separate meeting, tentatively set in July.

Ed Mazur, along with other board members, stated that the Program needed to look deeper into the issue of the birth weight as a financial/medical issue. He wants to find other ideas to improve the birth weight issues. George Deebo stated that the Program needed to develop a better legislative communication link to assist the General Assembly in understanding the purpose of the fund.

**Adjournment:**

A motion to adjourn was made by Melina Dee Perdue, Chair, seconded and unanimously agreed to at 4:30 p.m.

**Virginia Birth Injury Program  
Board of Director's Meeting  
June 14, 2005**

**Attendees:**

Melina Dee Perdue, Chair  
Bill LeHew, MD, Vice-Chair  
Lynn Chapman  
Edward Mazur  
McLain O'Ferrall  
Jennifer Ogburn  
Ralph Shelman

**Also Present:**

George Deebo, Executive Director  
Candace Thomas, Deputy Director  
Iris Allen, Claims Manager  
Angela Conley, Executive Assistant  
Frank Ferguson, Deputy AG, AG Office  
Bill McKelway, Richmond Times Dispatch  
Jim Rorrer, CapGroup Consultant  
Christie West, Claimant Parent  
Keith Lamb

**Call to Order:**

Melina Dee Perdue, Chair, called the meeting to order at 1:00 p.m.

**Minutes:**

Ed Mazur motioned that the May Board meeting minutes be approved with exception to the section of Continued Business. The Ad Hoc recommendations had been amended with "Final Board Actions" that would replace the items listed in continued business. At this point, the board members did not have the amended document to review. Lynn Chapman seconded the motion. Motion carried.

**Finance:**

Candace Thomas reviewed the Balance Sheet, Profit and Loss, and Profit and Loss Previous Year Comparison.. Ed Mazur stated that Candace and staff had done a good job and finished 2004 audit showed great improvement from previous years.

Ed Mazur noted that some of the accounts should be defined on the Profit & Loss Previous Year Comparison for members in case they were not clear what went into the account as well as a brief explanation for any changes greater than 15% from 2004 to 2005. Board members noted that they liked seeing both summary and detail of the financial statements.

Melina Dee Perdue asked if there was a cutoff time limit for physicians to seek refunds for paid assessments? For example, can a physician that paid in 2003 ask for a refund in 2005? George Deebo and Iris Allen both spoke stating that refunds were normally the outcome of the physician and their management office paying the assessment twice creating a refund. Normally, the management office would reimburse the physician or the overpayment was caught in the current year.

Ed Mazur asked why Payroll Expense was listed twice. George Deebo stated that benefits of employees including payroll are now processed through a Professional Employer Organization .

A motion was made to approve the May financial statements. Motion carried unanimously.

**Finance Committee:**

Ed Mazur stated that Gary Burke has been hired to conduct and coordinate a funding study according to 2005 House Joint Resolution 646. The analysis would look into the Program deficits, causes of the deficits, and Program structure.

Ed Mazur congratulated Candace Thomas on her work on the financials. An earlier meeting with the auditor showed that there were no internal control problems and only minor changes would have to be made to the final statements.

Candace Thomas is currently working on the Management Discussion & Analysis for the 2004 audit. The finance committee has discussed changing the format to separately denote the costs for participants in the program and claimants born but not yet admitted (Incurred but not reported IBNR) Ed Mazur continued that a draft report would be forthcoming.

Ed Mazur made a motion that the Program staff contact appropriate state agencies to explore including Program employees in the State retirement system. Motion passed unanimously.

**Investment Committee:**

Laine O'Ferrall stated that a meeting had been held with VRS and staff. He was unable to make the meeting, however, he thought that it had been a good meeting from comments from staff. The investment committee recommends two motions for board approval.

