

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for November 13, 2018 - Draft**

Attendees:

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

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

Finance:

As of September 30, 2018, the Program has \$472 million in investments as compared to \$461 million at the same time last year. There are 164 active claimants. No claimants were admitted into the Program during September.

Investments:

Deputy Director Thomas reported investments as of October 31, 2018 at \$450 million with a decrease of -4.8% for one month and a decrease of -2.5% year-to-date. The Board unanimously approved the Financial and Investment Reports.

Public Comment:

None.

Old Business:

None

Closed Session (Claimants' Issues/Probable Litigation):

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

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 (Ratifications and Settlements):

B-18-02 and B-18-03: Dr. Rakestraw, Chair, moved to approve and ratify the settlements which resolved the pre-petition reimbursement/compensation claims and fees and costs requests pending in VWC File No. B-18-02 and VWC File No. B-18-03 and which were reached within the limitations discussed by the Board and pursuant to the authority delegated by the Board to Program staff and legal counsel. Dr. Ramus seconded the motion and it passed unanimously.

B-18-04: Dr. Rakestraw, Chair, moved to delegate to Program staff and legal counsel the legal authority to negotiate and resolve the pending pre-petition reimbursement/compensation claims within the parameters discussed. Dr. Fila seconded the motion and it passed unanimously.

New Business:

Ms. Thomas reviewed an Internal Control Assessment Report targeting different areas of operations within the Program to ensure policies and procedures are being followed. Executive Director Deebo explained to the Board the process of enrollment based upon yearly assessments and participating fees paid by physicians.

Director's Comments:

Mr. Deebo informed the Board that initially the Program's third party vendor, BPA, contacted most parents regarding primary insurance coverage for claimants. Staff members will follow up with any families that BPA was unable to contact or that need assistance.

Adjournment:

Chair Rakestraw adjourned the meeting at 11:35 a.m.