

Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for January 10, 2006

Attendees:

Melina Dee Perdue, Chair
Willette "Bill" LeHew, MD, Vice Chair
Ed Mazur
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
Marshall Cook, Hirschler & Fleischer
Paul Hoelschen, Hirschler & Fleischer
Seth Ginther, Hirschler & Fleischer Consulting
Frank Ferguson, Deputy Attorney General, OAG
Carla Collins, Assistant Attorney General, OAG
Bill McKelway, Richmond Times Dispatch
Martinez, Gwendolyn and Yvonne Kelley

Call to Order:

Melina Dee Perdue, Chair, called the meeting to order at 1:05 p.m.

Minutes:

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

Finance:

Candace Thomas distributed revised financial reports before reviewing the Balance Sheet, Profit and Loss, and financial highlights. Ed Mazur requested that Ms. Thomas do further research into the insurance fees, make a comparison of 2005 balance sheet to 2004, and make some other changes to the reports and submit amended 2005 year end reports at the February meeting.

Bill LeHew, Vice-Chair, made a motion to approve the December financial statements with discussed amendments. McLain O'Ferrall seconded the motion. Motion carried unanimously.

Investment Committee:

McLain O'Ferrall stated that the Program has a 1.5% return in the last month. Jim Rorrer of Cap Group concurred with McLain O'Ferrall that currently the market was strong and the Program's investments were doing well. He also cautioned the Board that short-term returns fluctuate and to consider the long term returns when evaluating investment performance.

Public Comment:

Bill McKelway, Richmond Times Dispatch, asked why the Program's unfunded liability was reported lower than shown in the Mercer 2004 report. George Deebo stated that the Program's revenues are higher at the beginning of the year since that is when the assessments are due. As the year goes on, the revenues are reduced with expenses of the Program and claimants.

Bill McKelway also asked why there were no proposed bills for funding going before the General Assembly? Melina Dee Perdue stated that the Board did not take a vote to proceed with a funding bill but to let the General Assembly be able to absorb the information presented. She also stated that the Board wanted to see what the patrons thought of the recommendations set before them. After reviewing the information, the Board would ask patrons which of the recommendations they liked the best or other options that could be looked at to assist the Program.

Bill McKelway also asked what was the cost of the funding study. George Deebo stated that he did not have an exact figure to give him but he thought the total study cost approximately between \$20,000 and \$30,000.

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, Vice-Chair, and passed 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 extend mileage/gas reimbursement to the [REDACTED] [REDACTED] for transporting their [REDACTED] [REDACTED], to and from school until Staff was able to speak with a representative of Chesterfield County School Transportation Department and possibly the Chesterfield County Attorney for alternatives to the transportation situation. Also Staff would need to request a

more specific letter of medical necessity from [REDACTED] doctor detailing exactly why such transportation was medically necessary.

Bill LeHew, Vice-Chair, seconded the motion. Motion passed unanimously.

- Bill LeHew, Vice-Chair motioned that the Program provide the current housing benefit – modification of bedroom and bathroom, up to \$175,000, in accordance with the Program's current guidelines to [REDACTED] mother of [REDACTED].

McLain O'Ferrall seconded the motion and it passed unanimously.

New Business:

Marshall Cook with Hirschler and Fleischer reviewed his findings regarding implementation of the wage benefit.

Mr. Cook highlighted the following three areas:

- What would the amount of the wage be when the child reaches age 18? How is it calculated?
- Who would get the payment for the claimant?
- How would the payment affect the claimant in various areas?

Special:

Ed Mazur excused himself to leave the meeting early to go to the General Assembly Building to speak with various legislators concerning the proposed funding study and legislative House Bills 416 and 417.

Executive Director's Report:

George Deebo, Executive Director, stated that Seth Ginther, consultant with Hirschler and Fleischer Consulting, would be the Program's lobbyist for the 2006 General Assembly session. He also stated that an initial cap of \$25,000 had been set for the contract.

Adjournment:

A motion to adjourn was made by Melina Dee Perdue, Chair, and seconded by Bill LeHew, Vice-Chair, and unanimously agreed to at 3:05 p.m.

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for February 14, 2006**

Attendees:

Lynn Chapman, Acting Chair
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
Seth Ginther, Hirschler & Fleischer Consulting
Carla Collins, Assistant Attorney General, OAG
Bill McKelway, Richmond Times Dispatch

Call to Order:

Lynn Chapman, Acting Chair, called the meeting to order at 1:05 p.m.

Minutes:

Laine O'Ferrall, motioned to accept the minutes of the January 2006 Board of Directors meeting. Jennifer Ogburn seconded the motion and the motion passed unanimously.

Finance:

Candace Thomas reviewed highlights of Investments (list of funds), Profit and Lost Report, and Insurance Fees. Mrs. Thomas also stated that the legislative requirements for filing year end investment and financial results with the Virginia House of Delegates, Senate and Governor's office had been completed.

Lain O'Ferrall made a motion to approve the January financial statements. Ralph Shelman seconded the motion. Motion carried unanimously.

Investment Committee:

The Board members received the Market Review & Fund Performance Analysis with other material for the February Board meeting. Lain O'Ferrall asked if any Board members had any questions pertaining to the report. Mr. O'Ferrall stated the Program's funds were doing well and CapGroup was managing the accounts in a good manner. At this time, the Program is only involved in index funds. Lain O'Ferrall also stated that CapGroup would be merging and would be now known as Focus Financial Partners. This merger will have no impact on the Program's

funds or the way they are being managed. The merger would eventually provide more resources for the Program and even lead into International Funds.

Ralph Shelman motioned to accept the Investment Report of Lain O'Ferrall. Lynn seconded the motion. Motion carried unanimously.

Ralph Shelman commended Lain O'Ferrall for his leadership with his work on the Investment Committee.

Public Comment:

Bill McKelway, Richmond Times Dispatch, asked if the home of a deceased claimant had been purchased by the parents? Candace Thomas during the financial review stated that the sale of the Davis home had to be rebooked. Laine O'Ferrall stated that it seemed low and inquired about the sale amount. Candace Thomas stated that there was a loss of \$30,000. George Deebo commented that the loss was due to the economy of the Danville area.

Bill McKelway also asked if the Program had considered providing the home to another claimant family who were very poor and living in a shack? George Deebo noted that he would look at the situation.

Legislative Update

Seth Ginther, lobbying consultant, updated the Board with the current legislation for the Board:

- House Bill 416 was being carried for the Program by Delegate Tata with an identical bill carried by Senator Watkins in the Senate. The purpose of House Bill 416 was to have the definition of birth injury to go back to the original scope of the 1989 legislation and update several other provisions of the Birth-Injury Act.. Due to the complexity of the bill and some opposition, the House carried it over to 2007.

