

**Virginia Birth-Related Neurological Injury Compensation
Program Board of Directors Meeting Minutes
July 8, 2025 - DRAFT**

Attendees:

David Ratz, Esq., Chair
Ronald Ramus, M.D.
Patricia Byrnes-Schmehl
John Gordon, C.P.A.
M. Cathy Slusher, M.D.
Kevin Logan, Esq.

Absent

James Camm, Ph. D.
Joel Dillon, Vice Chair

Also Present:

Dawn McCoy, Executive Director
Ronda Holloway, Operations Manager
Hanna Bareford, Human Resources Assistant
Charlotte Spence, Communications & Operations Associate
Sarah Paskins, parent of an admitted claimant
Ms. Sanner, support for the Paskins family
Candice Fens, support for the Paskins family
Kim Zayne, support for the Paskins family
Steve Goldsmith, parent of an admitted claimant
Alan Polsky, grandparent of admitted claimant
Luca Powell, Richmond Times Dispatch
Adonica Baine, Esq., Office of the Attorney General
Calvin Brown, Esq., Office of the Attorney General
Stephen Weir, CEO of Trustward
McKenna Saenger, Audit Manager, BDO
LaShaun King, Assurance Partner, BDO

Call to Order

Chairman Ratz called the meeting to order at 8:33 a.m.

Welcome:

The Chairman welcomed participants to the meeting.

Minutes from Previous Meeting:

Board Chair Ratz motioned to discuss the July 8, 2025, Board meeting Minutes. Board Chair Ratz motioned to approve the Minutes, and Member Cathy Slusher seconded the Motion. The Motion was voted upon and approved unanimously.

Investment Update

Board Chair David Ratz started the investment update. Executive Director Dawn McCoy stated the current search for an Outsourced Chief Investment Officer (OCIO) Search Firm is underway and expects to deliver a community update on the process by the September 9th meeting. Stephen Weir, CEO at Trustward, is assisting with the search for an Outsourced Chief Investment Officer and joined the Board members at the table to discuss the process. He is currently working on getting proposals for the search and is in the starting stages. Board member John Gordon asked about the criteria for the hire. Director McCoy responded that the staff were using the criteria provided in consultation with the prior Investment Committee Chair such as experience and cost factors. Board member Patricia Byrnes-Schmehl asked when the consultant would be hired. Mr. Weir responded stating that finding an OCIO that is an appropriate fit for the Program will take 6-9 months. Board Chair Ratz requested an update on the process by the September meeting and in light of the recent retirement of Mike Hoover from the Board of Directors, Director McCoy asked who the designated Board contact would be. Member John Gordon offered his assistance in finding an OCIO since he is a member of the Committee and he has extensive Board experience. Chairman Ratz affirmed that Member Gordon would serve as the Interim Investment Committee Chair until a permanent selection could be made. Member Gordon noted that he would be glad to have follow-up correspondence with Director McCoy and Mr. Weir about the OCIO search firm selection process and to report to the Board at the next Board meeting.

Finance Update

Board Chair Ratz asked Dawn McCoy about budget update. She shared that for the draft 2025 Program Budget that Stephen Weir from Trustward, a full-service accounting firm, is assisting with this project. He shared that the Program and his team are collecting documentation from 2022 to 2024 to achieve the scope of the Program's financials but not at a place with the Budget to create one with accuracy yet. Mr. Weir estimated it will take roughly two quarters until one is established and that can be implemented. Mr. Weir mentioned that the team is looking to create guidelines for future budgeting and auditing. Board Chair Ratz inquired about the roadblocks in the project and Mr. Weir responded that the apparent biggest issue has been data collection given that the audit had not happened

in the past couple of years. Mr. Weir stated that there have been a few access issues with Truist and acquiring specifications from 2022-2024 dates may not be achievable. Board Chair Ratz asked about a timeline for the budget and Stephen Weir responded that their focus now is the audit, which will take 2-3 months to complete. He pointed out that after that, they will shift the team focus to the Program's budget. Board member John Gordon emphasized the importance of having this budget as soon as possible as the calendar year is halfway over. Stephen Weir said he has plans to bring a preliminary budget about this time next year for the next year's finances to look ahead once he and his team collect all the necessary data.

Public Comment

Ms. Sarah Paskins expressed concerns about the lack of communication and accountability from the Program in terms of receiving payments in a timely manner. She also expressed concerns with the direct deposit system as she believes it is not reliable due to a potential HIPAA violation. She also cited overall delays in her payments since the Program has been processing checks manually. Ms. Paskins reiterated her desire to focus the Board meetings on the families and their needs more than addressing concerns regarding finances.

Mr. Alan Polsky mentioned his attendance at the Board meetings over the past few months and has heard the families' concerns regarding Program operations. Mr. Polsky mentioned his disappointment with the motion to remove the public comment period during the June 2025 meeting, as well as the schedule meeting start time change in the July meeting 2025, stating other families were going to attend but could not attend due to the late decision.