Motion #1: The Investment Committee, with the assistance of our consultant, Capital Advisory Group, has completed an extensive due diligence effort to evaluate candidates to provide custody and other investment related services for the investment assets of the BIF. The candidates included some of the largest, most experienced providers of these services in the country. The assets are currently held in a brokerage account at Merrill Lynch. The committee recommends for board approval the termination of Merrill Lynch as the investment manager and custodian of the Fund's investment assets and the subsequent hiring of SunTrust Bank as the custodian. This was passed unanimously.



Motion #2: The committee also would like to recommend for board approval the granting of discretionary authority to the Investment Committee to hire and fire investment related service providers such as investment managers and custodians. The committee would be required to report all such activity to the Board in a timely fashion. This motion also passed unanimously.

**Continued Business:**

Ed Mazur to discuss the Ad Hoc amended document at the next board meeting.

George Deebo presented information and proposed policy on the use of Medical Dogs. Upon Board approval, the use of medical dog policy would be sent to all claimant families along with any specific articles relating the use of the medical dogs.

Bill LeHew had received information from Florida that describes their policy for allowing paid parental care in the home. The board members decided that this topic was worthy for the Fund to look into and wanted to dedicate some time at the August board meeting for this topic. The board members also decided that a committee needed to be assembled to discuss the options of parental care for the Fund. Members interested were Ralph Shelman, Jennifer Ogburn and Laine O'Ferrall.

**Public Comment:**

No comments

**Closed Session Regarding Claimant Issues:**

Melina Dee Perdue, Chair, 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). The motion was seconded by Ralph Shelman and unanimously passed.

Melina Dee Perdue made a motion that the Board certifies 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. The motion was seconded and unanimously passed.

**Results of Closed Session:**

██████████ would like the Board to increase the amount approved for providing a handicapped equipped bedroom and bath for ██████████ home. After looking at the different avenues in which ██████████ could pursue, Board members felt that additional information was needed from the builders (home and modular) along with the financial lenders ██████████ has been working with. Frank Ferguson noted to members to be sure to maintain the Program guidelines as they reviewed this information. Ed Mazur motioned to have staff begin the investigation and to report back to the Board immediately upon its findings. Bill LeHew seconded the motion. The motion was passed unanimously.

██████████ requests a new mini van for ██████████. Due to safety requirements, Mobility Center of Virginia, no longer will raise roofs on vans. Therefore, the main option for

the Board would be to purchase a new mini van for this family. Ralph Shelman motioned to approve the purchase of a new mini van for the family. Motion passed unanimously.

█ requests a new mini van for █. Due to safety requirements, Mobility Center of Virginia, no longer will raise roofs on vans. Therefore, the only option for the Board would be to purchase a new mini van for this family. Ralph Shelman motioned to approve the purchase of a new mini van for the family. Motion passed unanimously.

█ request a Chevrolet Tahoe for █, who is partially ambulatory, with assistance. The family wants a large vehicle that will assist █ in his travels, carry the entire family and transport a wheelchair if necessary. Bill LeHew motioned to offer the family a wheelchair accessible mini van, but to allow the normally removed seat to be included if so desired. Lynn Chapman seconded the motion. The motion was unanimously accepted.

█ request a vehicle for their █. █ is not in a wheelchair but does need assistance walking and being placed in a vehicle. Bill LeHew motioned to deny the request until the Program received a letter of medical necessity. Motion passed unanimously.

█ guardian of █, requests assistance in the repair of the current elevator system in their trust home or to add an additional downstairs bedroom and bathroom for █. Ralph Shelman motioned to install a new and larger elevator within the existing elevator shaft in the trust home for the █ family. Lynn Chapman seconded the motion.

#### New Business:

Frank Ferguson reviewed how the fees for the services of the Office of the Attorney General for 2005 were computed. The AG offices hours were based on the previous year estimate of 2000 hours. The MOA was written as a three-year agreement, however the board requested that it be modified to a one-year agreement. Ed Mazur motioned to accept the one-year rate of the AG Office as stated by Frank Ferguson. Laine O'Ferrall seconded the motion.

