

**Virginia Birth-Related Neurological Injury Compensation Program  
Board of Director's Meeting  
Minutes for October 13, 2015**

**Attendees:**

David Barrett - Chair  
Lydia Byrd  
Rebecca Filla, M. D.  
Vicki Harris, J. D.  
Vanessa S. Rakestraw, Ph. D., CRC  
John Seeds, M. D.

**Also Present:**

George Deebo, Executive Director  
Candace Thomas, Deputy Director  
Angela Conley, Claims Manager  
Carla R. Collins, Assistant Attorney General - III, Office of the Attorney General

**Call to Order:**

Mr. Barrett, Chair, called the meeting to order at 10:35 a.m..

**Introductions:**

The Board members, the Program's staff, and the Board's counsel, Assistant Attorney General Carla R. Collins, introduced themselves to our new Board member, Rebecca Filla, M. D.

**Minutes:**

Dr. Seeds moved to approve the July and September minutes, with revisions recommended by Assistant Attorney General Carla R. Collins. Ms. Byrd seconded the motion and it passed unanimously.

**Finance:**

Ms. Thomas reported that as of the end of August, investments were \$383 million compared to \$382 million last year. As of August 31, 2015, there are 192 admitted claimants, comprised of 145 active claimants and 47 deceased claimants. Mr Deebo reported that the Program anticipates that additional claimants will be admitted into the Program by next month.

**Investments:**

Mr. Barrett reviewed the Investment Report and discussed the dip in investment strength. The total fund allocation shows a market value at \$377 million. During the next several months, incoming fees should increase income between \$18 to \$20 million.

**Public Comment:**

Nothing to report.

**Closed Session ( Claimant Issues/Pending Case/Possible Litigation:**

Ms. Byrd moved in accordance with the provisions of Sections 2.2-3711 (A)(7) and 2.2-3705.5 (16) of the Code of Virginia, 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) and regarding pending litigation.

The motion was seconded by Dr. Seeds and passed unanimously.

**CERTIFICATION**

Ms. Byrd 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.

The Board members were polled individually and each certified the motion.

**Results of Closed Session (Claimants' Issues and Authorization/Approval of Settlements):**

Dr. Seeds moved that the Board authorize and approve all settlements of matters pending in case numbers B-15-01, B-11-11, B-15-04, B-15-09, B-15-06, B-15-02, B-15-05 and B-15-03. Ms. Byrd seconded the motion and it passed unanimously.

Mr. Barrett moved, concerning case number B-05-07, that the Board approve a specialty bed. Ms. Harris seconded the motion and it passed unanimously.

Mr. Barrett moved, concerning case number B-07-11, to deny the request for additional attendant hours in excess of the terms and conditions of the agreement with the agency. Ms. Harris seconded the motion and it passed unanimously.

Mr Barrett moved, concerning case number B-10-06, that the Board deny the specific housing modification request, as made. Ms. Rakestraw seconded the motion and it pass unanimously.

Mr. Barrett moved that the Board table the request in case number B-05-08 and instruct Program staff to obtain additional information. Ms. Harris seconded the motion and it passed unanimously.

Mr.Mr. arrett moved that the Board authorize Program staff and legal counsel to resolve pending attendant care reimbursement claims consistent with prior Board decisions in accordance with the terms, conditions, and limitations on authority discussed and approved by the Board. Dr. Seeds seconded the motion and it passed unanimously.

**New Business:**

Nothing to report.

**Adjournment:**

Mr. Barrett, Chair, adjourned the meeting at 12:10 p.m.