

Virginia Birth-Related Neurological Injury Compensation Program

Board of Director's Meeting

Minutes for October 11, 2022

Attendees:

Joseph Stepp, C.P.A., C.G.F.M., C.F.E., Chair
Jonathan Petty, Esq.
Dawn R. McCoy, MPP
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

Call to Order:

Mr. Stepp, Chair, called the meeting to order at 10:30 a.m.

Minutes:

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

Finances:

Mr. Raines reported that the Program has \$608 million in investment reserves, as compared to \$670 million as of the same time last year. The Program continues to see a gradual increase in costs due to many factors, including inflation and increasing costs of care.

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

Investments:

Mr. Logan moved to nominate Mr. Stepp, Chair, to become a member of the Investment Committee.

Mr. Hoover seconded the motion, and it passed unanimously.

Public Comments

Ms. Brooks arrived at 10:30am to comment on The Program's housing benefits regarding the process for modification of privately owned home. Board members expressed their appreciation for her input.

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

Mr. Stepp, Chair, moved that the meeting convene 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, 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 38.2-522.2 (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, moved that the Certification be approved by consensus, and the motion passed unanimously.

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

B-12-05: Mr. Stepp, Chair, move that the Board deny the request, as mad in the case of B-12-05. Mr. Petty seconded the motion and it passed unanimously.

B-22-04: Mr. Stepp, Chair, move that the Board approve, solely in lie of litigation, the settlements of the pre-petition reimbursement/compensation claims and fees and cost claims made in case number B-22-03, in accordance with the parameters and conditions discussed and approved by the Board. Mr. Logan seconded the motion and it passed unanimously.

B-20-09: Mr. Stepp, Chair, moved that the Board approve, solely in lieu of litigation, the settlement of the fees and costs claims made in case number B-20-09, in accordance with the parameters and conditions discussed and approved by the Board. Mr. Logan seconded the motion and it passed unanimously.

B-19-12: Mr. Stepp, Chair, moved that the Board ratify, solely in lieu of litigation, the settlement of case number B-19-12, in the absence of any findings of fact or conclusion of law and with dismissal with prejudice, as previously discussed and approved by the Board. Mr. Petty seconded the motion and it passed unanimously.

B-22-02: Mr. Stepp, Chair, moved that the Board approve, solely in lieu of litigation, the resolution of case number B-22-02, in the absence of any findings of fact or conclusions of law and with dismissal with prejudice, as discussed by the Board. Mr. Petty seconded the motion and it passed unanimously.

New Business:

Newly appointed Board member to join the Board in next meeting.

Executive Director's Comments: No Board meeting in November.

Adjournment:

Mr. Stepp, Chair, adjourned the meeting at 11:45 am.