

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for December 12, 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
Lee Ann Macerelli, parent of admitted claimant, via conference call

Call to Order:

Dr. Rakestraw, Chair, called the meeting to order at 10:40 a.m.

Minutes:

Chair Rakestraw moved that the Minutes be approved. Mr. Meredith seconded the motion and it passed unanimously.

Finance:

Deputy Director Thomas reported that as of the end of October 31, 2017, the Program had \$466M in investments as compared to \$405M at the same time in the previous year. There were two new claimants admitted into the Program in October.

Investments:

The Investment Committee met prior to the Board meeting to approve the revised Executive Summary which included additional allocation classes and a rebalancing of Asset Allocations. Mr. Meredith reviewed the changes to the Program's portfolio. Chair Rakestraw moved that the financial reports be approved by consensus. The Board unanimously approved the reports.

Closed Session (Pending Cases/Possible Litigation):

Chair Rakestraw 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.

During closed session, Ms. Macerelli spoke to the Board via conference call to present a reimbursement request on behalf of an admitted claimant for the Board's consideration.

Dr. Rhonda Russell excused herself during closed session due to another prior engagement, but a quorum was present for the entire Board meeting.

CERTIFICATION

Chair Rakestraw 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 (Claimants' Issues/Possible Litigation):

B-06-01: Chair Rakestraw moved that the Board table the request and instruct Program staff to obtain additional information. Mr. Meredith seconded the motion and it passed unanimously.

B-07-03: Chair Rakestraw made a motion that the request as made be denied. Dr. Filla seconded the motion and it passed unanimously.

B-17-02: Chair Rakestraw moved to delegate to Program staff and legal counsel the authority to complete the negotiation process and authorize and approve of any agreement in principle, if reached by the parties within the limits on authority discussed by the Board, to resolve the pending fees and costs petition. Dr. Ramus seconded the motion and it passed unanimously.

Director's Comments:

Executive Director Deebo discussed the status of enrollment of admitted claimants into private insurance plans for primary coverage.

Mr. Deebo also mentioned that he intends to schedule a meeting in the near future to provide training for Board members.

Adjournment:

Chair Rakestraw adjourned the meeting at 12:13 p.m.