- House Bill 417 was carried for the Program by Delegate Tata. The purpose of House Bill 417 was to remove provision requiring consultation and advice from the Virginia Retirement System and have Program decide on their own investment manager. It also would offer benefits of the Program's employees to receive VRS benefits and insurance options for employees through Local Choice. The second portion of the bill had to be removed because the House stated the bill could not have a dual purpose. Following the amendment, the bill was passed by the committee and sent to the House.

- Mr. Ginther stated that he would continue to work on the employee benefits piece. He encouraged Board members to come and speak to the Commerce and Labor Committee when the information was going to be presented. Mr. Ginther would notify George Deebo the date that it would be discussed.

Seth Ginther also noted that Senator Edwards had proposed a bill for claimants who had been denied entry into the Program a re-hearing if new medical evidence or medical technology could support the claimant's petition for benefits.

Closed Session Regarding Claimant Issues:

Lynn Chapman, Acting 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 passed 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:

- Laine O'Ferrall motioned to temporarily extend mileage reimbursement to [REDACTED] [REDACTED] for transporting their [REDACTED] [REDACTED], to and from school until the next meeting when the request would be reconsidered.

Ralph Shelman seconded the motion. Motion passed unanimously.

- Ralph Shelman motioned that the Program provide [REDACTED], on behalf of [REDACTED] with a wheelchair accessible minivan available under the current transportation benefit or the requested Turny Seat to be installed in their personal vehicle.

Jennifer Ogburn seconded the motion. Motion passed unanimously.

Executive Director's Report:

George Deebo, Executive Director, announced that two new claimants had entered the program.

Adjournment:

A motion to adjourn was made by Lynn Chapman, Acting Chair, and seconded by Ralph Shelman and unanimously agreed to at 3:15 p.m.

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for March 14, 2006**

Attendees:

William "Bill" LeHew, MD, Vice-Chair
Lynn Chapman
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
Seth Ginther, Hirschler & Fleischer Consulting
Carla Collins, Assistant Attorney General, OAG
Bill McKelway, Richmond Times Dispatch

Call to Order:

Bill LeHew, Vice-Chair, called the meeting to order at 1:05 p.m.

Minutes:

Bill LeHew, Vice-Chair, motioned to accept the minutes of the February 2006 Board of Directors meeting. Lynn Chapman seconded the motion and the motion passed unanimously.

Finance:

Candace Thomas reviewed the financial highlights that included investment allocations and claims reserves on the Balance Sheet and nursing fees, consulting fees, transportation and housing projects on the Profit and Loss Report.

Bill LeHew, Vice-Chair, made a motion to approve the February financial statements. Edward Mazur seconded the motion and the motion carried unanimously.

Finance Committee:

Edward Mazur stated that he had received a letter from the Program's Public Accounting Firm and the 2005 Audit was underway. Edward Mazur commented that this year Candace Thomas, Deputy Director, had completed the 2005 financial statements for the auditors. The audit is going smoothly and on schedule and the 2005 Audit Report should be released to the Program on March 31st or April 1st.

Investment Committee:

Laine O'Ferrall notified the Board of the current status of the Investment portfolio which was 60% active managers and 40% passive managers. In all, there would be 12 active managers. By mid June, the Investment Committee would begin to pick the 12 managers with the guidance of the Program's investment advisor, Jim Rorrer, CapGroup. Laine O'Ferrall stated that Board members are welcome to assist with the search and selection of the managers.

Bill LeHew, Vice-Chair, thanked Laine O'Ferrall for a good job that he has done for the investments for the Program. Laine O'Ferrall thanked Ralph Shelman and Edward Mazur for assisting him with the Investment Committee and their team effort.

Public Comment:

Bill McKelway, Richmond Times Dispatch, asked Seth Ginther if under SB632 would the claimants have to start the petition process from the beginning? Seth Ginther stated that he could not respond to that question at that time.

Bill McKelway, Richmond Times Dispatch, asked "By July, can the Program be structured for legislation to support current claimants in the Program or the Program stop accepting new claimants into the Program for it to run effectively?" George Deebo, Executive Director, and Edward Mazur both commented that it was more hopeful for the end of fall or the end of the year. There are many variables in the equation of the structure but it is possible. Bill McKelway also asked if there would be any major changes judicially to the Program? George Deebo stated none that he was aware of.

Legislative Update

Seth Ginther, lobbying consultant, updated the Board with the current legislation for the Board:

- House Bill 417 has passed out of the House and Senate and will be effective July 1st. 2006. This bill removed the Virginia Retirement System from the Program's legislation and allows the Program to decide on their own investment manager. The legislation was carried for the Program by Delegate Tata with an identical bill carried by Senator Watkins in the Senate.
- House Bill 416, which would have modified several aspects of the Program, was carried over until next year by both Houses.
- Senate Bill 632 introduced by Senator Bill Edwards originally allowed for a denied petition to be resubmitted due to new medical evidence SB 632 was reduced to a Section 1 bill that allows resubmission of denied claims for claimants born within a specific time frame.

Edward Mazur commented to Seth Ginther that he had done a fine job and thanked him for his services on behalf of the Board. Lynn Chapman also commented to Seth Ginther that she appreciated his work and thanked him for a job well done. Edward Mazur also stated to the Board that it needed to continue moving forward to present the Funding Study and proposed legislation to the General Assembly in January 2007.

Laine O'Ferrall asked Seth Ginther what other actions as a Board member could be taken to work on getting the Funding Study and Proposed Legislation through the General Assembly? Seth Ginther stated to visit with Senators and express the need for the legislation. Also, speak with legislators in some of the claimant's home districts and inform them of the positive actions the Program has already taken for these claimants. Seth Ginther said to begin scheduling meetings as early as May.

Closed Session Regarding Claimant Issues:

Lynn Chapman 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, Vice-Chair, and passed 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:

- Edward Mazur motioned for the Program to offer to take possession of the van no longer being used by the [REDACTED] family and sell it returning the prorated amount of receipts to the family equal to the amount the family had paid into the van.

Lynn Chapman seconded the motion. Motion passed unanimously.

- Lynn Chapman motioned that the Program respond to the [REDACTED] family that the request for mileage for travel to and from school was not medically necessary. The Board also notes that the Program has already supplied an air-conditioned van that can be utilized for travel to and from school

Edward Mazur and Ralph Shelman seconded the motion. Motion passed unanimously.

Closed Session Regarding Legal Advice:

Lynn Chapman 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 agreed.

Executive Director's Report:

George Deebo, Executive Director, reminded the Board that all Board meetings were on the Program's website and that there was not a scheduled meeting for August to allow for vacations, etc. George Deebo asked if all Board members were okay with that or if a Board meeting was needed the Board would be contacted in a timely manner to have it scheduled. The Board agreed.

George Deebo also asked the Board if there were interested in a training session this year in June or July. Topics may include Investments, Program Entry Process, etc. The Board agreed.

Adjournment:

A motion to adjourn was made by Bill LeHew, Vice-Chair, and seconded by Lynn Chapman and unanimously agreed to at 3:30 p.m.

