

Virginia Birth-Related Neurological Injury Compensation Program

Board of Directors Meeting Minutes

September 9, 2025 - Draft

Attendees:

David Ratz, Esq., Chair

M. Cathy Slusher, M.D.

James B. Moon

John Gordon, C.P.A

Joel Dillion

Kevin Logan, Esq.

Ronald Ramus, M.D.

Virtual:

Tricia Byrnes Schmehl

Also Present:

Dawn McCoy, M.P.P., Executive Director

Adonica Baine, Senior Assistant Attorney General, Office of the Attorney General

Calvin Brown, Senior Assistant Attorney General, Office of the Attorney General

Carla R. Collins, Chief Program Officer

Alexander R. Smith, Special Claims Administrator

Razaz Ali, Claims Processing Manager

Ronda Holloway, Director of Operations

Hanna Bareford, Human Resources Assistant

Charlotte Spence, Communications Specialist

Stephen Weir, Trustward, C.E.O.

LaShaun King, Assurance Partner, BDO

McKenna Saenger, Audit Senior Manager, BDO

Jerry and Beth Sanner, grandparents of an admitted claimant

Mark Hubbard, SVP Advocacy, McGuireWoods Consulting

Luca Powell, Reporter, Richmond Times Dispatch

Sarah Paskins, Parent of an admitted claimant

Andrew Gillman, Sklar Technologies

Marissa Goldsmith, Parent of an admitted claimant

Allen Polsky, grandparents of an admitted claimant

Elenore Peters, Parent of an admitted claimant

Virtual:

John Paolacci, Rising Innovations (Claims Presentation Purposes Only)

Call to Order:

Chairman Ratz called the meeting to order at 8:45 a.m.

Introduction of the Board:

All Board Members present introduced themselves.

Approval of Minutes:

Board Chair Ratz motioned to discuss the August 12, 2025, Board meeting Minutes.

Member Cathy Slusher motioned to approve the Minutes and Member Joel Dillion second the motion. The Motion was voted upon and passed unanimously.

Investment Update:

Stephen Weir, Trustward C.E.O., joined those at the table to provide the investment update.

Member James J. Moon was introduced as the new investment representative. Stephen Weir mentioned that he and Member Moon spoke last week regarding investments and intend speaking again in the coming week. A more comprehensive Investment Committee

Meeting will occur following the Board of Directors meeting to discuss rebalancing and review the Outsourced Chief Investment Officer search consultant.

Financial Update:

Stephen Weir explained that his team is focused on the audit work. Currently, the Program is in the second phase, have finished the majority of the requests. Weir mentioned physician assessments would be sent out soon for the year 2026. They are being sent via mail and email. Weir reminded the Board to be responsive to audit requests. In December, Trustward anticipates being fully caught up from the audit and able to focus on the Program's Budget. Chairman David Ratz asked whether anything is delaying the work of the audit, or whether it is proceeding according to the anticipated timeline. Weir responded that the team met the timeline for the years 2022, 2023 and 2024. He further indicated that the Office of the State Inspector General (OSIG) audit has begun in the past few weeks, that Trustward is learning what is being requested so that it can be delivered to OSIG in a timely manner. Weir concluded that, although it is a time-consuming process, nothing unusual has occurred to prevent them from completing their audit work.

LaShaun King and McKenna Saenger from BDO presented an audit update. They confirmed that they had received the trial balance, obtained an understanding of the scope of the work, and understood that there may be gaps in the financial documentation due to the other issues that occurred in the past. Slusher asked whether we are at a good pace. King indicated that a specific approach needs to be taken; but that everything thus far is operating smoothly. Ratz asked what was needed from the Board besides the answers to the questions posed by BDO. King stated that nothing else was needed other than an understanding concerning what kind of communication the Board wants to have from BDO concerning the audit.

