

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for October 9, 2018 - Draft**

Attendees:

Vanessa Rakestraw, Ph. D., Chair
Dawn McCoy
Jonathan Petty, Esq.
Ronald Ramus, M. D.
Rhonda Russell, Ed. D., AICP, M.P.A.
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:

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

Finance:

The Financial Report is through the month of August 2018. The Program has \$497 million in investment as compared to \$495 million as of the same time last year. Expenses are going up due to monthly insurance premiums and increased medical costs.

Ms. McCoy moved that the Board approve the Financial Report. Dr. Ramus seconded the motion and it passed unanimously.

Investments:

As of September 30, 2018, the market value of investments stood at \$473 million with a 0.1% decrease for one month and a 2.7% increase for 3 months. Mr. Petty moved that the Investment Report be approved. Dr. Ramus seconded the motion and it passed unanimously.

Public Comment:

None.

Closed Session (Claimants' Issues/Probable Litigation):

Dr. Russell 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. Rakestraw, Chair, and it passed unanimously.

CERTIFICATION

Dr. Russell 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/Probable Litigation):

B-18-02 and B-18-03: Dr. Rakestraw, Chair, moved to approve and ratify the settlement which resolved the pre-petition reimbursement/compensation claims and fees and costs

requests pending in VWC File No. B-18-02, and the pre-petition reimbursement/compensation claims pending in VWC File No. B-18-03. Dr. Ramus seconded the motion and it passed unanimously.

New Business

Mr. Stepp made a motion to approve the Amendment to the BIF-OAG MOU. Mr. Petty seconded the motion and it passed unanimously.

Adjournment:

Chair Rakestraw adjourned the meeting at 11:40 a.m.