

**Virginia Birth-Related Neurological Injury Compensation Program  
Board of Director's Meeting  
Minutes for July 14, 2020 - Draft**

**Attendees:**

Kevin Logan, Esq.  
Michael Moore  
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  
Carla R. Collins, Senior Assistant Attorney General, Office of the Attorney General

**Call to Order:**

Mr. Kevin Logan, called the meeting to order at 10:30 a.m.  
Dr. Ramus moved and Mr. Stepp seconded that Mr. Kevin Logan be appointed Acting Chair. The Motion passed unanimously.

**Minutes:**

Acting Chair Logan moved that the Minutes be approved. Dr. Ramus seconded the motion and the motion was passed unanimously.

**Finance & Investments:**

Deputy Director Thomas reported that the Monthly Performance Report for the end of June shows investments at \$504,879,233.. The market is presently very volatile due to the world-wide spread of the corona virus. Dr. Russell moved that the Finance and Investment Reports be approved. Dr. Ramus seconded the motion and it passed unanimously.

**Closed Session (Claimants' Issues, Ratifications, Settlements, and Delegations of Authority)**

Acting Chair Logan moved in accordance with the provisions of Section 2.2-3711 (A)(7) and (8) and 2.2-3705.5 (11) of the Code of Virginia, 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**

Acting Chair Logan 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.

Dr. Ramus seconded the motion. The Board members were polled individually and each certified the motion.

### **Results of Closed Session (Claimants' Issues, Ratifications, Settlements, and Delegations of Authority)**

B-19-11, B-20-03, B-19-10, B-20-01: Acting Chair Logan moved that the Board approve the proposed settlements in lieu of litigation to resolve the pending pre-Petition reimbursement claims in the cases of B-19-11, B-20-03, B-19-10, and B-20-01, as discussed by the Board. Dr. Ramus seconded the motion, and it passed unanimously.

B-19-06: Acting Chair Logan moved that the Board ratify the settlement in lieu of litigation of attendant care claims in the case of B-19-06. Dr. Ramus seconded the motion, and it passed unanimously.

B-20-03, B-19-06, B-14-06, B-19-10: Acting Chair Logan moved that the Board approve the proposed settlements in lieu of litigation to resolve the pending fees and costs claims in the cases of B-20-03, B-19-06, B-14-06, and B-19-10, as discussed by the Board. Dr. Ramus seconded the motion, and it passed unanimously.

B-19-04, B-20-02, B-19-07, B-20-01, B-11-09: Acting Chair Logan moved that the Board delegate authority to Program staff, following consultation with legal counsel, to negotiate to resolution the pending pre-Petition reimbursement claims in the cases of B-19-04, B-20-02, and B-19-07; to negotiate to resolution the pending claims pursuant to Virginia Code §38.2-5009.1 in the case of B-20-02; to negotiate to resolution the pending fees and costs claims in the case of B-20-01; and to resolve the pending claim in case B-11-09 in accordance with the parameters and conditions discussed and approved by the Board. Dr. Russell seconded the motion, and it passed unanimously.

B-05-11: Acting Chair Logan moved that the Board deny the request, as made, in the pending matter in case number B-05-11. Dr. Russell seconded the motion, and it passed unanimously.

**New Business:**

No new business.

**Adjournment:**

Acting Chair Logan adjourned the meeting at 12:15 p.m.