#### Closed Session Regarding Legal Advice:

Melina Dee Perdue, moved that the meeting convene in a closed session to discuss legal issues pursuant to the exemption at 2.2-3705 (this references 38.2-5002.2). The motion was seconded and unanimously passed.

Melina Dee Perdue, 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. The motion was seconded and unanimously passed.

#### Director's Report:

The July board meeting scheduled for July 12<sup>th</sup>, 2005, will meet from 10:00 am until 3:00 pm with a break for lunch tentatively at the Marriott Hotel at Short Pump (Richmond West Marriott).

**Adjournment:**

A motion to adjourn was made by Melina Dee Perdue, Chair, seconded and unanimously agreed to at 4:30 p.m.

**Virginia Birth Injury Program  
Board of Director's Meeting  
Sheraton West Hotel, Richmond, Virginia  
July 12, 2005**

**Attendees:**

Melina Dee Perdue, Chair  
Bill LeHew, MD, Vice-Chair  
Lynn Chapman  
Edward Mazur  
McLain O'Ferrall  
Jennifer Ogburn  
Ralph Shelman

**Also Present:**

George Deebo, Executive Director  
Candace Thomas, Deputy Director  
Iris Allen, Claims Manager  
Angela Conley, Executive Assistant  
Frank Ferguson, Deputy AG, AG Office  
Jill Ryan, AG Office  
Bill McKelway, Richmond Times Dispatch

**Special Guests:**

Larry Tarr, WCC Commissioner  
John Seeds, MD, Chair, OB/GYN Dept, VCU  
Gary Burke, Funding Study Coordinator

**Call to Order:**

Melina Dee Perdue, Chair, called the educational meeting to order at 10:00 a.m. to begin this special meeting of Legislative Education and Planning Session at the Sheraton Richmond West Hotel.

Ed Mazur commented that staff did a good job on the notebooks supplied to the board members. Melina Dee Perdue also commented on the 2004 Annual Review that it looked good.

**SPECIAL PRESENTATIONS:**

- Jill Ryan, Assistant Attorney General, Office of Attorney General: Mrs. Ryan gave an overview of how claimants petition the fund through the Worker's Compensation Commission.
- Larry Tarr, Worker's Compensation Commissioner: Mr. Tarr presented an overview of the Worker's Compensation Commission including creation of the commission, how hearings are conducted in accordance with Code 38.2-5000-38.2-5021, formation of

panels and how the panel opinions are viewed by the WCC in order to make a sound judgment for the claimant in question.

- John Seeds, MD, Chair, Department of OB/GYN at Virginia Commonwealth University: Dr. Seeds commented on the problems with pre-maturity due to genetics, care and issues within the mother's body. Dr. Seeds is a member of the Opinion Panel.
- Gary Burke – Funding Project: Mr. Burke gave an overview and status report as to what was required for the HJR 646 Study.

The regularly monthly business meeting was called to order at 2:00 p.m.

**Minutes:**

A motion was made to approve the June minutes. Motion carried unanimously.

**Finance:**

Candace Thomas reviewed the Balance Sheet, Profit and Loss, and Profit and highlighted changes made by the auditors for the year ending 2004 that had affected the Balance Sheet .

A motion was made to approve the May financial statements. Motion carried unanimously.

**Finance Committee:**

Ed Mazur announced to the board that the financial statements would be coming out later than scheduled but he hoped that the statements would be available by the end of July.

**Investment Committee:**

Laine O'Ferrall stated that he had met with VRS.

Laine O'Ferrall motioned that the Board give the Investment Committee discriminatory authority to invest up to 100% of funds into Index Funds with any changes being reported to the Board immediately. Motion carried unanimously.

**Continued Business:**

Ed Mazur to discuss the Ad Hoc amended document at the August board meeting.

**Public Comment:**

No comments

**Closed Session Regarding Claimant Issues:**

Melina Dee Perdue, Chair, 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). The motion was seconded by Ralph Shelman and unanimously passed.

Melina Dee Perdue made a motion that the Board certifies 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. The motion was seconded and unanimously passed.

