

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for December 8, 2015 - Draft**

Attendees:

Neal Schulwolf - Vice Chair (Acting Chair)
Lydia Byrd
Rebecca Filla, M. D.
Vanessa Rakestraw
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

Robin Harmon, KPMG, Audit Partner
Marquia Gunn, KPMG, Senior Auditor
Donna Craver, KPMG, Audit Partner (via conference call only)

Call to Order:

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

Minutes:

Dr. Seeds moved to approve the November minutes. Dr. Filla seconded the motion and it passed unanimously.

Finance:

Mrs. Thomas stated the Program had \$388 million in investments as of October 2015 compared to \$376 million in October 2014. As of October 30th, there were 5 new claimants awarded into the Program making a total of 200 admitted claimants, comprised of 151 active claimants and 48 deceased claimants.

Investments:

No investment report due to the Board meeting earlier in the month than usual. Upon receipt, Mrs. Thomas will forward a copy to all Board members.

Public Comment:

None.

Audit:

Mr. Schulwolf had the Board members introduce themselves to Donna Craver, Audit Partner with KPMG as she joined the meeting via conference call. Also present were Robin Harman, Audit Senior Manager and Marquia Gunn, Senior Auditor who both presented the upcoming Audit Plan.

Closed Session (Legal/Case Updates):

Mr. Schulwolf 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. Filla and passed unanimously.

CERTIFICATION

Mr. Schulwolf 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 (Legal/Case Updates):

None

New Business:

George Deebo noted it was time to elect a new Chair and Vice Chair for 2016.

Dr. Seeds moved to re-elect David Barrett as Chair and Neil Schulwolf as Vice Chair for 2016. Dr. Filla seconded the motion, and it passed unanimously.

Adjournment:

Mr. Schulwolf, Vice Chair, adjourned the meeting at 11:55 a.m.