

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for November 12, 2019 - Draft**

Attendees:

Becky Filla, M. D., Vice-Chair
Kevin Logan, Esq.
Massie Meredith, Jr.
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. Filla, Vice-Chair, called the meeting to order at 10:33 a.m.

Minutes:

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

Finance:

Through the end of September 2019, investments totaled \$487 million compared to \$472 million the previous year. There are 233 admitted claimants with 166 active admitted claimants into the Program. Claimant expenses have increased to 11% due to insurance premiums, additional DME and in-home care costs. Mr. Meredith moved that the Financials be approved. Mr. Petty seconded the motion and it passed unanimously.

Investments:

Prior to the Board meeting, the Investment Committee met with the Colony Group. Mr. Meredith reported that investments are at 12.5% for year to date. If we can continue at the 12% rate for the rest of the year, it would be considered a very good year for

investments. Mr. Petty moved that the Investment Report be approved. Dr. Ramus 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 Dr. Ramus, and it passed unanimously.

CERTIFICATION

Mr. Petty moved, and Mr. Logan seconded, 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 (Claimant's Issue, Ratifications and Settlements)

B-19-03: Vice-Chair Filla moved that the Board approve and ratify the proposed settlements of the of the pending fees and costs claims, as previously authorized and discussed by the Board. Mr. Petty seconded the motion and it passed unanimously.

B-09-02: Vice-Chair Filla moved that the Board authorize the purchase of a van and Access Seat within the Program's standard allowance and subject to the terms and conditions of a new Van Agreement. Mr. Logan seconded the motion and it passed unanimously.

New Business:

Executive Director Deebo showed a video of a standard van being modified to a rear entry handicapped-accessible van.

Adjournment:

Vice-Chair Filla adjourned the meeting at 11:40 a.m.