**Results of Closed Session:**

Follow-up to the request of [REDACTED] for the Board to increase the amount approved for providing a handicapped equipped bedroom and bath for [REDACTED] home

The board declined to take any action. The staff was requested to follow-up with [REDACTED] to see what actions she has taken.

[REDACTED] would like the program to waive the \$175,000 maximum for lifetime housing costs since their proposed addition has now escalated to about \$185,000. They believe they should be grandfathered in since the estimation of the project was started prior to the current limit.

Ed Mazur motioned that the guidelines be followed allowing the current amount \$175,000 to be granted to the family for their house addition. Motion passed unanimously.

**Adjournment:**

A motion to adjourn was made by Melina Dee Perdue, Chair, seconded and unanimously agreed to at 3:00 p.m.

**Virginia Birth Injury Program  
Board of Director's Meeting  
September 13, 2005**

**Attendees:**

Melina Dee Perdue, Chair  
Edward Mazur, CPA  
McLain O'Ferrall  
Jennifer Ogburn  
Ralph Shelman

**Also Present:**

George Deebo, Executive Director  
Candace Thomas, Deputy Director  
Iris Allen, Claims Manager  
Angela Conley, Executive Assistant  
Frank Ferguson, Deputy AG, OAG  
Bill McKelway, Richmond Times Dispatch  
Sam Ragsdale

Mrs. Gwendolyn Kelley and daughter, Yvonne  
Mr. and Mrs. Luis Bustios

**Call to Order:**

Melina Dee Perdue, Chair, called the meeting to order at 1:00 p.m.

**Claimant Presentations:**

- Gwendolyn Kelley, mother of Yvonne Kelley requested that the program provide some type of assistance for mileage and gas for transporting her to and from school. Due to Yvonne's special needs, she would be going to a school outside her district and the county will not provide transportation. Also, the school buses do not have air conditioning and Yvonne would be on the bus for over an hour that would interrupt her feedings and medicine. Mrs. Kelley also requested the program look into a caregivers allowance. Since she is unable to work and the family relies on one income, it is financially hard on the family with Yvonne's special needs. Mrs. Kelley is unable to commit to employment because of Yvonne's medical needs.
  
- Mr. and Mrs. Luis Bustios presented to the Board information about hyperbaric oxygen therapy that Giuliana has received and how it could possibly benefit children in the program. Upon describing his daughter's situation and the results that he has seen from

the hyperbaric oxygen therapy, he feels that it has made a great improvement to Giuliana condition. His medical insurance will only pay 60% of the cost, therefore, he is requesting the program to pay the difference.

This therapy for CP is considered experimental.

**Minutes:**

A motion was made and seconded to accept the minutes of the August 2005 Board of Directors meeting. The motion passed unanimously.

**Finance:**

Candace Thomas reviewed the Balance Sheet, Profit and Loss, and Financial highlights.

George Deebo noted that nursing costs had increased due to increase in the number of children in the program and more of them requiring a higher level of care.

Melina Dee Perdue made a motion to approve the August financial statements. Motion carried unanimously.

**Finance Committee:**

Ed Mazur discussed the Audit Report for the years 2002-2004 and stated that it received a clean opinion from the Auditors.

Motion made to accept the Audit Report. Motion carried unanimously.

**Investment Committee:**

Laine O'Ferrall expressed his concern with Legislation 38.2-5016F that discusses the role of the VRS in our investment management selection. Specifically, the legislation requires us to use a VRS approved list of managers. VRS has no such list. Mr. O'Ferrall would prefer to leave our investments in index funds until the legislation is changed. Frank Ferguson will meet with the lawyer at VRS to discuss how they interpret the legislation and how to reword the legislation to remove them (VRS) from the process.

**Continued Old Business:**

George Deebo discussed the increase of mileage reimbursement. The current overall rate is \$0.325 if the family uses their own vehicle and the \$0.16 if the family uses a program purchased van. Melina Dee Perdue stated that the federal government rate has increased to \$0.485.

