

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for June 12, 2018 - Final**

Attendees:

Vanessa Rakestraw, Ph. D., C. R. C., Chair
Rebecca Filla, M. D., Vice-Chair
Kevin Logan, Esq.
Dawn McCoy
Massie Meredith
Jonathan Petty, Esq.
Ronald Ramus, M. D.
Joseph Stepp, CPA, CGFM, CFE

Also Present:

Timothy Heaphy, Esq.
Meghan Podolny, Esq.
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 1:05 p.m.

Minutes:

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

Finance:

As of April 30, 2018, the Program has \$491 million in investment as compared to \$449 million as of the same time last year. One new claimant, deceased, was admitted into the Program in April. Expenses have increased due to van purchases, one award pursuant to Virginia Code §38.2-5009.1, reimbursements for attorneys' fees and costs and payments for private insurance premiums. Mr. Meredith moved that the Financials be approved. Mr. Petty seconded the motion and it passed unanimously.

Investments:

Mr. Massie reported investments as of May 31, 2018 at \$491.7 million with a +.3% increase for one month and a -0.3% loss for 3 months. The market continues to be volatile. 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/Actual or Probable Litigation):

Ms. McCoy moved that the meeting convene in accordance with the provisions of Section 2.2-3711 (A)(7) and (8) and 2.2-3705.5 (11) 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

Ms. McCoy 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 (Approval of Settlements):

Case #15-08-70: Dr. Rakestraw, Chair, moved to approve the Settlement Agreement. Mr. Logan seconded the motion and it passed unanimously.

B-17-08: Dr. Rakestraw, Chair, moved to approve the proposed settlement which resolved the pre-petition reimbursement/compensation claims pending in VWC File No. B-17-08 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. Mitchell seconded the motion and it passed unanimously.

B-18-01: Dr. Rakestraw, Chair, moved to approve the proposed settlement which resolved the pre-petition reimbursement/compensation claims pending in VWC File No. B-18-01 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. Fila seconded the motion and it passed unanimously.

New Business

Due to time constraints, a closed session for the Executive Director's performance review was not held today; but will be placed on the Agenda for the July Board meeting.

Director's Comments:

None

Adjournment:

Chair Rakestraw adjourned the meeting at 2:25 p.m.