

**Virginia Birth-Related Neurological Injury Compensation Program**  
**Board of Director's Meeting**  
**Minutes for May 8, 2018 - Draft**

**Attendees:**

Vanessa Rakestraw, Ph. D., C. R. C., Chair  
Rebecca Filla, M. D.  
Kevin Logan, Esq.  
Dawn McCoy  
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 10:35 a.m.

**Minutes:**

Mr. Logan moved that the Minutes be approved. Dr. Ramus seconded the motion and it passed unanimously.

**Finance:**

As of March 31, 2018, the Program has \$492 million in investment as compared to \$445 million as of the same time last year. Three new claimants, all deceased, were admitted into the Program in March. There are 161 active claimants in the Program. Executive Director Deebo told the Board that expenses will be increasing with the new claims processing procedures in place. The Program will be paying for private insurance for claimants and may be paying for some additional in-home care services as well. Mr. Petty moved that the Financials be approved. Dr. Filla seconded the motion and it passed unanimously.

**Investments:**

Deputy Director Thomas reported investments as of April 30, 2018 at \$492 million, down from \$494 million at the end of March with a plus .1% for one month and a -3.1% loss for 3 months. Dr. Rakestraw, Chair, moved that the Investment report be approved by consensus. The Board unanimously approved.

**Public Comment:**

None.

**Old Business:**

None

**New Business:**

None

**Closed Session (Claimants' Issues/Probable Litigation):**

Dr. Ramus 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. Filla and it passed unanimously.

**CERTIFICATION**

Dr. Ramus 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, Ratifications and Settlements):**

B-11-05: Dr. Rakestraw, Chair, moved to approve funding for the purchase of a new van minus the amount recouped from selling the current van, and to negotiate the terms of the new van agreement with the family to require additional mileage before another replacement van is purchased. Mr. Petty seconded the motion and it passed unanimously.

B-17-07: Dr. Rakestraw, Chair, moved to approve and ratify the settlement which resolved the pre-petition reimbursement/compensation claims and fees and costs issues pending in VWC File No. B-17-07 and which was reached within the limitations discussed by the Board and pursuant to the authority previously delegated by the Board to Program staff and legal counsel. Mr. Logan seconded the motion and it passed unanimously.

B-17-04: Dr. Rakestraw, Chair, moved to approve and ratify the settlement which resolved the pre-petition reimbursement/compensation claims and fees and costs issues pending in VWC File No. B-17-04 and which was reached within the limitations discussed by the Board and pursuant to the authority previously delegated by the Board to Program staff and legal counsel. Dr. Ramus seconded the motion and it passed unanimously.

B-18-01; B-17-08: Dr. Rakestraw, Chair, moved that the Board authorize and delegate authority to Program staff and counsel to negotiate the claims, brought pursuant to Virginia Code § 38.2-5009, as applicable, and within the limits, terms, and conditions discussed by the Board, and to reach settlements in each case for presentation to the Virginia Workers' Compensation Commission on behalf of the Board. Dr. Filla seconded the motion and it passed unanimously.

**Director's Comments:**

None

**Adjournment:**

Chair Rakestraw adjourned the meeting at 12:05 p.m.