Melina Dee Perdue motioned to begin utilizing the federal government reimbursement rate. Ed Mazur seconded the motion. The motion carried unanimously.



Ed Mazur stated that all Board members had the final response to the Northern Virginia Meeting. Ed Mazur requested that the document be sent to all parties involved.

Ed Mazur motioned to accept the document. Laine O'Ferrall seconded the motion. The motion carried unanimously.

**Public Comment:**

Bill McKelway, Richmond Times Dispatch, asked why the financials noted payments for utilities for claimants. George Deebo explained it was merely a classification of expenses regarding a trust home that was sold that required some environmental work before the sale could be finalized.

**Closed Session Regarding Claimant Issues:**

Melina Dee Perdue, Chair, 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). The motion was seconded by Ralph Shelman and unanimously passed.

Melina Dee Perdue 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. The motion was seconded and unanimously passed.

**Results of Closed Session:**

Mrs. ██████ requesting new van. The ██████ lost their original van in hurricane Isabel. The program was able to find a used van of similar year and model with low miles. The transmission in the used van is now in need of replacement.

Ralph Shelman motioned to pay the cost for the replacement of the transmission. Also to offset the mileage to 110,000 before they could request a new van. Ed Mazur seconded the motion. The motion carried unanimously.

Mrs. ██████ requests reimbursement for mileage and gas for transporting her daughter, ██████ to and from school.

Ralph Shelman motioned to provide Mrs. ██████ with mileage reimbursement for 90 days while staff worked to find alternative methods to meet the transportation issue (contact Chesterfield County School Board and VOPA). Ralph Shelman stated he would make the initial contact on behalf of the program to VOPA and other independent resources centers to assist the family. After 90 days, the program would revisit the request. Ed Mazur seconded the motion. The motion carried unanimously.

Mr. and Mrs. [REDACTED] request the program to pay the difference of 40% of special therapy that their daughter, [REDACTED], has received where the insurance company only pays 60% of the cost for hyperbaric oxygen treatment.

Melina Dee Perdue motioned to table the issue until additional information could be reviewed. Motion passed unanimously.

**New Business:**

Melina Dee Perdue announced that Board elections were approaching for the seats of Chair and Vice-Chair. All nominations should be via email to Ralph Shelman.

**Closed Session Regarding Legal Advice:**

Melina Dee Perdue, moved that the meeting convene in a closed session to discuss legal issues pursuant to the exemption at 2.2-3705 (this references 38.2-5002.2). The motion was seconded and unanimously passed.

Melina Dee Perdue, 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. The motion was seconded and unanimously passed.

**Adjournment:**

A motion to adjourn was made by Melina Dee Perdue, Chair, seconded and unanimously agreed to at 5:00 p.m.

**Virginia Birth Injury Program  
Board of Director's Meeting  
October 11, 2005**

**Attendees:**

Melina Dee Perdue, Chair  
Willette "Bill" LeHew, Vice Chair  
Lynn Chapman  
Edward Mazur, CPA

**Also Present:**

George Deebo, Executive Director  
Candace Thomas, Deputy Director  
Iris Allen, Claims Manager  
Angela Conley, Executive Assistant  
Jim Rorrer, CapGroup  
Frank Ferguson, Deputy AG, OAG  
Tom Kegley, Assistant AG, OAG  
Bill McKelway, Richmond Times Dispatch

**Call to Order:**

Melina Dee Perdue, Chair, called the meeting to order at 1:00 p.m.

**Minutes:**

A motion was made and seconded to accept the minutes of the September 2005 Board of Directors meeting. The motion passed unanimously.

**Finance:**

Candace Thomas reviewed the Balance Sheet, Profit and Loss, and financial highlights. She stated that dividends would begin appearing on the financial statements due to the new type of funds the Program were investing in.

Bill LeHew asked about the differences in participating hospitals. George Deebo stated that it was possible that the Program had dropped some hospitals but also added new ones. Melina Dee Perdue asked for an updated list of the participating hospitals for the next Board meeting.