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for April 11, 2006**

****AMENDED****

Attendees:

Melina Dee Perdue, Chair
William "Bill" LeHew, MD, Vice-Chair
Edward Mazur, CPA
McLain O'Ferrall
Ralph Shelman

Also Present:

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

Call to Order:

Melina Dee Perdue, Chair, called the meeting to order at 1:10 p.m.

Minutes:

Ed Mazur presented changes to the March Board minutes for clarification. Ralph Shelman seconded the motion and the motion passed unanimously. Revised minutes will be sent to the Board members in the May Board packet.

Finance:

Candace Thomas reviewed the financial highlights that included Balance Sheet, Profit and Loss Report, and introduction of option for physicians to pay their annual assessment with credit cards effective February 1st, 2006. Ed Mazur asked Candace Thomas to look at the Program's level of cash to see if it was earning any type of interest while in the bank. He also asked if the Program had an Accounts Payable policy in place so that we are paying invoices in a timely manner. Candace Thomas responded that she would verify the interest with the bank and that the Program did have a policy in place for timely payment of invoices.

Candace Thomas asked the Board members if they wanted to continue to receive the detailed financial statements or if they would prefer a condensed version of the reports. Ed Mazur and Melina Dee Perdue, Chair, both commented that they preferred the detailed financial statements and would like her to continue with that format.

Ed Mazur made a motion to approve the March financial statements. Ralph Shelman seconded the motion and the motion carried unanimously.

Finance Committee:

Edward Mazur stated that Cherry, Bekaert and Holland, the Program's Public Account Firm, had completed the 2005 Audit Report as of March 15, 2006 and the report was available as of March 31, 2006. Candace Thomas provided copies of the Audit Report for the Board members. Ed Mazur asked the Board members to read the Audit Report carefully and bring any questions back for discussion at the next Board meeting.

Investment Committee:

Laine O'Ferrall notified the Board members that the Investment Committee had met with Jim Rorrer, Investment Consultant with Cap Group, earlier in the morning and had decided on the Large Cap Growth and Value managers. The Investment Committee had chosen Intech/Janus Capital Group and Rainier Investment Management, Inc. as the large cap growth managers. Great Lakes Advisors and Alliance/Bernstein were chosen as the large cap value managers. The Program invested eight million in each manager. At its next scheduled meeting, the Investment Committee would be looking at managers for the Bonds.

No motion was necessary for the Investment Committee actions. Laine O'Ferrall did request that George Deebo, Executive Director, consult with financial advisor to draft contract for the selected managers and to seek counsel from the Attorney General's Office regarding communication with the Virginia Retirement System and to be in compliance with the current legislation.

Public Comment:

Bill McKelway, Richmond Times Dispatch, stated that during the recent presentation at the Medical Society of Virginia information was stated that the Program had a deficit but was also financially sound. Was that accurate information? Ed Mazur explained that the Program had enough financial resources to meet current obligations on a timely basis, but that the Program's reserves and future revenues were not sufficient to cover the full long-term liability to current and IBNR (Incurred But Not Reported) claimants. It was noted that the Program has tried to use terminology that the public can understand and relate the Program to.

Closed Session Regarding Personnel and 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, Vice-Chair, and unanimously passed.

Melina Dee Perdue, Chair, 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:

- Edward Mazur motioned to approve the request of the addition of a roll-in shower in the home of [REDACTED] Motion passed unanimously.

- Ed Mazur motioned to extend the rental assistance for [REDACTED] over the next 12 months. At the end of 12 months, the Board will review the monthly benefit based on the normal methodology of calculating rental housing assistance. Melina Dee Perdue seconded the motion. Motion passed unanimously.

Closed Session Regarding Legal Advice:

Melina Dee Perdue, Chair, 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, Chair, 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 agreed.

Executive Director's Report:

George Deebo, Executive Director, mentioned to the Board that he and Bill LeHew had participated in a meeting with the Medical Society of Virginia and it was a good turnout and went well. George Deebo announced that in 2006 the Program had the highest amount of participating physicians totaling more than 550. This is the highest amount participating in the history of the Program.

Adjournment:

A motion to adjourn was made by Melina Dee Perdue, Chair, and unanimously agreed to at 2:50 p.m.

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for May 9, 2006**

Attendees:

Melina Dee Perdue, Chair, via conference call
William "Bill" LeHew, MD, Vice-Chair
Lynn Chapman
Edward Mazur, CPA
Jennifer Ogburn
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, OAG
Bill McKelway, Richmond Times Dispatch

Call to Order:

Bill LeHew, Vice-Chair, called the meeting to order at 1:05 p.m.

Minutes:

Ed Mazur presented changes to the April Board minutes under Public Comment for clarification. Motion passed unanimously. Revised minutes will be sent to the Board members in the June Board packet.

Finance:

Candace Thomas reviewed the financial highlights that included Balance Sheet, Profit and Loss Report, and clarifications of transactions regarding the purchase of the INTEC/Janus fund investment. Candace Thomas reported that currently Wachovia does not offer any interest on any of the accounts due to time and bookkeeping constraints. Ed Mazur asked if staff could look into Suntrust Bank for better interest rates to save money and/or offset bank fee costs. George Deebo commented that staff could look into seeking bids for these services to see which bank would be able to give a better rate.

Ed Mazur made a motion to approve the April financial statements. Motion carried unanimously.

Finance Committee:

Edward Mazur introduced David Bolton, CPA, of Cherry, Bekaert and Holland, the Program's Public Accounting Firm. Mr. Bolton was invited to attend this Board meeting to answer any

questions regarding the 2005 Audit Report which were given to the Board members at the April 11th, 2006 Board meeting.

Ed Mazur began by thanking David Bolton and staff for a good job on completing the audit process with special note for the work of Candace Thomas. Mr. Bolton began by stating that the information on the first two pages and last two pages of the Audit were compiled and completed by his staff. The remaining parts of the audit were performed by Candace Thomas with the assistance of CBH. Mr. Bolton continued by stating that the 2005 Audit Report yielded a good year for the Program. The audit was performed by his firm following the required state and federal guidelines. The Internal Control aspect of the audit showed no weakness in the structure of the Program. Mr. Bolton continued by stating the "financial statements are fairly presented".

David Bolton added that Cherry, Bekaert and Holland work together with Pinnacle Actuarial Resources to make sure that the assumptions received from the Mercer actuarial report are using standardized methodology. Mr. Bolton also shared with the Board members their practices for detecting fraud if present. They do this by looking at various avenues to see if any unusual transactions appear that do not fit the accounting structure.

Ed Mazur made a motion to approve the 2005 Audit Report. Lynn Chapman seconded the motion and the motion carried unanimously.

Investment Committee:

In the absence of Investment Committee Chair Laine O'Ferrall, Candace Thomas stated that the Investment Committee was moving on to select the remaining managers at its next meeting scheduled for May 12, 2006. Mrs. Thomas stated that the fund investment transactions were running smoothly.

