

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for November 8, 2016 - Draft**

Attendees:

Neal Schulwolf, Esquire, Chair
Lydia Byrd
Rebecca Filla, M. D.
Massie Meredith, Jr.
Vanessa Rakestraw, Ph. D., C. R. C., Vice Chair
Rhonda Russell, A. I. C. P., M. P. A.
Joseph Stepp, CPA, CGFM, CFE

Also Present:

George Deebo, Executive Director
Candace Thomas, Deputy Director
Natalie Edwards, Benefits and Claims Specialist
Carla R. Collins, Senior Assistant Attorney General, Office of the Attorney General
Liza Simmons, Assistant Attorney General, Office of the Attorney General

Call to Order:

Neal Schulwolf, Chair, called the meeting to order at 10:33 a.m.

Introductions:

Board members, Program staff, Senior Assistant General Collins and Assistant Attorney General Simmons introduced themselves to the new Board member, Joseph Stepp.

Minutes:

Mr. Meredith moved to approve the October minutes. Dr. Filla seconded the motion and it passed unanimously.

Finance:

Financials were provided to all members and it was noted that one claimant (deceased) was admitted into the Program in September.

Investments:

Deputy Director Thomas stated that as of September 30, 2016, the Program has \$410 million in investments, as compared to \$377 million for the same period last year. She noted that investments were down by 1.3 % as of the end of October and up 3.5% for year to date. Due to rebalancing of funds last month, some investments showed a fluctuation in rates from the previous month.

Chairman Schulwolf moved to approve the Financial Report and the Investment Report. Mr. Meredith seconded the motion and it passed unanimously.

Public Comment:

None

Closed Session (Claimant Issues/ Pending Cases/Possible Litigatopm:

Mr. Schulwolf moved that the meeting convene in accordance with the provisions of Section 2.2-3711 (A)(7) and 2.2-3705.5 (16) of the Code of Virginia, that the Board go into closed meeting for the purpose of

Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Board, and consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel regarding :

Discussion of records the Virginia Birth-Related Neurological Injury Compensation Program is required to keep confidential pursuant to Virginia Code Section 38.2-5002.2; more specifically, records concerning the deliberations of the board of directors in connection with specific claims, as prevented from being disclosed by Virginia Code Section 38.2-5002.2 (iii) and regarding pending litigation.
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The motion was seconded by Mr. Meredith and passed unanimously.

Senior Assistant Attorney General Collins excused herself from the Closed Session and returned after Assistant Attorney General Liza Simmons concluded her presentation to the Board.

CERTIFICATION

Chair Schulwolf moved the adoption of the following resolution:

WHEREAS, the Virginia Birth-Related Neurological Injury Compensation Program's Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Virginia Birth-Related Neurological Injury Compensation Program 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.

The Board members were polled individually and each certified the motion.

Upon the conclusion of the Closed Session, Mr. Meredith excused himself from the meeting due to a prior engagement, but a quorum was present for the entire Board meeting.

Results of Closed Session (Claimant Issues/Pending Cases/Possible Litigation):

Case B-05-01: Chairman Schulwolf moved that the Board authorize, at the discretion of staff, to find an appropriately priced replacement van and to advise the family on the rules in the use of the van. Dr. Filla seconded the motion and it passed unanimously.

New Business:

None.

Director's Comments:

None.

Adjournment:

The meeting was adjourned at 12:04 p.m.