

**Virginia Birth-Related Neurological Injury Compensation Program  
Board of Director's Meeting  
Minutes for January 8, 2019 - Draft**

**Attendees:**

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

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

**Finance:**

As of November 30, 2018, the Program has \$452 million in investments as compared to \$472 million at the same time last year. There are 165 active claimants. No claimants were admitted into the Program during November. Mr. Meredith moved that the Financials be approved. Dr. Filla seconded the motion and it passed unanimously.

**Investments:**

Mr. Meredith discussed the Investment Committee meeting that was held prior to the Board meeting. Additional funding was added to the 3D Capital Management fund. This is a new fund which was added in October of 2018, classified as an institutional account rather than a commercial account, and has gained market value as other investments have gone down. The Investment Report was approved by consensus.

**Public Comment:**

None.

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

Mr. Petty 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 Mr. Massie, and it passed unanimously.

**CERTIFICATION**

Mr. Petty 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 motion was seconded by Mr. Massie. The Board members were polled individually and each certified the motion.

**Results of Closed Session (Claimant Issues)**

B-06-06: Mr. Petty moved, solely in light of the specific facts and circumstances of this claim, to approve a replacement van within the Program's standard allowance, to obtain an executed van agreement containing the standard terms and conditions, and to have the current van returned as is. Dr. Filla seconded the motion and it passed unanimously.

B-18-03: Dr. Rakestraw, Chair, made a motion that the Board table the request to allow staff and legal counsel to obtain the information and documentation necessary for the Board to evaluate the request. Mr. Logan seconded the motion and it passed unanimously.

**Old Business:**

SAAG Collins reviewed the Memorandum of Understanding between the Program and the Office of the Attorney General that, once approved, would be in effect for the period of January 1, 2019 through June 30, 2022. Dr. Rakestraw, Chair, made a motion to approve the Memorandum of Understanding. Mr. Petty seconded the motion and it passed unanimously.

**Director's Comments:**

Mr. Deebo, Executive Director, requested that the Board members review the 2018 Actuarial Report produced by Pinnacle Actuarial Resources, Inc. If the Board requests, Rob Walling, III, FCAS, MAAA, Principal & Consulting Actuary, can be available during a future Board meeting to answer any questions or concerns regarding the report.

**Adjournment:**

Chair Rakestraw adjourned the meeting at 11:45 a.m.