A motion was made by Melina Dee Perdue and seconded by Lynn Chapman to approve the September financial statements. Motion carried unanimously.

**Finance Committee:**

Ed Mazur stated that staff was to ask the audit firm to have financial reports ending 12/31/05 to be finalized by April 2006. He also stated to ask if the field audit could be moved up a few weeks into February instead of the first two weeks in March.

Ed Mazur shared with the Board that the draft report of the Funding Study HR646 would be presented by Gary Burke at its November meeting.

Ed Mazur discussed the Analysis of Potential Program Changes presented to the Finance Committee by Rob Walling of Pinnacle Actuarial Resources, Inc. He reviewed the five recommendations that were presented to the committee at an earlier meeting. Ed Mazur asked Rob Walling to develop an analysis report for the Program using the 2005 financial numbers presented in the Audit report from Mercer.

**Public Comment:**

Bill McKelway, Richmond Times Dispatch, requested a copy of the Actuary Report even though it is only in draft. A copy of the Actuary Report was given to Bill McKelway at the earlier meeting of the Audit Committee. He also asked if the Program had the funds available to reimburse families for the cost incurred to copy medical records for their petition into the program.

**Closed Session Regarding Claimant Issues:**

Melina Dee Perdue, Chair, 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). The motion was seconded by Bill LeHew and unanimously passed.

Melina Dee Perdue 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. The motion was seconded and unanimously passed.

**Results of Closed Session:**

Ed Mazur motioned to give the [REDACTED] the allowable amount of \$1,000 per the guidelines for experimental therapy for their [REDACTED]. He stated if the [REDACTED] wanted additional treatments that the treatments must be with a credible study at a medical academic center providing positive data for said treatments. Bill LeHew seconded the motion and unanimously passed. Motion passed unanimously.

**New Business:**

Melina Dee Perdue stated that since only four Board members were present she preferred that the Board postpone elections until the next Board meeting. This was agreed to unanimously.

Ed Mazur reviewed proposed amendments to the current enabling legislation for the Program. He asked Board members to review the whole document for discussion at the next Board meeting.

Melina Dee Perdue made a motion to have staff communicate to the Virginia Retirement System the proposed amendments to the enabling legislation and share with the Program its comments/recommendations. Also, included in the motion was to communicate with the 3 Chairs of the Medical Panels and Mr. Larry Tarr, SCC with the proposed amendments for comment before the next Board meeting

**Closed Session Regarding Legal Advice:**

Melina Dee Perdue, moved that the meeting convene in a closed session to discuss legal issues pursuant to the exemption at 2.2-3705 (this references 38.2-5002.2). The motion was seconded and unanimously passed.

Melina Dee Perdue, 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. The motion was seconded and unanimously passed.

**Adjournment:**

A motion to adjourn was made by Melina Dee Perdue, Chair, seconded by Bill LeHew, Vice-Chair, and unanimously agreed to at 3:10 p.m.

**Virginia Birth Injury Program  
Board of Director's Meeting  
Minutes for November 8, 2005**

**Attendees:**

Melina Dee Perdue, Chair (via telephone)  
Willette "Bill" LeHew, MD, Vice Chair  
Edward Mazur, CPA  
McLain O'Ferrall  
Jennifer Ogburn  
Ralph Shelman

**Also Present:**

George Deebo, Executive Director  
Candace Thomas, Deputy Director  
Iris Allen, Claims Manager  
Angela Conley, Executive Assistant  
Jim Rorrer, CapGroup  
Gary Burke, Consultant  
Frank Ferguson, Deputy Attorney General, OAG  
Carla Collins, Assistant Attorney General, OAG  
Bill McKelway, Richmond Times Dispatch

**Call to Order:**

Bill LeHew, Vice Chair, called the meeting to order at 1:15 p.m.

**Minutes:**

Ed Mazur motioned to accept the minutes of the October 2005 Board of Directors meeting.  
Ralph Shelman seconded the motion and the motion passed unanimously.

