

**Virginia Birth-Related Neurological Injury Compensation Program  
Board of Director's Meeting  
Minutes for June 13, 2017 - DRAFT**

**Attendees:**

Neal Schulwolf, Esquire, Chairman  
Vanessa Rakestraw, Ph. D., C. R. C., Vice Chair  
Lydia Byrd  
Rebecca Filla, M.D.  
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  
Margarete and Kevin Jeffer

**Call to Order:**

Vanessa Rakestraw, Vice Chair, called the meeting to order at 10:35 a.m.

**Introductions:**

The Board members, Program staff and counsel introduced themselves to Mr. and Mrs. Jeffer.

**Minutes:**

Senior Assistant Attorney General Collins suggested a minor revision. Chairman Schulwolf moved that the minutes be approved with the requested revisions by counsel. Dr. Filla seconded the motion and it passed unanimously.

**Finance:**

Deputy Director Thomas reported that there were two new admitted claimants with a total of 156 active claimants admitted into the Program through the end of April. Deputy Director Thomas stated that as of April 30, 2017, the Program had \$449 million in investments, as compared to \$404 million during the same period the previous year.

**Investments:**

Investment returns as of May 31<sup>st</sup> were 1.1% for the month and 5.9% for year to date due to higher returns in International Funding and Emerging Markets. Investments

totaled approximately \$453M. Rebalancing of funds has been implemented. Chairman Schulwolf moved that the Financial and Investment Reports be approved. Dr. Filla seconded the motion and it passed unanimously.

**Public Comment:**

Mr. and Mrs. Jeffer provided information to the Board concerning a request for housing modifications.

**New Business:**

Proposed revisions to the Program's Guidelines will be made to conform the Guidelines to the Governor's 2017 Budget Amendment.

**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**

B-13-06: Chairman Schulwolf moved to afford the amount necessary for the handicapped-accessible suite and architectural plans, plus the amount necessary, up to a maximum of \$15,000, to purchase and install a stair lift to meet the claimant's medical needs. Dr. Russell seconded the motion and it passed unanimously.

**Director's Comments:**

We have received proposals for hiring a Third Party Administrator. The proposals have been evaluated and the selected vendor will be notified.

**Adjournment:**

Chairman Schulwolf adjourned the meeting at 11:58 a.m.