

**Virginia Birth-Related Neurological Injury Compensation Program  
Board of Director's Meeting  
Minutes for May 9, 2017 - DRAFT**

**Attendees:**

Neal Schulwolf, Esquire, Chairman  
Vicki Harris, J. D.  
Massie Meredith, Jr.  
Vanessa Rakestraw, Ph. D., C. R. C., Vice Chair  
Rhonda Russell, Ed. D., A. I. C. P.  
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

**Call to Order:**

Neal Schulwolf, Chairman, called the meeting to order at 10:40 a.m.

**Minutes:**

Mr. Meredith moved to approve the April minutes. Ms. Harris seconded the motion and it passed unanimously.

**Finance:**

Deputy Director Thomas reported that there was no change in the number of admitted claimants through the end of March. Ms. Thomas stated that as of March 31, 2017, the Program had \$445 million in investments, as compared to \$429 million during the same period of the previous year.

**Investments:**

Investment returns as of April 30<sup>th</sup> were 1% for the month and 4.8% for year to date. The Investment Committee agreed to implement recommendations from the investment consultants for rebalancing.

Chairman Schulwolf moved that the Financial and Investment Reports be approved. Dr. Russell seconded the motion and it passed unanimously.

**New/Other Business:**

Carla Collins, SAAG, discussed the proposed revisions to the Program's Guidelines which will be made to conform the Guidelines to the Governor's 2017 Budget Amendment.

Executive Director Deebo discussed the proposal for hiring a Third Party Administrator to process admitted claimants' claims submitted pursuant to private health insurance policies in the future. The deadline for submitting proposals is May 25<sup>th</sup>.

Mr. Deebo discussed samples of Expenditure Reports that are provided annually to parents and guardians of admitted claimants. This report demonstrates the Program's expenditures made on an admitted claimant's behalf throughout the previous year.

**Public Comment:**

None

**Closed Session (Pending Cases/Possible Litigation):**

Chairman 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, and 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.

The motion was seconded by Dr. Rakestraw and passed unanimously.

**CERTIFICATION**

Chairman Schulwolf moved the adoption of the following resolution:

In accordance with the provisions of Section 2.2-3711 (A)(7) and 2.2-3705.5 (16) 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 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 :

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

**Results of Closed Session (Guideline Revisions/Case Updates/Legal Settlements)**

Chairman Schulwolf asked staff to proceed with revising the Program's Guidelines to conform them to the Governor's 2017 Budget Amendment 27,1.

B-16-12; B-16-11; B-16-10; B-16-01; B-16-08: Chairman Schulwolf moved to delegate to Program staff and legal counsel the authority to complete the negotiation process and authorize and approve settlement on behalf of the Board to resolve the pre-petition reimbursement/compensation claims pending in VWC File No. B-16-11 and to resolve the pre-petition reimbursement/compensation claims and fees and costs claims pending in VWC File No. B-16-12, VWC File No. B-16-10, VWC File No. B-16-01, and VWC File No. B-16-08, in accordance with the terms, conditions and limitations on authority as discussed and approved by the Board. The motion was seconded by Mr. Massey and passed unanimously by the Board.

**Director's Comments:**

Mr. Deebo stated that he will assist the Secretary of the Commonwealth's office to ensure that new appointments are made to replace board members whose terms will be completed at the end of June.

**Adjournment:**

Chairman Schulwolf adjourned the meeting at 11:55 a.m.