**Finance:**

Candace Thomas reviewed the Balance Sheet, Profit and Loss, and financial highlights. She informed the Board members that the Program has converted to accrual basis of accounting from the cash basis.

A motion was made by Ralph Shelman and seconded by Ed Mazur to approve the October financial statements. Motion carried unanimously.

### **Investment Committee:**

McLain O’Ferrall informed the Board that the Cap Group Quarterly Report would be distributed to each member in the next couple of weeks for review to be discussed at the next Board meeting.

Ed Mazur also inquired about relations with Sun Trust with regard to the physician assessment payments. George Deebo and Candace Thomas commented that the Program is regularly receiving electronic files from SunTrust and that the new vendor is doing very well.

Ed Mazur commented that he felt that the Investment Committee and Jim Rorrer with Cap Group had done a good job with transiting the Program funds from Merrill Lynch to SunTrust.

Melina Dee Perdue stated that some smaller hospitals did not participate because the bottom line figure can be severely affected. However, other larger hospitals that are not participating should be contacted to offer them information about the program and persuade them to participate.

### **Finance Committee:**

Ed Mazur shared with the Board that the Finance Committee had met with David Bolton, the Program’s CPA and highlighted the following: 1) Mr. Bolton will review yearly reports along with actuarial reports, and 2) a deadline of April 1<sup>st</sup> for final audit reports.

Ed Mazur also discussed the possible recommendations to eliminate the deficit of the Program and noted that Rob Walling of Pinnacle Actuarial Services is completing the final actuarial tabulations.

Gary Burke, consultant for the HJR 646 Funding Study, briefly spoke to the Board. The draft of his findings would be forthcoming for the Board members to review and approve. Ed Mazur stated that the next Board meeting might be longer to give ample time to review the draft document.

Melina Dee Perdue commented that George Deebo did a good job presenting the Program at the recent “Common Good – Medical Courts” meeting in Washington, DC. At the meeting, information was received about the Florida Program along with getting positive comments from Katie Webb with the Virginia Hospital Association regarding proposed legislation. George Deebo stated that he was trying to schedule a meeting with the Florida group along with Candace Thomas tentatively for December or January.

### **Public Comment:**

Bill McKelway, Richmond Times Dispatch, asked if a doctor is a participant in the Program and the hospital is not, what happens to the funds of the lawsuit in regards to the hospital? Melina Dee Perdue replied that the Program has a right of subrogation meaning it can ask the court for any monies awarded in such a situation.

**Closed Session Regarding Claimant Issues:**

Melina Dee Perdue, Chair, 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). The motion was seconded by Bill LeHew and unanimously passed.

Melina Dee Perdue 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. The motion was seconded and unanimously passed.

**Results of Closed Session:**

Melina Dee Perdue motioned to deny the request for an outside whirlpool for [REDACTED]. Bill LeHew seconded the motion and it passed unanimously.

Lain O'Ferrall motioned to deny additional benefit funds to assist the renovation of [REDACTED] home. Per the Program guidelines, the housing benefit is set at \$175,000 and the amount should not be altered. Bill LeHew seconded the motion and it passed unanimously.

**New Business:**

Ed Mazur motioned that the Board members re-elect Melina Dee Perdue as Chair and Willette "Bill" LeHew as Vice-Chair. Ralph Shelman seconded the motion. The motion passed unanimously.

George Deebo discussed the Regional Meetings that had been set up during the months of October and November. The only meeting to take place was in McLean (Northern Virginia). The other meetings were cancelled due to low participation. Ed Mazur commented that the families that attended the McLean meeting were receptive to proposals, especially the respite care. Ralph Shelman and Melina Dee Perdue stated that if any families had any concerns or problems that the staff was aware of and had wanted to attend the regional meeting then an invitation should be sent to them to attend a regularly scheduled Board meeting. George Deebo followed this comment by stating that the families who do have major concerns are met with individually and with the Board. .

