

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for April 9, 2019 - 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.
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 10:30 a.m.

Minutes:

Chair Rakestraw moved that the Minutes be approved. Mr. Petty seconded the motion and the motion was passed unanimously.

Finance:

At the end of February 2019, investments totaled \$478 million compared to \$498 million the previous year. There was one new claimant admitted in February. There are a total of 167 active beneficiaries of the Program. Dr. Rakestraw, Chair, moved that the Financials be approved. Mr. Petty seconded the motion and it passed unanimously.

Investments:

A short Investment Committee meeting was held prior to the Board meeting. A motion was approved to liquidate the Janus Fund due to its major management changes. Investments were up .8% for one month and 7.1% for the first three months of this year. Chair Rakestraw moved that the Investment Report be approved. Mr. Petty seconded the motion and it passed unanimously.

Public Comment:

None.

Closed Session (Claimant's Issue, Ratifications and Settlements):

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. Logan, 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. Logan. The Board members were polled individually and each certified the motion.

Results of Closed Session (Claimant's Issue, Ratifications and Settlements)

B-98-11: Chair Rakestraw moved that the Board deny the request for services of a payroll processing company. Dr. Filla seconded the motion and it passed unanimously.

B-18-06: Chair Rakestraw moved that the Board approve the settlement of the pending fees and costs petition as proposed. Dr. Filla seconded the motion and it passed unanimously.

B-18-09: Chair Rakestraw moved that the Board approve the settlement of the pending pre-petition reimbursement/compensation claims as proposed. Dr. Filla seconded the motion and it passed unanimously.

B-18-07: Chair Rakestraw moved that the Board approve the settlement of the pending pre-Petition reimbursement/compensation claims and the Virginia Code §38.2-5009.1 compensation request as proposed. Dr. Filla seconded the motion and it passed unanimously.

B-18-05; B18-08: Chair Rakestraw moved that the Board delegate authority to Program staff, following consultation with legal counsel to negotiate to resolution the pending pre-Petition reimbursement/compensation claims in each case in accordance with the parameters and conditions discussed and approved by the Board. Dr. Filla seconded the motion and it passed unanimously.

New Business:

Executive Director Deebo reported that between mid-month and the first of next month the Program will begin sending nursing care claims to the Program's third-party vendor for processing. Mr. Deebo is also talking with a company knowledgeable about durable medical equipment that would provide case reviews for some items.

Director's Comments:

Mr. Deebo asked the Board to forward to him any questions that they may have regarding the Program or concerning any issues or topics concerning which they would like to receive additional information/training.

Adjournment:

Chair Rakestraw adjourned the meeting at 11:10 a.m.