

Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for April 12, 2022 – DRAFT

Attendees:

Vanessa S. Rakestraw, PhD, CRC, Chair
Jonathan Petty, Esq.
Ronald Ramus, M.D.
Dawn R. McCoy, MPP
Joseph Stepp, C.P.A., C.G.F.M., C.F.E.
Kevin Logan, Esq.
Michael Hoover, CFA

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
Danielle Fields

Call to Order:

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

Minutes:

Dr. Rakestraw, Chair, moved that the Minutes be approved. Mr. Stepp seconded the motion, and the motion passed unanimously.

Finance:

Deputy Director Raines reported that the Program has \$665 million in investment reserves, as compared to \$603 million as of the same time last year. Overall, the Program continues to see a gradual increase in costs due to many factors, including inflation, which is especially high in the medical and housing sectors; as well as a constant increase in claimant costs due to increasing costs of care and equipment.

Dr. Rakestraw, Chair, moved that the Financial reports be approved. Ms. McCoy seconded the motion, and it passed unanimously.

Investments:

Lisa Longest with The Colony Group presented the Board with the revised investment policy.

Dr. Rakestraw, Chair, moved to adopt the revised investment policy. Dr. Ramus, seconded the motion and it passed unanimously.

Public Comments:

Ms. Danielle Fields arrived at 10:30 a.m. to comment on the market regarding obtaining new vans during the current supply chain difficulties. Board members expressed their appreciation for her input.

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

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, Dr. Ramus moved 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).

The motion was seconded by Mr. Petty, and it passed unanimously.

CERTIFICATION

Dr. Ramus, 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):

B-21-14, B-21-13, and B-07-02: Mr. Petty moved that the Board ratify the settlements in lieu of litigation concerning the reimbursements/ compensation claims and the fees and

costs claims in the cases of B-21-14, B-21-13, and B-07-02. Mr. Stepp seconded the motion and it passed unanimously.

B-21-11: Mr. Petty moved that the Board ratify the settlement in lieu of litigation concerning the pre-Petition reimbursement/ compensation claims in the case of B-21-11. Mr. Stepp seconded the motion and it passed unanimously.

B-21-12 and B-22-01: Mr. Petty moved that the Board delegate authority to Program staff, following consultation with legal counsel, to negotiate to resolution the pre-Petition reimbursement/compensation claims, and any fees and costs claims made in case numbers B-21-12 and B-22-01, in accordance with the parameters and conditions discussed and approved by the Board. Dr. Rakestraw, Chair, seconded the motion and it passed unanimously.

B-21-11, B-20-09, and B-19-12: Mr. Petty moved that the Board delegate authority to the Program staff, following consultation with the legal counsel, to negotiate to resolution the fees and costs claims in cases B-21-11 and B-20-09, and the settlement in lieu of litigation of the case of B-19-12 in accordance with the parameters and conditions discussed and approved by the Board. Mr. Logan seconded the motion and it passed unanimously.

B-10-17: Mr. Petty moved that the Board approve reimbursement of medically necessary travel expenses in the case of B-10-17 as discussed by the Board. Mr. Stepp seconded the motion, and it was unanimously approved.

B-02-07: Mr. Petty moved that the Board table the request and instruct Program staff to obtain additional information in case B-02-07. Mr. Stepp seconded the motion and it passed unanimously.

New Business:

Dr. Rakestraw, Chair, nominated Mr. Stepp as new Chair of the Board, effective as of the next meeting. His nomination was seconded by Dr. Ramus and the vote was unanimous for Mr. Stepp to become Chair. Mr. Petty volunteered to serve as Vice Chair. Dr. Ramus seconded that nomination. Mr. Petty was unanimously elected as Vice Chair.

Executive Director's Comments: None.

Adjournment:

Dr. Rakestraw, Chair, adjourned the meeting at 12:02pm