

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting**

Minutes for October 13, 2020 - Draft

Attendees:

Michael Hoover
Kevin Logan, Esq.
Dawn McCoy
Jonathan Petty, Esq.
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 to serve as the Acting Chair for this meeting. The Motion passed unanimously.

Minutes:

Mr. Petty moved that the Minutes be approved. Acting Chair Logan seconded the motion and the motion passed unanimously.

Finance & Investments:

Deputy Director Thomas reported that the Monthly Performance Report for the end of June shows investments at \$520,917,422. The market is presently very volatile due to the world-wide spread of the corona virus. Mr. Petty moved, and Ms. McCoy seconded, that the Investment report be accepted. The motion pass unanimously.

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

Mr. Petty 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

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.

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-19-04, and B-19-07: Acting Chair Logan moved and Dr. Ramus seconded that the Board ratify the settlements in lieu of litigation to resolve the pre-Petition reimbursement claims in the cases of B-19-04, and B-19-07, as discussed by the Board. The motion passed unanimously.

B-19-04, and B-20-01: Acting Chair Logan moved and Ms. Macoy seconded that the Board ratify the settlements in lieu of litigation to resolve the fees and costs claims in the

cases of B-19-04 and B-20-01, as discussed by the Board. The motion passed unanimously.

B-19-07, B-20-02, B-20-04, B-20-06, and B-20-07: Mr. Petty moved and Dr. Ramus seconded 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-20-06, B-20-07, B-20-04, and B-20-02; to negotiate to resolution the pending claims pursuant to Virginia Code §38.2-5009.1 in the cases of B-20-07, B-20-04, and B-20-02; and to negotiate to resolution the pending fees and costs claims in the cases of B-20-06, B-20-07, B-19-07, B-20-04, and B-20-02 in accordance with the parameters and conditions discussed and approved by the Board. The motion passed unanimously.

B-97-04: Dr. Ramus moved and Ms. McCoy seconded that the Board deny the request, as made, in the pending matter in case number B-97-04. The motion passed unanimously.

B-95-01: Dr. Ramus moved and Mr. Petty seconded that the Board table the request in case number B-95-01 until such time as the necessary information has been obtained for the Board's consideration. The motion passed unanimously.

B-05-09: Mr. Stepp moved and Dr. Ramus seconded that the Board approve the request based upon the facts and circumstances that are unique to this admitted claimant in the case of B-05-09. The motion passed unanimously.

B-12-07, B-05-10: Dr. Ramus moved and Ms. McCoy seconded that the Board refer the claims in the cases of B-12-07 and B-05-10 to a third party for review and defer any determinations until that additional information has been obtained. The motion passed unanimously.

New Business:

No new business.

Adjournment:

Acting Chair Logan adjourned the meeting at 12:00 p.m.