At this time, no motion was necessary for the Investment Committee actions.

Public Comment:

Bill McKelway, Richmond Times Dispatch, asked David Bolton to clarify the provisions of claims in the Audit report on page 8. David Bolton gave a brief explanation of the amounts and referred Bill McKelway to a summary in the report on page 20.

Mr. McKelway asked what communication was being conducted with the members of the General Assembly and the Program's stakeholders. George Deebo commented that various conversations were on-going with different members regarding the Funding Study proposals. Ed Mazur commented that it was an important time for the different groups to make themselves aware of the financial impact of the proposals for the Program including House Document 11 that explains the options for economic balance for the Program. Mrs. Perdue also stated that she would assist Bill LeHew, Vice-Chair, to develop a letter to the Virginia Hospital Association seeking their participation in the process to develop legislation for the Birth-Injury Program.

Bill McKelway asked how the investment contracts were being signed with the investment companies if the new legislation was not effective until July 1, 2006. George Deebo stated that

communication was being created to present to VRS regarding the Program's current investments as a courtesy and that the Program is not prohibited from the current actions.

Mr. McKelway, after reviewing cost data per claimant, asked how the cost per claimant could be lower comparing 2005 to 2002. George Deebo explained that many variables factored into the cost of claimants (nursing, medical expenses, transportation, insurance, etc.). He noted some costs were declining due to the requirement of claimants having primary insurance and contracting with vendors (receiving discounts and receiving better prices).

New Business:

- George Deebo presented a draft policy regarding Conductive Education Therapy.

After discussing the policy, Ed Mazur recommended revising the draft policy wording regarding the process of paperwork required by the Program for the claimant to use this type of therapy (points A, B and C). Mr. Mazur also wanted to have more structure to the policy regarding the use of nursing during CE therapy. Ed Mazur addressed options H, I, and J regarding the CE therapists reports before and after CE sessions to be able to determine the benefits of the therapy on the claimant.

Ralph Shelman stated that maybe one of the medical colleges could do a study (or see if one had already been conducted) on how conductive education therapy is being practiced and what the benefits were, if any.

Melina Dee Perdue, Chair, stated that she would like to see more concrete research information on CE therapy before any administrative decisions were made on the draft policy.

Ed Mazur stated that he would like to have the draft policy revised and revisit CE therapy once more research information was available.

The Board's recommendation was to continue to treat conductive education as an experimental therapy until more research information could be evaluated.

Miscellaneous:

At the April 11th Board meeting, Laine O'Ferrall asked for George Deebo to provide information that made up the cost per claimant and a comparison to previous years. Three charts were provided to the Board members:

- Chart 1 compares the major categories of cost from 2001-2005 as a percentage of total claimant cost.
- Chart 2 shows the cost of each category for the years 2001-2005.
- Chart 3 illustrates the relationship between the average cost and average nursing cost per claimant for the years 2001-2005.

Ed Mazur and Bill LeHew commented that the data provided was very informative.

Melina Dee Perdue, Chair, mentioned to the Board that there was going to be a meeting at the Medical Society of Virginia on Thursday, May 18th, 2006 from 2:00 – 5:00 pm. Due to prior obligations, she would be unable to attend but thought that it would be a great opportunity for a

Board member or two to try to attend. George Deebo and Lynn Chapman stated that they would look at their calendar and try to attend the function.

Continued Business:

George Deebo gave an update on the recommendations resulting from the 2004 Northern Virginia Regional meeting. Most of the issues raised at the meeting have been corrected and implemented and many will be addressed in the upcoming new handbook. George Deebo notified the Board members that issue #10 which dealt with a Committee on Communications for the claimant families had met and decided on a quarterly conference call to claimants. Committee Board members Ralph Shelman and Jennifer Ogburn stated that they thought this would be the best way to be in touch with the families. Mr. Shelman and Mrs. Ogburn also stated that they would try to participate in at least two of the conference calls. Melina Dee Perdue, Chair, commented that this was a good idea.

Closed Session Regarding Legal Advice:

Bill LeHew, MD, Vice-Chair, 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 by Ed Mazur and unanimously passed.

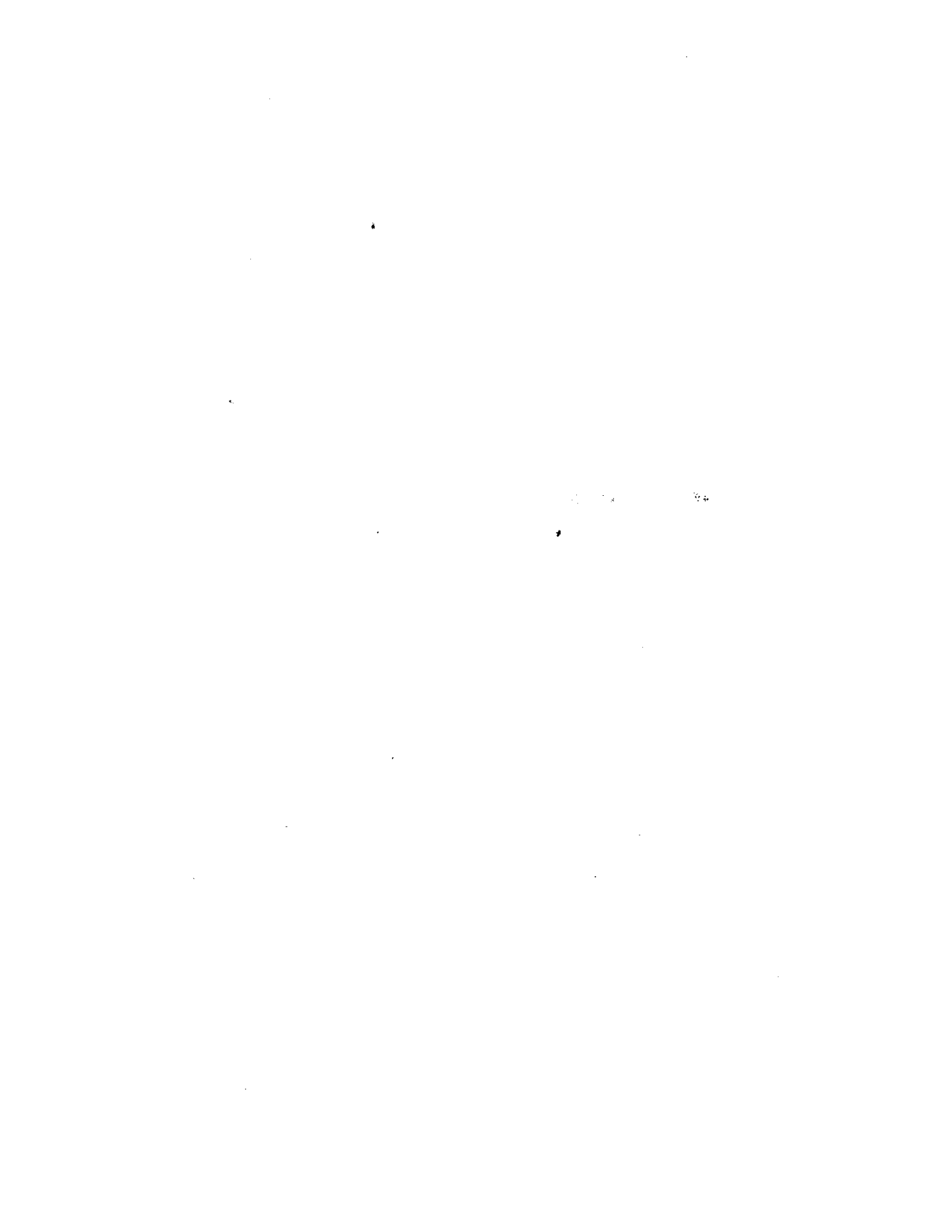
Bill LeHew, MD, Vice-Chair, made a motion that the Board certify the closed session, to the best of each member's knowledge, discussed only public business matters lawfully exempted and only such matters as were identified in the motion that closed the meeting. The motion was seconded and unanimously agreed.