**Closed Session Regarding Legal Advice:**

Melina Dee Perdue, moved that the meeting convene in a closed session to discuss legal issues pursuant to the exemption at 2.2-3705 (this references 38.2-5002.2). Ralph Shelman seconded the motion and passed unanimously.

Melina Dee Perdue, 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. The motion was seconded and unanimously passed.



**Adjournment:**

A motion to adjourn was made by Melina Dee Perdue, Chair, seconded by Bill LeHew, Vice-Chair, and unanimously agreed to at 3:10 p.m.

**Virginia Birth Injury Program  
Board of Director's Meeting  
Minutes for December 13, 2005**

**Attendees:**

Melina Dee Perdue, Chair  
Willette "Bill" LeHew, MD, Vice Chair  
Lynn Chapman  
McLain O'Ferrall  
Jennifer Ogburn

**Also Present:**

George Deebo, Executive Director  
Candace Thomas, Deputy Director  
Iris Allen, Claims Manager  
Angela Conley, Executive Assistant  
Jim Rorrer, CapGroup  
Gary Burke, Consultant  
Carla Collins, Assistant Attorney General, OAG  
Bill McKelway, Richmond Times Dispatch

**Call to Order:**

Melina Dee Perdue, Chair, called the meeting to order at 11:00 a.m.

**Minutes:**

Bill LeHew, Vice Chair, motioned to accept the minutes of the November 2005 Board of Directors meeting. Melina Dee Perdue, Chair, seconded the motion and the motion passed unanimously.

**Finance:**

Candace Thomas reviewed the Balance Sheet, Profit and Loss, and financial highlights. She mentioned that the Program had deferred revenue from insurance payments that were coming in.

- Lynn Chapman asked how often the insurance companies paid. Candace Thomas stated that the insurance companies pay annually. If they do not pay by a certain time, the State Corporation Commission, Bureau of Insurance will then assist with enforcing payment.
- McLain McFerrall asked why the Program was paying property taxes. George Deebo stated that per the Program's guidelines that as a benefit for having a Fund Van, the Program paid the property taxes.

A motion was made to approve the November financial statements. Motion carried unanimously.

**Investment Committee:**

McLain O’Ferrall state that the quarterly reports had been sent with the December Board packets and hoped that everyone had a chance to review it. He then asked if anyone had any questions. He stated that he thought it was an overall good report and had Jim Rorrer, with Cap Group make a few points about the report.

Jim Rorrer reiterated that the Program’s funds were doing well. He stated that the Executive Summary of the report gave a good overall of the funds and that everything was on course and in compliance.

**Public Comment:**

Bill McKelway, Richmond Times Dispatch, asked if the Kaelin family had received the reimbursement for nursing expenses and if the Williamson family had received their generator. George Deebo stated that both family items had been taken care of but he would double check to make sure.

**Old Business - Continued:**

- **Proposed Legislative Changes:** Carla Collins, Assistant Attorney General, Office of Attorney General, reviewed the proposed legislative changes. Lynn Chapman motioned to accept the legislative changes as is with the exception for §38.2-5016 awaiting assistance from the Attorney General Office regarding clarification of section 4F. Bill LeHew, Vice-Chair, seconded the motion and it passed unanimously.
- **HJR646 – Funding Study:** Gary Burke presented the final draft of the Funding Study requested by the General Assembly under House Joint Resolution 646. He reviewed the steps that were taken to complete the study and shared with the Board the outcome of the Study. He presented five recommendation to be considered to increase funding for the program: increase the rates of participating physicians, non-participating physicians, hospitals, insurance companies and add a surcharge to all groups for a set number of years. Bill LeHew, Vice-Chair, motioned to accept Gary Burke’s HJR646 Funding Study with listed recommendations. Melina Dee Perdue, Chair, seconded the motion and it passed unanimously.

**Adjournment:**

A motion to adjourn was made by Bill LeHew, Vice-Chair, and seconded by Melina Dee Perdue, Chair, and unanimously agreed to at 2:00 p.m.