Program Update:

Executive Director Dawn McCoy explained that the Program enlisted the support of MCI/Rising for claims processing after the contract ended with BPA. John Paolacci from Rising attended virtually to discuss the efforts made since going live in May and the new reimbursement system that has been implemented. Dawn McCoy explained that some claim types have been processed in-house while others have been processed through Rising's Vision Portal. The claims processing through Rising has been working through a second iteration of the Portal which entails going live for timesheets processing and issuing direct deposits for consistent claim reimbursement. Families have been receiving support

throughout this transition from the Program's Claims staff, the Program's Case Manager, and a designated point of contact at Rising, as well. Dawn McCoy mentioned that a recent assessment was sent to all families to get feedback on Rising's services, customer support, platform accessibility, and overall satisfaction. McCoy confirmed that there has been additional collaboration with Rising in ensuring claimant families contact and other information has been verified. As of the date of the meeting, the Program and Rising have received a 97% response rate from families concerning this verification and await the remaining 10 responses. These efforts are to keep a continuous log of accurate, up-to-date emails, phone numbers, names, and claimant information in a "Master Spreadsheet". In addition to these efforts, another spreadsheet and chart was created so families know where their claims are processed, whether in the Program or through Rising's Vision Portal.

We will be assessing the data and complying with procurement requirements. This was an emergency contract. Rising is the incumbent. As families need continuity, we will be considerate of changes. Board Member Slusher asked when the 6 months would be up, and Director McCoy responded that the 6 months would expire in November. Board Member Gordon asked how long the vetting process would take. Director McCoy indicated that the Program was waiting for documents from the OAG. Mr. Gordon then asked whether an extension would need to be requested in the new year. Director McCoy responded that she anticipates requesting an extension in October.

Chairman Ratz asked whether the second iteration has more claims being processed through Rising than through the Program. Director McCoy responded in the affirmative. Chairman Ratz asked how claims are processed through Vision. Director McCoy explained that claims are submitted through the Vision portal, Rising assigns them to Program Claims staff, Program staff approve or hold them for more documentation, Rising pays the families, and the Program pays Rising. The process improves claims verification, as required considering the 2020 audit findings that claims verification was lacking under the previous Administration. Chairman Ratz asked for the timeline from claims submission to verification. Director McCoy explained that the previous third-party administrator, Benefit Plan Administrators (BPA), took approximately 30 days, whereas the current process takes about 2-5 days in comparison.

Board member Slusher asked how many of the 314 outstanding claims had been paid. Director McCoy responded that all were paid; but only 114 of those were past-due. Director McCoy explained that there were 200 claims remaining from BPA; but the Program was trying to get backup documentation from BPA so that reimbursement could be made. The Program expects those 200 to be paid once it has the documentation. Director McCoy stated she has been following up since May. Her most recent attempt to obtain the

documentation was 2 weeks before the Board Meeting. Board Member Slusher asked what the total dollar amount is for the 200 claims in BPA's possession. Director McCoy explained that it is not possible to answer that question without the documentation.

Board Member Gordon asked how the Program is certain there are only 200 that need to be paid if they don't have the proper documentation. Director McCoy acknowledged that it is possible that there could be more claims; but this is the information the Program has based upon what has been provided to it from BPA.

Calvin Brown, Senior Assistant Attorney General from the Office of the Attorney General, stated they are available at the OAG office to write a letter to push for the documentation. Adonica Baine, Senior Assistant Attorney General at the Office of the Attorney General, mentioned that she had sent 2 letters to BPA already, but they are awaiting specific information to proceed. Board Member Slusher asked what is needed to do so. Senior Assistant Attorney General Baine said they want to send a final letter but await specific information and an update. She will discuss the matter further with Director McCoy.

Board Chair Ratz asked, since there are outstanding claims through BPA, whether the Program has been in correspondence with families discussing these outstanding payments and to gather more information. Director McCoy responded that the Program has a case manager and a claims manager doing check-ins with these families to gather data and whatever families have expressed about outstanding claims. The Program has paid out all such claims presented to them by the families. Member Slusher expressed confusion about the number of claims from families. Director McCoy explained that the Program has resolved any claims brought to its attention directly by families; but the Program cannot provide complete information because it does not have complete information from BPA concerning claims families may not have contacted the Program about directly. Chair Ratz asked whether claims that were outstanding through BPA and brought to the Program's attention by families have been made. Director McCoy confirmed that they have been paid and that the Program has been proactive in reaching out to families and discussing these claims with them so that they can be resolved.

