

**Virginia Birth-Related Neurological Injury Compensation Program  
Board of Director's Meeting  
Minutes for February 11, 2020 - Draft**

**Attendees:**

Vanessa Rakestraw, Ph. D., Chair  
Becky Filla, M. D., Vice-Chair  
Kevin Logan, Esq.  
Massie Meredith, Jr.  
Dawn McCoy  
Ronald Ramus, M. D.  
Rhonda Russell, Ed. D., A.I.C.P., M. P. A.  
Joseph Stepp, C.P.A., C.G.F.M., C.F.E.

**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  
Ann Jones, Esq., with Jones & Rostant, P.C.  
Mr. and Mrs. John Schultz, parents of admitted claimant

**Call to Order:**

Dr. Rakestraw, Chair, called the meeting to order at 10:30 a.m.

**Minutes:**

Dr. Filla moved that the Minutes be approved. Dr. Ramus seconded the motion and the motion was passed unanimously.

**Finance:**

There are 234 admitted claimants with 167 active admitted claimants in the Program. Deputy Director Thomas reported \$530 million in investment, as compared to \$450 million as of the same time last year. The increase primarily is due to market increases. Dr. Filla moved that the Financials be approved. Mr. Meredith seconded the motion and it passed unanimously.

**Investments:**

Prior to the Board meeting, the Investment Committee met with Tim Jester and Lisa Longest with The Colony Group. Mr. Meredith reported that investments for 2019

ended with a 16.5% return. It was agreed that a secondary portfolio with LGT will be opened this month. The Program's portfolio is broadly diversified and will continue to be monitored. Dr. Filla moved that the Investment Report be approved. Dr. Russell seconded the motion and it passed unanimously.

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

Dr. Russell 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. Meredith, and it passed unanimously.

Ann Jones, Esquire, and Mr. and Mrs. John Schultz were present solely for the portion of the Closed Session during which they presented the Board with the reimbursement requests for case number VWC File No. B-14-06. The Board requested that they be excused from the Closed Session upon the conclusion of their presentation, and Ann Jones, Esquire, and Mr. and Mrs. John Schultz did leave the room and the Closed Session before the Board discussed the matter or had any deliberations in Closed Session concerning it.

**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. Mr. Meredith seconded the motion. The Board members were polled individually and each certified the motion.

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

B-06-01 and B-02-11: Dr. Filla moved to delegate to Program staff and legal counsel the authority to complete the negotiation process on behalf of the Board to resolve the matters in B-06-01 and B-02-11, in accordance with the terms, conditions and limitations on authority as discussed and approved by the Board. The motion was seconded by Dr. Ramus and it passed unanimously by the Board.

B-19-05: Mr. Stepp moved that the Board approve and ratify the settlement of the pending pre-Petition reimbursement/compensation claims and the Virginia Code §38.2-5009.1 compensation request as proposed. Dr. Rakestraw seconded the motion and it passed unanimously.

B-19-06: Mr. Stepp moved to approve and ratify the settlement, comprised of three settlement agreements and releases, which resolved the pre-petition reimbursement/compensation claims pending in B-19-06 and which was reached within the limitations discussed by the Board and pursuant to the authority previously delegated by the Board to Program staff and legal counsel. Dr. Rakestraw seconded the motion and it passed unanimously.

B-14-06: Mr. Logan moved that the Board authorize counsel to extend the Program's current proposal to Claimants in the hope of resolving the matter; or alternatively, if Claimants reject the proposal, to request Claimants' counsel's legal authority, including statutory and case law, for Claimants' position so that the Board may consider it. The motion was seconded by Ms. McCoy and it passed unanimously by the Board.

**New Business:**

No new business.

**Adjournment:**

Dr. Rakestraw adjourned the meeting at 12:15 p.m.