

Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for February 8, 2022

Attendees:

Jonathan Petty, Esq.
Ronald Ramus, M.D.
Joseph Stepp, C.P.A., C.G.F.M., C.F.E.
Michael Hoover, CFA
Rhonda Russell E.D. D., A.I.C.P., M.P.A.

Also Present:

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

Call to Order:

Mr. Stepp, Chair *Pro-Tem*, upon unanimous approval of the Board, called the meeting to order at 10:30 a.m.

Minutes:

Dr. Ramus moved that the Minutes be approved. Mr. Petty seconded the motion, and the motion passed unanimously.

Finance and Investments:

Mr. Raines reported that the Program has \$680 million in investment reserves, as compared to \$587 million as of the same time last year. Mr. Raines also reported that the Program's increase in administrative costs is primarily due to the growth of the investment portfolio. The Program continues to see increases in claimant costs due to increasing costs of care and equipment.

Mr. Stepp, Chair *Pro-Tem* moved that the Financial and Investment reports be approved. Mr. Petty seconded the motion, and it passed unanimously.

Public Comments:

Ms. Carol Green and Ms. Kahmilah Eley arrived at 10:30 a.m. to share concerns with the Board. Unfortunately, no quorum was present, and the meeting was not called to order until after they departed.

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, Dr. Ramus 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 Mr. Stepp, Chair *Pro-Tem* and it passed unanimously.

CERTIFICATION

Dr. Ramus, 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 *Pro-Tem* seconded the motion. The Board members were polled individually, and each certified the motion.

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

B-21-03 and B-21-09: Mr. Stepp, Chair *Pro-Tem*, moved that the Board ratify settlements in lieu of litigation concerning the pre-petition reimbursements/compensation claims and the fees and cost claims of B-21-03 and B-21-09, Mr. Petty seconded the motion and it passed unanimously.

B-20-09: Mr. Stepp, Chair *Pro-Tem*, moved that the Board ratify the settlement in lieu of litigation concerning the pre-petition reimbursement/compensation claims in the case of B-20-09, Mr. Petty seconded the motion and it passed unanimously.

B-21-05: Mr. Stepp, Chair *Pro-Tem*, moved that the Board ratify the settlement in lieu of litigation concerning the fees and cost claims in the case of B-21-05, Mr. Petty seconded the motion, and it passed unanimously.

B-11-11: Mr. Stepp Chair *Pro-Tem*, moved that the Board instruct program staff to investigate the concerns raised on behalf of the admitted claimant in case B-11-11 and report back to the Board at its next meeting concerning the appropriate actions that are authorized by the Board through this motion and that were taken by staff to address those concerns. Mr. Petty seconded the motion, and it passed unanimously.

B-21-11, B-21-12, B-21-13, B-21-14, B-21-15, and B-22-01: Mr. Stepp, Chair *Pro-Tem*, moved that the Board delegate authority to Program staff, following consultation with legal counsel, to negotiate to resolution the pre-petition reimbursement/compensation claims and any fees and cost claims made in case numbers B-21-11, B-21-12, B-21-13, B-21-14, B-21-15, and B-22-01, in accordance with the parameters and conditions discussed and approved by the Board. Mr. Petty seconded the motion, and it passed unanimously.

B-20-09, B-07-02, and B-19-12: Mr. Stepp, Chair *Pro-Tem*, moved that the Board delegate authority to Program staff, following consultation with legal counsel, to negotiate to resolution the fees and cost claims in case B-20-09, the housing benefit claim in case B-07-02, and the settlement in lieu of litigation of the case of B-19-12, in accordance with the parameters and conditions discussed and approved by the Board. Mr. Petty seconded the motion, and it passed unanimously.

New Business:

Mr. Stepp and Ms. Rakestraw have been reappointed by the Governor to the Program's Board of Directors.

Executive Director's Comments: The Program anticipates that elections for Board Chair and Vice Chair will be held at the Board's April meeting. Nominations may be provided to the Executive Director in the interim.

Adjournment:

Mr. Stepp, Chair *Pro-Tem*, adjourned the meeting at 12:20 p.m.