Board Member Gordon commented that since the request for BPA was in May, the Program should have been reaching out to all families monthly for information. Director McCoy mentioned that Rising has been collaborating with families to get the documentation on file and giving additional support to submitting those records. Board Member Slusher asked if any of those claims submitted through Rising were a part of the outstanding 200 claims. Director McCoy explained that cannot be known because the Program does not have the records. Board Member Slusher asked whether any of the 200 claims have been paid. Director McCoy explained that the Program has been paying all claims discussed with

families; but that it is not possible to know whether any of those claims are part of the 200 because the Program does not have the original reimbursement forms from BPA. Chairman Ratz asked how many of the outstanding BPA claims have been paid. Director McCoy indicated that she would obtain numbers and follow-up because some payments have been made. In addition, Director McCoy said she will bring a visual to help her understand this information because there have been many changes since 2017 and many claims had been processed in-house before Rising began processing claims. Chairman Ratz asked whether BPA is withholding the Program's money in some account. Director McCoy responded that she was not sure but would confirm.

Board Member Slusher inquired whether calls, faxes, and emails have decreased since the Vision portal went live. Director McCoy explained that they have because questions are going through the portal, and Rising is responsible for handling them. Chairman Ratz asked for an update concerning the Vision portal's technical issues regarding the amount of data a person can add when uploading Caregiver and Family Care Timesheets. Paolacci said since the release of Vision on August 15, there had been 634 portal submissions from 89 families, and 972 submissions total --- that 600 figure being directly from the portal. The number of submissions has increased steadily every week and has been processed accordingly. There were 2 bugs that were found that were related to caretaker timesheets and the number of lines that were saved. There were 20 lines on the manual version, as the Vision portal allows lines to be entered automatically to calculate the figures. It was said families would be able to enter as many lines as they wanted, but it was only saving the first 20 that were submitted on the back end. When submitted, only the first 20 lines were saved. Once the bug was identified, the technical team resolved the issues on September 3. The team reached out to the impacted families for support and the issue is now resolved. Chairman Ratz asked, whether since September 3, "is the system saving as many lines as the claimant types in?" Paolacci responded in the affirmative. Board Member Slusher noted that when he was at the previous Board Meeting, he said that 20% of families signed up to use Vision. She wanted to know the update on how many have registered, how many have signed up for direct deposit, and how close they are to 100% accuracy concerning updated contact information. Paolacci said there has been progress but that he does not have an exact number regarding registration and direct deposit. He will provide a list to answer this question. Paolacci claimed the updated contacts were well over 190 initially. He further explained that once they reset the password and refreshed the profiles, the update of contact information is already updated in their system. Paolacci stated the 190 number for contact information is verified and enrolled. He further mentioned that anyone that wants access to the portal will gain access to the portal if they are in the Program. Member Slusher asked whether the access to direct deposit had increased.

According to Paolacci, by September 5, they had 134 enrollments in direct deposits, and since the last Board meeting, they increased by 26. Board Member Slusher asked whether the Program followed up with the families who did not respond to the letters that were sent out. Director McCoy confirmed that the Program followed up by letter, phone, and email. Member Gordon asked for all the figures for signing up, direct deposit, those who did not respond, and all those metrics pertaining to direct deposit. Chairman Ratz commented that utilization is important and wanted to know how many of the families have accessed the Vision Portal. Director McCoy noted that some families do not want to use technology at all, and other families continue to have concerns about Vision. Paolacci said that there are 219 families that have credentials. Member Gordon asked how many have enrolled or used Vision. Paolacci said they will pull a list of the 219 contacts they have and see how many have logged into Vision. Member Slusher asked whether the 219 represents admitted claimants. Paolacci said that number represents the family members of the admitted claimants. Member Slusher expressed the importance of knowing how many families are utilizing this. Chairman Ratz asked how many of those admitted claimants have one contact in the portal because some families have not acted whatsoever, nor responded to the inquiry for information, and some only want to use paper. Paper submissions go to both Rising and the Program, depending upon what kind of claim it is. Director McCoy explained that the in-house process generally involves the case manager and claims team. The claim would be filed through the Program, and the Program contacts Rising to make sure they are working in tandem to make sure they are taking the right steps to process their portion of claims. Chairman Ratz asked whether a claim is turned over. Director McCoy said the Program does not turn over claims because they contain confidential information and the Program wants to minimize the risk of misplacing any information. Member Slusher wanted to know who pays each benefit type at the end of the claims process.

