

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for February 9, 2021 - Draft**

Attendees:

Michael Hoover
Kevin Logan, Esq.
Dawn McCoy
Jonathan Petty, Esq.
Ronald Ramus, M. D.
Joseph Stepp, C.P.A., C.G.F.M., C.F.E.

Also Present:

George Deebo, Executive Director
John Raines, Deputy Director
Natalie Edwards, Benefits and Claims Specialist
Carla R. Collins, Senior Assistant Attorney General, Office of the Attorney General
Ms. Sewell presented a request concerning B-11-10 via telephone during Closed Session. Vanessa Rakestraw via telephone listened to the meeting; but did not participate in any Board votes.

Call to Order:

Mr. Kevin Logan called the meeting to order at 10:30 a.m.
Mr. Petty moved and Dr. Ramus seconded that Mr. Logan be appointed as Acting Chair for the meeting. The motion was voted upon and unanimously approved.

Minutes:

Mr. Stepp moved that the Minutes be approved. Ms. McCoy seconded the motion and the motion was passed unanimously.

Finance:

There are 247-admitted claimants with 4 claimants admitted since the last report.-Deputy Director Raines reported \$571 million in investment, as compared to \$521 million as of the same time last year. The increase primarily is due to market increases. Mr. Petty moved, Dr. Ramus seconded, and the Board unanimously approved the Financials report.

Investments:

Prior to the Board meeting, the Investment Committee met with Tim Jester and Lisa Longest with The Colony Group.

Closed Session (Claimants' Issues, Ratifications and Settlements):

Acting Chair Mr. Logan 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. Petty and passed unanimously.

CERTIFICATION

Acting Chair Mr. 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. Mr. Stepp seconded the motion. The Board members were polled individually and each certified the motion.

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

Acting Chair Logan moved that the Board ratify the settlements in lieu of litigation to resolve the fees and costs claims in the cases of B-20-06, B-19-11, and B-20-08 as discussed by the Board. Mr. Stepp seconded the Motion and it passed unanimously.

Acting Chair Logan moved that the Board delegate authority to Program staff, following consultation with legal counsel, to negotiate to resolution the pre-Petition reimbursement/compensation claims in the case of B-20-11 and any fees and costs claims made in the case of B-20-11; and any pre-Petition reimbursement claims and fees and costs claims made in the case of B-20-12, if the claimant in case B-20-12 is determined to be eligible for admission into the Program before the Board's next meeting, in accordance with the parameters and conditions discussed and approved by the Board. Dr. Ramus seconded the Motion and it passed unanimously.

B-11-10: Acting Chair Logan moved that the Board deny the claim as made. Dr. Ramus seconded the Motion and it passed unanimously.

B-05-08: Acting Chair Logan moved that the Board deny the claim as made. Mr. Petty seconded the Motion and it passed unanimously.

New Business:

No new business.

Executive Director's Comments: Deputy Director Candace Thomas has retired from the Program, is commended for her years of great service to the Program and its Board, and is wished well in all her future endeavors. The Actuarial Report has been completed. The Program is still actuarially unsound.

Adjournment:

Mr. Logan moved, Mr. Hoover seconded, and the Board unanimously approved the motion to adjourn.