

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for November 14, 2017 - DRAFT**

Attendees:

Vanessa Rakestraw, Ph. D., C. R. C., Chair
Rebecca Filla, M.D., Vice-Chair
Kevin Logan, Esq.
Dawn McCoy
Massie Meredith, Jr.
Jonathan Petty, Esq.
Ronald Ramus, 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:

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

Minutes:

Mr. Meredith moved that the Minutes be approved. Dr. Filla seconded the motion and it passed unanimously.

Finance:

Deputy Director Thomas reported that as of the end of September 30, 2017, the Program has \$461M in investments as compared to \$428M at the same time in the previous year. There were no new claimants admitted into the Program.

Investments:

Mr. Meredith advised the Board that 15% of the asset allocation would be moved to private investments funds over a period of 4 to 5 years. Dr. Filla moved that the Financial and Investment Reports be approved. Mr. Petty seconded the motion and it passed unanimously.

Public Comment:

None

Old Business

SAAG Carla Collins discussed with the Board the Final Adoption of Amendment – 14 VAC 10-10-160 Insurance. She explained that adoption of the amendment merely conforms the Program's regulations to the changes previously made in the appropriation act.

Dr. Rakestraw moved the final adoption of the Amendment to 14 VAC 10-10-160 on Insurance as published in the June 6, 2017 Volume 33, Issue 22 of the Virginia Resister and that 14 VAC 10-10-160, as adopted, become effective today, November 14, 2017. The motion was seconded by Mr. Meredith and passed unanimously.

Closed Session (Pending Cases/Possible Litigation):

Dr. Filla 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 Mr. Petty and passed unanimously.

CERTIFICATION

Dr. Filla 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.

Director's Comments:

Executive Director Deebo stated that the Program staff is continuing the process of transitioning claimants with Medicaid as their primary insurer to private health insurance.

Adjournment:

Chair Rakestraw adjourned the meeting at 12:00 p.m.