

Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for February 14, 2023 - DRAFT

Attendees:

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

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 10:38 a.m.

Minutes:

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

Finances:

Mr. Raines reported that the Program has approximately \$615 million in investment, as compared to \$680 million as of the same time last year. The Program continues to see an increase in costs in the medical and vehicle sectors, as well as increases in home health aid wages.

Mr. Stepp, Chair, moved that the reports be approved by consensus, and consensus was acknowledged.

Investments:

Mr. Stepp, Chair, moved that the reports be approved by consensus, and consensus was acknowledged.

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

Mr. Stepp, Chair, moved that the meeting convene in accordance with the provisions of Sections 2.2-3711 (A)(8) and 2.2-3705.5 (11) of the Code of Virginia, Mr. Stepp, Chair, 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 briefings 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 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

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's 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 discussed in 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, individually polled each of the members of the Board, and each Certified the Resolution.

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

B-05-06: Mr. Stepp, Chair, moved that the Board deny the request, as made, in the case of B-05-06. Mr. Logan seconded the motion, and it passed 3 to 2, with 2 abstained.

B-22-08: Mr. Stepp, Chair, moved that the Board approve, solely in lieu of litigation, the settlement of the pre-petition reimbursement/compensation claims made in the case number B-22-08, in accordance with the parameters and conditions discussed and approved by the Board. Mr. Petty, Vice Chair, seconded the motion, and it passed unanimously.

B-22-05: Mr. Stepp, Chair, moved that the Board ratify, solely in lieu of litigation, the settlement of the pre-petition reimbursement/compensation claims made in the case number B-22-05, in accordance with the parameters and conditions discussed and approved by the Board. Dr. Slusher seconded the motion, and it passed unanimously.

B-22-08 and B-22-05: Mr. Stepp, Chair, moved that the Board delegate authority necessary to the Executive director, after consultation with legal counsel, to settle in lieu of litigation, the fees and costs claims in case numbers B-22-08 and B-22-05. Mr. Petty, Vice Chair, seconded the motion and it passed unanimously.

New Business:

Welcome Newly appointed Board member Dr. Cathy Slusher.

Executive Director's Comments:

Adjournment:

Mr. Stepp, Chair, adjourned the meeting at 12:12 p.m.