Ms. Sander told the Board that she is upset by her need to come here to express her concerns about receiving payments and believes that the children's needs are not met through the Program.

Ms. Candice Fens spoke to the Board about the topic of needing more funding from doctors because the life expectancy of the Program's claimants has increased due to the care they are receiving; but expressed concern about why the Program supports the doctors when neurological birth-related injuries occur. She mentioned the desire for due process towards doctors and hospitals instead of operating through the Program. Ms. Fens expects a response from the Board during the Public Comment, but none was given at that time.

Audit

LaShaun King and McKenna Saenger from the Program's accounting firm, BDO, made a presentation to the Board on the auditing process through 2022-2024 years consisting of timeline, strategy, and plan. The BDO team reviewed governance priorities with management and the board. Chairman, David Ratz, requested for Ms. Saenger and Ms. King to meet with the old auditor. The BDO team responded with their plan to schedule a time with the prior accounting firm this week.

Executive Director Comments

Dawn McCoy mentioned the support the Program has been receiving from Trustward as the previous Account Receivable hire, Paula Ward, retired after her 20 years dedicated to the Program. Trustward has been involved in the documentation process of the Account Receivable role. Ms. McCoy shared updates are posted on the Program's website announcement page including a bilingual (Spanish), accounting professional hired, Michelle Alvarez.

Ms. McCoy informed the Board that an insurance recovery of \$1 million was fulfilled in response to the John Raines matter.

Ms. McCoy addressed the Board about the recent change in IT and said that if the Program is exploring technology support from the Virginia Information Technologies Agency (VITA) for a lower cost than the prior IT vendor. Chairman Ratz believed this will be a positive addition to the Program. The Board conversation then transitioned into discussion about updates on the existing website. Ms. Fens, a member of the public, asked if it would be mobile-friendly. Ms. McCoy responded that it would be and would appreciate the insight from the Program's families into what they would like to see be done to create an efficient and accessible platform for all to use. Chairman Ratz emphasized the need for this change, stating the necessity to make it modern, user friendly, and accessible including the terms of revamping the portal to the same specs. Ms. McCoy then showed the Board the two proposed website updates currently in the developmental stages for consideration. Ms. Fens, a member of the public, asked about the ability to upload documentation to the website. Ms. Paskins asked if it would be HIPAA compliant. Chairman Ratz said it will be and felt that the samples were cleaner than what currently exists. John Gordon asked for a timeline for this project. Ms. McCoy responded with the prospect of updates on the existing website being completed hopefully by September 1st as staff are actively working on updating the content.

Ms. McCoy shared with the Board the work being done with the Program's Public Relations team to help humanize employees of the Program.

Chairman Ratz mentioned the request to inquire about a rumored phone policy where it was believed the Program has a written protocol to ignore calls and emails from claimant families. Ms. McCoy clarified that such information was not accurate, and the Program does not have anything of the sort in place. It was further mentioned how phone extensions are public on the website, and it is Program protocols for families to reach out whenever needed. Chairman Ratz asked Ms. McCoy to share if there was a speakerphone policy in effect. Director McCoy confirmed no knowledge of any policy for the Program staff.

Closed Session

Chairman Ratz moved to go into Closed Session at approximately 10:10 a.m.

Board member Cathy Slusher seconded the Motion.

Chairman Ratz requested that Executive Director Dawn McCoy excuse herself from the Closed Session. She was not present for the first part of Closed Session.

Chairman Ratz moved that the Board of Directors for the Virginia Birth Related Neurological Injury Compensation Fund go into closed meeting for the following reasons: 1) To discuss and consider the assignment, appointment, promotion, performance, salary, discipline, termination and resignation of specific previous and current employees (including employees who recently resigned) pursuant to the Personnel Exemption of Va. Code § 2.2-3711(A)(1) and 2) To consult with legal counsel pertaining to actual or probable litigation, where such consultation would adversely affect the negotiating or litigating posture of the public body, the subject of which are potential claims, pending claims and pending cases against the Virginia Birth Related Neurological Injury Compensation Fund, pursuant to the Legal Counsel Consultation Exemption of § Va. Code 2.2-3711(A)(7). Second to the Motion is required and an affirmative recorded vote approving the Motion is needed.

Member Cathy Slusher seconded the Motion. The Motion was voted upon and passed unanimously.

Certification

Chair Ratz moved for the adoption of the following resolution by the members of this Board of Directors:

WHEREAS, the Virginia Birth-Related Neurological Injury Compensation Program's Board has convened in 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, §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 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 in the closed meeting by the Board.

Member Cathy Slusher seconded the Motions. The members of the Board were polled individually, and each certified by the resolution.

New Business:

None

Adjournment:

Board Chair David Ratz motioned to Adjourn the meeting at 1:20 p.m., and it was seconded by Board member Cathy Slusher. The Motion was voted upon and passed unanimously.