Executive Director's Report:

George Deebo, Executive Director, shared with the Board that the amount of participating physicians was now at 569.

Adjournment:

A motion to adjourn was made by Bill LeHew, MD, Vice-Chair, and unanimously agreed to at 4:00 p.m.



**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for June 13, 2006**

Attendees:

Melina Dee Perdue, RN, MBA, CNA, Chairperson
William "Bill" LeHew, MD, Vice-Chairperson
Edward Mazur, CPA
Lain O'Ferrall
Jennifer Ogburn
Ralph Shelman

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
Angela Conley, Executive Assistant
Carla Collins, Assistant Attorney General, OAG
Marshall Cook, HF Consulting, LLC
Bill McKelway, Richmond Times Dispatch
Todd and Lee Ann Hershberger with son Joseph

Call to Order:

Bill LeHew, Vice-Chair, called the meeting to order at 1:20 p.m.

Minutes:

Ed Mazur presented changes to the May Board minutes under Finance for clarification. Melina Dee Perdue motioned to accept the minutes with the presented changes. Bill LeHew seconded the motion and it passed unanimously. Revised minutes will be sent to the Board members in the July Board packet.

Finance:

Candace Thomas reviewed the financial highlights that included Balance Sheet, Profit and Loss Report, and clarifications of transactions regarding the Rainier Large Cap Growth Investment. Candace Thomas pointed out that no hospital income was reported in May 2006 because the bulk of payments were received in December. Bill LeHew asked why the physician participation had increased? George Deebo stated that some insurance companies are requiring participation in the Program by the OBs they insure.

Lain O'Ferrall made a motion to approve the May financial statements. Motion carried unanimously.

Finance Committee:

No report for the June Board meeting.

Investment Committee:

Lain O'Ferrall notified the Board members that the Investment Committee had met with Jim Rorrer and Nick Zizzo, Investment Consultants with Cap Group, earlier in the morning and had decided on two managers for the International Equity Market. The Investment Committee chose Harbor Funds (value manager) and Artisan Funds (growth manager). In addition, the committee chose State Street global Advisors as manager for Emerging Markets investments. The Investment Committee will continue with their selection process at their next scheduled meeting on Tuesday, August 8th, 2006 at 9:00 am to select Small Cap and Bond managers.

Legislative Update:

Marshall Cook, consultant with HF Consulting, was present to update the Board on actions that had been taken to advance the long term financial stability of the Program. Marshall Cook stated that meetings had been held individually with stakeholders as well as an introductory meeting with other groups of interest. A meeting held on June 7th, 2006, at the Medical Society of Virginia closed with more issues raised but with stakeholders eager to work on the Funding Study at their next scheduled meeting on June 20th, 2006. The goal that Marshall Cook is working towards is to have something for the Board to consider for the General Assembly by the end of the summer. In his closing remarks, Marshall Cook told Board members that they could contact him directly with any questions regarding the legislative meetings and he would be present at future Board meetings during the summer to update the members of his progress.

George Deebo stated that staff would send out letters to families of the Program to invite them to participate in upcoming meetings either in person or by conference call. Ralph Shelman stated that he would encourage the continuation of the involvement of the families with these legislative meetings.

Other:

Todd and Lee Ann Hershberger along with their son, Joseph, new claimants to the program, were present to address several questions regarding program benefits and the process of the funding study.

Closed Session Regarding Claimant Issues and Legal Advice:

Melina Dee Perdue, Chair, 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 agreed.

Results of Closed Session:

Ed Mazur motioned that the [REDACTED] request for reimbursement for expenditures for conductive education prior to the Program allowing payment for such expenditures be denied because it falls under discretionary benefits and does not qualify for reimbursement. Bill LeHew seconded the motion and it passed unanimously.

Ed Mazur motioned that the [REDACTED] request for rental assistance prior to entering the Program be declined. It is the position of the Program that this is a discretionary benefit and does not qualify for reimbursement. Bill LeHew seconded the motion and it passed unanimously.

Ed Mazur motioned to that [REDACTED] request to receive compensation for childcare provided by family members for [REDACTED] from 1989-2000 be denied because it is not a Program benefit and it falls under discretionary benefits. Ralph Shelman seconded the motion and it passed unanimously.

Ed Mazur motioned [REDACTED] request for reimbursement of diapers for [REDACTED] prior to his admittance into the Program be denied because these items could have been received through another source, Medicaid, and the Program is the payer of last resort. Bill LeHew seconded the motion and it passed unanimously.

Lain O'Ferrall motioned to request additional information from [REDACTED] doctor regarding the medical necessity of the presence of a nurse at the conductive education sessions. Upon receipt of this letter, the Board would re-examine the [REDACTED] request at the next scheduled Board meeting. Ralph Shelman seconded the motion and it passed unanimously.

Executive Director's Report:

George Deebo, Executive Director, commented that Program Handbooks had been provided to the Board members with their July Board packet. He asked each Board member to read, review and make any suggestions or changes to the Program handbook within the next two weeks.

George Deebo reminded members that the July Board meeting would consist of a training session and a regular Board meeting. The meeting will be held at the Sheraton Richmond West Hotel on July 11th, 2006. Guest speakers for the July Board meeting will be Jim Rorrer, Investment Consultant with Cap Group and members of the Office of the Attorney General.

George Deebo reminded members that Bill LeHew, Lain O'Ferrall and Ralph Shelman were up for re-appointment by the Governor. Their three year term ends on June 30th, 2006.

There, also, will be no August Board Meeting.

Continued Business:

George Deebo presented a revised draft of the *Conductive Education Therapy Draft Policy* which included changes from Board members from the May Board meeting. The Board members discussed at length that more research needs to be conducted in regards to conductive education therapy to find where clinical research has been performed and documented with positive results. Board members asked that section L be reworded for clarity. Members also agreed that when the policy is put into affect that the policy should be reviewed annually.

