

**Virginia Birth-Related Neurological Injury Compensation Program  
Board of Director's Meeting  
Minutes for July 11, 2017 - DRAFT**

**Attendees:**

Neal Schulwolf, Esquire, Chairman  
Vanessa Rakestraw, Ph. D., C. R. C., Vice Chair  
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

**Call to Order:**

Neal Schulwolf, Chairman, called the meeting to order at 10:37 a.m.

**Minutes:**

Chairman Schulwolf moved that the minutes be approved with the requested revisions by counsel. Dr. Filla seconded the motion and passed it unanimously.

**Finance:**

Deputy Director Thomas reported that there was one new admitted claimant for the month of May and noted the rest of the financials were generally self-explanatory.

**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 for June 2017. By consensus, the Board approved the financials and investment reports.

**Public Comment:**

None

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

Dr. Fila 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**

Dr. Fila 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 :

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 Board members were polled individually and each certified the motion.

**Old Business – Guidelines/Regulation Revisions**

Neal Schulwolf, chairman, made a motion to authorize publication of the notice of intended regulation action as proposed and discussed by the Program and the Board.

Dr. Fila and Dr. Rakestraw were nominated as committee members to draft work on amended regulations to the Program's Guidelines.

**Results of Closed Session**

B-17-01; B-17-03: Chairman Schulwolf moved to delegate to Program staff and legal counsel the authority to complete the negotiation process and authorize and approve the pending pre-petition reimbursement/compensation issues and fees and costs. Dr. Fila seconded the motion and it passed unanimously.

B-07-01: Chairman Schulwolf made a motion that the request as presented be denied. Dr. Fila seconded the motion and it passed unanimously.

**Director's Comments:**

George Deebo requested that the Board advise him if they are interested in becoming Vice-Chair. Neal Schulwolf, Chairman offered his services for the next Board meeting to be held in September should there be a need for an additional member to provide a quorum. BPA of Roanoke, Virginia, has been hired as the Third Party Administrator.

**Adjournment:**

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