

**Virginia Birth-Related Neurological Injury Compensation Program  
Board of Director's Meeting  
Minutes for September 12, 2017 - DRAFT**

**Attendees:**

Vanessa Rakestraw, Ph. D., C. R. C., Chairman  
Lydia Byrd  
Rebecca Filla, M.D., 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:**

Dr. Rakestraw, Chairman, called the meeting to order at 10:30 a.m.

**Minutes:**

Dr. Filla moved that the Minutes be approved as revised. Dr. Russell seconded the motion and passed it unanimously.

**Finance:**

Deputy Director Thomas reported that as of July 31, 2017, the Program has \$458M in investment as compared to \$411M as of the same time in the previous year. Between May and July a new claimant was admitted into the Program totaling 158 active claimants at the end of July.

**Investments:**

Investment returns for the month were .6% and 8.9% for year to date due to higher returns in International Funding and Emerging Markets. Market value totaled approximately \$461M as of August 31, 2017. Dr. Filla made a motion to approve the financial statements and investment reports. Ms. Byrd seconded the motion and it passed unanimously.

**Internal Controls:**

Ms. Thomas explained to the Board the internal control processes and procedures that are reviewed annually for any improvements or changes that need to be implemented. A

report was distributed showing the breakdown of areas that were evaluated and any corrective action that was taken.

**Public Comment:**

None

**New Business:**

Chairman Rakestraw made a motion that Dr. Filla be nominated as Vice-Chair of the Board of Directors. Dr. Russell seconded the motion and it passed unanimously. The Board unanimously voted for Dr. Filla to be its Vice-Chair.

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

Dr. Russell 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.  
by Virginia Code Section 38.2-5002.2 (iii) and regarding pending litigation.

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

**CERTIFICATION**

Ms. Byrd 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.

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

B-05-07: Chairman Rakestraw made a motion that the Board table the request and allow staff and legal counsel to obtain the necessary information that complies with the Program's procedures and that will provide the Board with the documentation necessary to evaluate the request. Dr. Russell seconded the motion and it passed unanimously.

B-95-11: Chairman Rakestraw made a motion that the request as made be denied. Ms. Byrd seconded the motion and it passed unanimously.

B-17-01; B-17-03: Chairman Rakestraw 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. B17-01 and VWC File No. B-17-03, in accordance with the terms, conditions and limitations on authority as discussed and approved by the Board. The motion was seconded by Dr. Filla and passed unanimously by the Board.

**Director's Comments:**

Executive Director Deebo stated that the Program is continuing the process of transitioning all claimants to private health insurance. The process will require a longer time period due to open enrollment limitations. Also, the Program is still awaiting word concerning the two vacant Board seats.

**Additional Information:**

Chairman Rakestraw will be in touch with Dr. Filla and SAAG Carla Collins for available dates for a conference call to discuss proposed amendments to the Program's governing regulations.

**Adjournment:**

Chairman Rakestraw adjourned the meeting at 11:25 a.m.