Ralph Shelman motioned to accept the draft policy of Conductive Education Therapy only as an administrative policy to be used in accordance with the operation of the Program until more definite information and research could be made available. Ed Mazur seconded the motion and it passed unanimously.

Adjournment:

A motion to adjourn was made by Melina Dee Perdue, Chair, and unanimously agreed to at 4:35 p.m.

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for July 11, 2006**

Attendees:

Melina Dee Perdue, RN, MBA, CNA, Chairperson
Lynn Chapman
Lain O'Ferrall
Jennifer Ogburn
Ralph Shelman (via conference call)

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
Angela Conley, Executive Assistant
Carla Collins, Assistant Attorney General, OAG
Bill McKelway, Richmond Times Dispatch

Call to Order:

Melina Perdue, Chairperson, called the meeting to order at 11:10 a.m.

Minutes:

A change was requested to the June Board minutes under Continued Business regarding Conductive Education Therapy to change "administrative policy" to *guidance document*. Lain O'Ferrall motioned to accept the minutes with the presented changes. Melina Perdue, Chairperson, seconded the motion and it passed unanimously. Revised minutes will be sent to the Board members in the August Board packet.

Finance:

Candace Thomas reviewed the financial highlights that included Balance Sheet, Profit and Loss Report. A motion was made to approve the June financial statements. Motion carried unanimously.

Finance Committee:

No report for the July Board meeting.

Investment Committee:

Lain O'Ferrall notified the Board members that the next Investment Committee meeting would be held on August 8th, 2006 to discuss selection of the Small Cap and Bonds. At this time, he had no other information to report to the Board.

Legislative Update:

George Deebo stated that with the resignation of Marshall Cook, consultant with HF Consulting, the search for a new facilitator had begun. At this time, three individuals were being screened and a possible candidate should be contacted by the end of the week. Board members agreed that staff would need to seek Board approval on the final selected individual.

Closed Session Regarding Legal Advice:

Melina Dee Perdue, Chair, 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.

Lain 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. Lynn Chapman seconded the motion and it passed unanimously.

Results of Closed Session:

No claimant issues to report for the July Board meeting.

Other:

Lain O'Ferrall asked George Deebo, Executive Director, to contact the Florida Birth Injury Program regarding paying parents for respite care and their policies on this issue. Lain O'Ferrall suggested that some material be published to show public that Board members are not responsible for petition entries. Mr. O'Ferrall also wanted to extend invitations to families to express the concerns with Board members either in a general meeting or at Board meetings.

Public Comment:

Bill McKelway, Richmond Times Dispatch, stated that at no time had he known of any story to be written or printed incorrectly. If any incorrect information had been printed, Mr. McKelway urged Board members to contact him immediately.

Mr. McKelway also addressed questions to the Board regarding the search and selection of the next Program facilitator. George Deebo responded that various individuals were being looked at and screened including a candidate that was suggested by a family in the Program. The Board hoped to have a selected candidate within a short period of time. Melina Dee Perdue, Chairperson, was given authority by the Board to give the final approval of the selected candidate.

Bill McKelway also asked if families had been contacted on SB 632. George Deebo stated that staff had spoken to Workers' Compensation Commission for the list of families to be contacted.

Adjournment:

A motion to adjourn was made by Melina Dee Perdue, Chair, and unanimously agreed to at 12:15 p.m.

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for September 7, 2006**

Attendees:

Melina Dee Perdue, RN, MBA, CNA, Chairperson
Susan Lucas, MD, Ph.D.
Edward Mazur, CPA
Jennifer Ogburn
Ralph Shelman

Also Present:

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

Cindy and Mark Richards, Richmond Hope Therapy Center
Mark Ames, Family Participant

Call to Order:

Melina Perdue, Chairperson, called the meeting to order at 1:10pm.

Minutes:

Edward Mazur motioned to accept the July Board minutes. Susan Lucas seconded the motion and it passed unanimously.

Finance:

Candace Thomas reviewed the financial highlights that included Balance Sheet, Profit and Loss Report. A motion was made to approve the August financial statements. Motion carried unanimously.

Legislative Update:

George Deebo stated that legislative facilitators, Mark Reuben and Barbara Hulbert, met with the families on August 30th. The facilitators meet with Board members today in an earlier meeting. A meeting has been scheduled for September 20th to meet with the insurance groups. Mr. Reuben and Mrs. Hulbert will meet with all stakeholders in October.

Conference Call:

Lynn Chapman, Jennifer Ogburn, Ralph Shelman, George Deebo and Candace Thomas participated in the first scheduled conference call on Friday, August 25th, 2006 from 12:00pm to 1:00pm with various family participants. The conference calls will be held quarterly. The families will be notified in writing of the conference call date at least two weeks prior to the call to provide opportunity to participate. Ralph Shelman noted that the families seemed happy with the level of support and participation from the Board members present. A copy of the notes taken during the conference call will be disbursed to family members, Board members and posted on the Program's website. The next scheduled conference call will tentatively be set for late November or early December.

Public Comment:

Bill McKelway, Richmond Times Dispatch, asked at the end of the quarter, would the investment committee be able to show what the net profit/loss in the Program's investment was? Also, how much money was going to the investment accounts?

Bill McKelway asked if the Program had contacted families regarding HB632. George Deebo stated that there were possibly 17 families that meet the criteria for HB632 and that the Program may undertake notification. However, there are many difficulties in doing so. Ralph Shelman asked Bill McKelway to write an article seeking these 17 families. George Deebo and Edward Mazur stated that it was not the responsibility of the Program to locate the families, especially if their information with the WCC was not accurate.

Bill McKelway asked if the Program had contacted insurance companies to have their doctors and/or hospitals push the Program's information/material to all patients? Melina Dee Perdue stated that the Program has contacted the insurance companies, however, it is not the responsibility of the Program to instruct doctors and/or hospitals on what to do or when to hand out the Program's materials.

Bill McKelway asked if it was the Board's position to increase the participating physician and hospital fees in 2007? Melina Dee Perdue, Chairperson, and Edward Mazur both stated that until the facilitators could meet with everyone and review all suggestions/options, it would be premature to answer the question. Edward Mazur also stressed that the Board was doing what the General Assembly had asked the Program to do.

Special Presentation:

Cindy Richards, President, Richmond Hope Therapy Center, presented an overview of intensive therapy available through her organization. She presented background information on her programs along with before and after results of the therapy. She also included medical articles that showed the results of this therapy with children of cerebral palsy. Mark Ames, family participant, stated that his son, Stefan, had similar therapy out of state and was very pleased with the results. Mr. Ames supported the efforts of the Richmond Hope Therapy Center and hoped to see his son in Mrs. Richards' program.

Finance Committee:

No report for the September Board meeting.

Investment Committee:

No report for the September Board meeting.

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 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 it passed unanimously.

