

Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for July 12, 2022- Draft

Attendees:

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

Also Present:

George Deebo, Executive Director
Carla R. Collins, Senior Assistant Attorney General, Office of the Attorney General

Call to Order:

Mr. Stepp, Chair, called the meeting to order at 10:34 a.m.

Minutes:

Mr. Stepp, Chair, moved that the Minutes be approved by consensus, and the motion passed unanimously.

Finance and Investments:

Mr. Deebo reported that the Program has approximately \$636 million in investment reserves, as compared to \$642 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 increases in claimant costs due to increasing costs of care and equipment.

Dr. Ramus moved that the Financial and investment reports be approved. Mr. Petty seconded the motion and it passed unanimously.

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

In accordance with the provisions of Section 2.2-3711 (A)(8) and 2.2-3705.5 (11) of the Code of Virginia, Mr. Stepp, Chair, move 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 negotiation 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 deliberation of the board of directors in connection with the 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

Mr. Stepp, Chair, 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, Chair, moved that the Certification be approved by consensus, and the motion passed unanimously.

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

B-07-02: Mr. Stepp, Chair, moved that the Board deny the request in case B-07-02. Mr. Petty seconded the Motion and it passed unanimously.

B-22-04: Mr. Stepp, Chair, moved that the Board delegate authority to Program staff, following consultation with legal counsel, to negotiate to resolution, solely in lieu of litigation, the pre-petition reimbursement/ compensation claims, and fees and costs claims made in case number B-22-04, in accordance with the parameters and conditions discussed and approved by the Board.

New Business:

Executive Director's Comments:

Adjournment:

Mr. Stepp, Chair, adjourned the meeting at 11:40 a.m.