Board member Kevin Logan asked whether the Program submits the information correctly to Rising and whether the Program asks claimants to submit information through Vision. Director McCoy explained the Program does not submit the information for admitted claimants because the Program is concerned about security issues. Member Dillion asked Paolacci about the 639 claims processed through Vision and how many of those have been paid thus far. Paolacci responded by saying they have issued 1274 payments and 270 of the payments have gone directly to families. Dillon asked what the average processing and turn is- around time. Paolacci was also asked to create a weekly metrics report to VBIF including the time from Approval to Funding issuance and to add it to the dashboard that will be provided to Director McCoy. Chairman Ratz wanted to know the time from claim submission to the issuance of funding and received the response from Paolacci that he will provide that information on an ongoing basis. Member Logan asked about the approval

process by the Fund before payment is issued and wants to know more about that approval process. Paolacci responded by saying that when they receive the reimbursement request it goes to “assessment” where it waits for the Program approval, goes into the queue, and then is approved for payment through Rising. He said that Rising can send metrics to the Board. Member Logan asked Director McCoy about the Program’s side of the process. Director McCoy explained that Vision is the online portion where the claims team can see the posting. It then goes into the queue in batches online through Vision. Director McCoy added this process has been extremely truncated compared to the process under BPA and is a huge improvement simply by digitizing it. The Program checks Vision daily and does a check run twice a week. In the process of record keeping when claims are submitted, if there are no concerns, the claim gets processed in a day or two. Member Slusher asked whether the 2-5 days is where it sits in the approval process. Director McCoy said no, that figure is the whole process. Paolacci said a process change is being made to improve this timeline. He explained that going forward, once the claim is approved, it will go straight to funding, and the send-off will be the payment processing service vendor. This happens by cutting out the “assessment” phase. Paolacci said the general process happens in real time. Member Slusher asked about the chart and agency processing. Director McCoy said the portal is a claimant-specific one, so it is not set up for agency entities. Chairman Ratz asked whether the Program would have the ability to process agency claims through Vision. Paolacci said yes, anything submitted to the Vision portal can go through Rising. Chairman Ratz asked why the agency caregiving timesheets are processed through the Program instead of through Vision. Director McCoy explained that in the service addendum the parties agreed to proceed in this fashion because Vision has been set up to process individual claims. Carla Collins explained that agency entities could not go into the Vision portal without being able to see all of the admitted claimants’ information, such would likely cause HIPAA violations, and it is a security issue, so the agency claims were retained in-house. Chairman Ratz asked with regards to verification of claimant contact information; how much verification had been accomplished because the Board wants to get that in place and asked where the Program was in those efforts. Director McCoy said the Program had a 97 percent response on this and that the Program is continuing to follow-up and is working with Rising to close that gap. Chairman Ratz said some families have reached out saying they have been trying to help with that. Board member Moon asked about the 20% from the last Board meeting and where we are now, and whether we are happy with that access. Chairman Ratz said like the previous questions of who is active and who is utilizing it, Paolacci will have to provide this data to the Board. He said there are 89 admitted claimants in the Vision Portal out of 200, making that figure a little under 50 percent right now.

Audit Timeline:

Director Dawn McCoy stated the Program has received some correspondence for the fiscal year 2026. OSIG has identified that audit will start in 2025 and continue through February of 2026. The Program works with them to meet timelines and give them what they need, in addition to collaborating with both teams.

Public Comment Statement:

Board Chair Ratz stated that there would be no Public Comment received today. Paskins asked for the reason that no Public Comment will be received today. Senior Assistant Attorney General Adonica Baine answered that it is her understanding of the law that the Board only needs to state whether Public Comment will be received. No reason needs be given for the decision not to receive Public Comment during a meeting according to FOIA.

Executive Director Comments:

Director McCoy gave an update to follow-up concerning the audit and is continuing to move forward with the data requests on the website with dashboard data specific to processing times and types of claims, as well as an FAQ for Vision. The audit will continue to be on-site until December, and she will bring the report for review and approval during the December meeting.

Closed Session:

Chairman Ratz moved that the Board go into closed session at approximately 10:08 a.m.

He said, "I move 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). A Second to the Motion is required and an affirmative recorded vote approving the motion is needed.”

Member Joel Dillion 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 John Gordon seconded the Motions. The members of the Board were polled individually, and each certified the resolution. No results or actions to report from the closed session.

Adjournment:

Board Member Kevin Logan motioned to adjourn the meeting at 12:37 p.m., and it was seconded by Member Cathy Slusher. The Motion was voted upon and passed unanimously.