Results of Closed Session:

Edward Mazur motioned to table the ██████ request for intense therapy pending receipt of additional documentation regarding the benefit of the therapy. Ralph Shelman seconded the motion and it passed unanimously.

Edward Mazur motioned for the Board to deny ██████ claim of additional housing assistance for her son, because it exceeds the Program's allowable benefit for home modification. Susan Lucas seconded the motion and it passed unanimously.

Edward Mazur motioned to deny request of ██████ family to increase nurses' wages due to current nursing wages exceeding benchmark used by Virginia Employment Commission. The motion was seconded and it passed unanimously.

Closed Session Regarding Legal Advice:

Melina Dee Perdue, Chair, 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). Edward Mazur seconded and it 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 it passed unanimously.

Other:

Lain O'Ferrall had requested that the Board review information on the Florida program. Due to Lain O'Ferrall's absence, Board members decided to defer the discussion until October Board meeting.

George Deebo, Executive Director, wanted to remind everyone that the October Board meeting/training session would be held at the Sheraton Richmond West Hotel beginning at 10:00 a.m. Topics of discussion would be FOIA requests, investment information presented by Jim Rorrer with CapGroup, and other issues deemed appropriate.

Other (Continued):

The 2006 Annual Actuarial Report was handed out to the present Board members. Edward Mazur asked Board members to review the report and to bring any questions, comments or concerns to the October Board meeting.

Adjournment:

A motion to adjourn was made by Melina Dee Perdue, Chair, and unanimously agreed to at 3:25 p.m.

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for October 10, 2006
Richmond Sheraton West, Richmond, VA**

Attendees:

Melina Dee Perdue, RN, MBA, CNA, Chairperson
Lynn Chapman
Susan Lucas, MD, Ph.D.
McLain O'Ferrall
Jennifer Ogburn

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
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

Jim Rorrer, Investment Consultant, CapGroup
Mark Ames, Family Participant
Missy Sutterfield, Family Participant

Call to Order:

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

Special Presentations:

- **James "Jim" Rorrer, Managing Director, Capital Advisory Group:**
Mr. Rorrer gave an overview of how the Investment process functioned which included analyzing the Programs current Investment policy, identifying goals of the Program, reviewing various Investment funds and managers for the Program to select. Mr. Rorrer also reviewed the history of his organization with the Program.

- **Carla Collins, Assistant Attorney General, Office of the Attorney General:**
Mrs. Collins gave an overview of the Freedom of Information Act. She explained briefly some of the responsibilities of the Board to provide information to the public regarding scheduled Board meetings, types of meetings allowed, how to publish or have available Board minutes, how to handle a FOIA request and how to respond to it.

****The regularly monthly business meeting was called to order at 1:45 p.m.****

Minutes:

Melina Dee Perdue motioned to accept the September Board minutes. Susan Lucas seconded the motion and it passed unanimously.

Finance:

Candace Thomas reviewed the financial highlights that included Balance Sheet, Profit and Loss Report. Susan Lucas motioned to approve the September financial statements. Lynn Chapman seconded the motion and it passed unanimously.

Update:

- **Legislative Meetings:**

George Deebo updated the Board members that the legislative facilitators, Mark Rubin and Barbara Hulburt, were meeting with Providers and Insurance Companies for a second meeting today, October 10th. Another meeting is scheduled for October 24th with all stakeholders. The facilitators requested a Board member or two to try to attend. Susan Lucas, Lynn Chapman and Melina Dee Perdue, chair, tentatively have planned to attend.

- **General Assembly:**

George Deebo mentioned to the Board members that it was time again to hire a lobbyist for the 2007 General Assembly session. This process would be done by RFP.

Board Elections:

Melina Dee Perdue, Chair, recommended that Board Elections be tabled until November to allow all members to be present. Attending members agreed. In November, discussions and nominations would be taken for the positions of Chair and Vice-Chair. Melina Dee Perdue stated that if Board members had any comments to speak with her or George regarding the elections.

Finance Committee:

No report for the September Board meeting.

Investment Committee:

No report for the September Board meeting.

Closed Session Regarding Claimant Issues:

Melina Dee Perdue, Chair, moved that the meeting convene in accordance with the provisions of Section 2.2-3711 (A)(7) 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 the potential impact of litigation on future regulatory actions.

Closed Session Regarding Claimant Issues: (Continued)

Melina Dee Perdue, Chair, moved the adoption of the following resolution:

Whereas, the Virginia Birth-Related Neurological Injury Compensation 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 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.

Results of Closed Session:

Susan Lucas motioned for the Board to deny ██████████ request for additional insurance reimbursement because it exceeds the Program's allowable benefit for transportation insurance. Lynn Chapman seconded the motion and it passed unanimously.

No action was taken on the ██████████ request for Intensive Therapy to allow for additional research to be completed by staff.

Closed Session Regarding Legal Advice:

Melina Dee Perdue, Chair, moved that the meeting convene in accordance with the provisions of Section 2.2-3711 (A)(7) of the Code of Virginia, I move 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 probably 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 the potential impact of litigation on future regulatory actions.

Melina Dee Perdue, Chair, moved the adoption of the following resolution:

Whereas, the Virginia Birth-Related Neurological Injury Compensation 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 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.

Other Business:

- Susan Lucas commented on minutes of September 7th, 2006, regarding the responsibility of contacting families that may be reconsidered for benefits under HB632. Dr. Lucas proposed that a letter be drafted to the Workers' Compensation Commission for them to contact the group of families (approximately 17) to be made aware of possible reviews of their petitions.

Dr. Lucas motioned that the proposed letter to the Workers' Compensation Commission be drafted by Melina Dee Perdue, Chair, and George Deebo, Executive Director. Lynn Chapman seconded the motion and it passed unanimously.

- Susan Lucas presented information researched regarding Intensive Therapy. Dr. Lucas found information through the University of Minnesota that Intensive Therapy maybe helping patients diagnosed with cerebral palsy and even stroke patients.

Melina Dee Perdue was pleased with the new information and asked George Deebo, Executive Director, to contact the University of Minnesota to obtain additional information, possibly including a standard of care policy.

- Susan Lucas asked to work on a project on her own time to find out more information on the birth weights of claimants being entered into the program along with other medical data. Members still in attendance, Melina Dee Perdue, Chair, and Lynn Chapman, agreed to the request.

Adjournment:

A motion to adjourn was made by Melina Dee Perdue, Chair, and unanimously agreed to at 3:30 p.m.

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for February 14, 2006**

Attendees:

Lynn Chapman, Acting Chair
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
Seth Ginther, Hirschler & Fleischer Consulting
Carla Collins, Assistant Attorney General, OAG
Bill McKelway, Richmond Times Dispatch

Call to Order:

Lynn Chapman, Acting Chair, called the meeting to order at 1:05 p.m.

Minutes:

Laine O'Ferrall, motioned to accept the minutes of the January 2006 Board of Directors meeting. Jennifer Ogburn seconded the motion and the motion passed unanimously.

