

Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for June 14, 2022- Draft

Attendees:

Joseph Stepp, CPA, CGFM, CFE Chair
Vanessa S. Rakestraw, PhD, CRC,
Ronald Ramus, M. D.
Dawn R. McCoy, MPP
Kevin Logan, Esq.

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

Call to Order:

Mr. Stepp, Chair, called the meeting to order at 10:25 a.m.

Minutes:

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

Finance and Investments:

Mr. Raines reported that the Program has approximately \$628 million in investment reserves, as compared to \$635 million as of the same time last year. The Program expects to see a continued 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.

Mr. Stepp, Chair, moved that the Financial and investment reports be approved by consensus ,and it passed unanimously.

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, Mr. Stepp 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 Dr. Rakestraw, and it passed unanimously.

CERTIFICATION

Mr. Stepp, 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 and Settlements):

B-22-01: Mr. Stepp moved that the Board ratify the settlements in lieu of litigation concerning the reimbursement/compensation claims and the fees and costs claims in the case of B-22-01, Mr. Logan seconded the motion and it passed unanimously.

B-21-12: Mr. Stepp moved that the Board ratify the settlement in lieu of litigation concerning the Pre-Petition reimbursement/compensation claims in the case of B-21-12, Mr. Logan seconded the motion and it passed unanimously.

B-21-12: Mr. Stepp moved that the Board approve the settlement in lieu of litigation of the fees and costs claims in the case of B-21-12, Mr. Logan seconded the motion and it passed unanimously.

B-21-15: Mr. Stepp moved that the Board ratify the settlement in lieu of litigation of the fees and costs claims in the case of B-21-15, Dr. Ramus seconded the motion and it passed unanimously.

B-20-09 and B-19-12: Mr. Stepp moved that the Board delegate authority to Program staff, following consultation with legal counsel, to negotiate to resolution the fees and costs claims in case number B-20-09 and to settle solely in lieu of litigation, without any findings or eligibility determination being made, all claims made in case number 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-19-08: Mr. Stepp moved that the Board delegate authority to Program staff, following consultation with legal counsel, to determine whether to appeal further the case of B-19-08

B-12-05: Mr. Stepp moved that the Board provide reimbursement in case B-12-05, in accordance with the parameters and conditions discussed and approved by the Board. Ms. McCoy seconded the motion and it passed unanimously.

B-20-12: Mr. Stepp moved that the Board provide reimbursement in case B-20-12, in accordance with the parameters and conditions discussed and approved by the Board. Dr. Ramus seconded the motion and it passed unanimously.

Mr. Stepp moved that the Board delegate to Program staff the authority, on a case-by-case basis, to approve reimbursement/ payment for repairs, caused or necessitated by the van's conversion, cost, on a case-by-case basis, during the next year. Mr. Logan seconded the motion and it passed unanimously.

Mr. Stepp moved that the Board approve the proposed Memorandum of Understanding with the Office of the Attorney General to compensate it for its services from July 1, 2022, through June 30, 2025, Mr. Logan seconded the motion and it passed unanimously.

New Business:

Because the current Memorandum of Understanding between the Office of the Attorney General and the Program expires on June 30, 2022, the Board discussed the proposed Memorandum of Understanding to cover the period of July 1, 2022 through June 30, 2025. Chairman Stepp moved that the Board approve the proposed Memorandum of Understanding with the Office of the Attorney General to compensate it for its services from July 1, 2022 through June 30, 2025. Mr. Logan seconded that Motion and it passed unanimously.

Executive Director's Comments:

Adjournment:

Mr. Stepp, Chair, adjourned the meeting at 12:00pm.