Finance:

Candace Thomas reviewed highlights of Investments (list of funds), Profit and Lost Report, and Insurance Fees. Mrs. Thomas also stated that the legislative requirements for filing year end investment and financial results with the Virginia House of Delegates, Senate and Governor's office had been completed.

Lain O'Ferrall made a motion to approve the January financial statements. Ralph Shelman seconded the motion. Motion carried unanimously.

Investment Committee:

The Board members received the Market Review & Fund Performance Analysis with other material for the February Board meeting. Lain O'Ferrall asked if any Board members had any questions pertaining to the report. Mr. O'Ferrall stated the Program's funds were doing well and CapGroup was managing the accounts in a good manner. At this time, the Program is only involved in index funds. Lain O'Ferrall also stated that CapGroup would be merging and would be now known as Focus Financial Partners. This merger will have no impact on the Program's

funds or the way they are being managed. The merger would eventually provide more resources for the Program and even lead into International Funds.

Ralph Shelman motioned to accept the Investment Report of Lain O'Ferrall. Lynn seconded the motion. Motion carried unanimously.

Ralph Shelman commended Lain O'Ferrall for his leadership with his work on the Investment Committee.

Public Comment:

Bill McKelway, Richmond Times Dispatch, asked if the home of a deceased claimant had been purchased by the parents? George Deebo stated ...that. Candace Thomas during the financial review stated that the sale of the Davis home had to be rebooked. Laine O'Ferrall stated that it seemed low and inquired about the sale amount. Candace Thomas stated that there was a loss of \$30,000. George Deebo commented that the loss was due to the economy of the Danville area.

Bill McKelway also asked if the Program had considered providing the home to another claimant family who were very poor and living in a shack? George Deebo noted that he would look at the situation.

Legislative Update

Seth Ginther, lobbying consultant, updated the Board with the current legislation for the Board:

- House Bill 416 was being carried for the Program by Delegate Tata with an identical bill carried by Senator Watkins in the Senate. The purpose of House Bill 416 was to have the definition of birth injury to go back to the original scope of the 1989 legislation and update several other provisions of the Birth-Injury Act.. Due to the complexity of the bill and some opposition, the House carried it over to 2007.

- House Bill 417 was carried for the Program by Delegate Tata. The purpose of House Bill 417 was to remove provision requiring consultation and advice from the Virginia Retirement System and have Program decide on their own investment manager. It also would offer benefits of the Program's employees to receive VRS benefits and insurance options for employees through Local Choice. The second portion of the bill had to be removed because the House stated the bill could not have a dual purpose. Following the amendment, the bill was passed by the committee and sent to the House.

- Mr. Ginther stated that he would continue to work on the employee benefits piece. He encouraged Board members to come and speak to the Commerce and Labor Committee when the information was going to be presented. Mr. Ginther would notify George Deebo the date that it would be discussed.

Seth Ginther also noted that Senator Edwards had proposed a bill for claimants who had been denied entry into the Program a re-hearing if new medical evidence or medical technology could support the claimant's petition for benefits.

Closed Session Regarding Claimant Issues:

Lynn Chapman, Acting 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 passed 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:

- Laine O'Ferrall motioned to temporarily extend mileage reimbursement to [REDACTED] [REDACTED] for transporting their daughter, [REDACTED], to and from school until the next meeting when the request would be reconsidered.

Ralph Shelman seconded the motion. Motion passed unanimously.

- Ralph Shelman motioned that the Program provide [REDACTED], on behalf of their son, with a wheelchair accessible minivan available under the current transportation benefit or the requested Turny Seat to be installed in their personal vehicle.

Jennifer Ogburn seconded the motion. Motion passed unanimously.

Executive Director's Report:

George Deebo, Executive Director, announced that two new claimants had entered the program.

Adjournment:

A motion to adjourn was made by Lynn Chapman, Acting Chair, and seconded by Ralph Shelman and unanimously agreed to at 3:15 p.m.

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for December 12, 2006**

Attendees:

Melina Dee Perdue, RN, MBA, CAN, Chairperson
Susan Lucas, MD, Ph.D.
Edward Mazur, CPA (visiting only)
McLain O'Ferrall
Jennifer Ogburn
Ralph Shelman

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
Angela Conley, Executive Assistant
Frank Ferguson, Deputy Attorney General, Office of the Attorney General
Bill McKelway, Richmond Times Dispatch

Call to Order:

Melina Dee Perdue, Chairperson, called the meeting to order at 1:10 p.m.

Minutes:

Susan Lucas motioned to accept the November Board minutes. Ralph Shelman seconded the motion and the motion passed unanimously.

Finance:

Candace Thomas reviewed the financial highlights that included Balance Sheet, Profit and Loss Report. Per the Audit and Finance Committee, Candace added a sweep account for the checking account to allow excess funds to be invested.

Update:

- **Legislative Meetings:**

George Deebo updated the Board members that another stakeholders meetings was held on November 28th. The stakeholders reached a decision that they needed more time to make a sound decision. The stakeholders will resume meeting after the General Assembly meets possibly around March. Hopefully, a solid framework of solutions can be presented by mid-summer 2007.

Melina Dee Perdue, Chairperson, commented that the stakeholders meeting were well grounded with all groups involved. The consensus is that those involved want to come up with solid solutions to the funding issue but not be rushed through the process. They felt more time was needed to accomplish the task at hand.

Mark Reuben along with George Deebo will be responding to Delegate Morgan regarding the Program's funding solution process and plan of action.

- **General Assembly:**

The Program will not be supporting any legislation for the General Assembly in 2007, with the possible exception of a housekeeping bill. George Deebo asked a few Board members to help in reviewing lobbyist credentials received to have a selection by the next Board meeting. Ralph Shelman and Edward Mazur agreed to assist with reviewing the credentials. Edward Mazur commented that the Program should develop a summary as to what the Program is attempting to do. Then, the Program should take these goals to specific sub-committees who are willing to help us.

Board Elections:

Board elections were held. Ralph Shelman was nominated as Chairperson and Melina Dee Perdue was nominated as Vice-Chairperson. Both nominations were voted on and with unanimous approval.

Finance Committee:

No report for the December meeting.

Investment Committee:

No report for the December meeting. However, Lain O'Ferrall stated that all investment activity looked good at the moment.

Lobbyist – General Assembly 2007:

With the assistance of Ralph Shelman and Edward Mazur, George Deebo has selected Morris and Morris as the lobbyist for the 2007 General Assembly. Jackie Epps and Luder Milton will be coming to a future Board meeting to introduce themselves and discuss their focuses for the Program. Morris and Morris will be involved with keeping tabs on legislation that can impact the Program.

Lain O'Ferrall motioned to accept Morris and Morris as the 2007 Lobbyist. Susan Lucas seconded the motion and it passed unanimously.

Public Comment:

None.

Adjournment:

A motion to adjourn was made by Lain O'Ferrall and unanimously agreed to at 1:40 p.m.