

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting
Minutes for April 12, 2016 - Draft**

Attendees:

Neal Schulwolf – Vice Chair and Acting Chairman
Lydia Byrd
Rebecca Filla, M. D.
Vicki Harris, J. D.
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
Ronald N. Regnery, Senior Assistant Attorney General & Section Chief, Trial Section of the Civil Litigation Division (“SAAG Regnery”)
Liza Simmons, Assistant Attorney General

Call to Order:

Neal Schulwolf, Acting Chairman, called the meeting to order at 10:40 a.m.

Minutes:

Dr. Seeds moved to approve the March minutes with revisions recommended by Assistant Attorney General Carla Collins. Dr. Filla seconded the motion and it passed unanimously.

Finance & Investments:

Deputy Director Thomas stated that the Program had \$390 million in investments through February 29, 2016 as compared to \$404 million in the previous year. There were 153 active claimants in the Program at the end of February. Acting Chairman Schulwolf moved that the financial reports be approved. Ms. Harris seconded the motion and it passed unanimously.

Public Comment:

None.

Closed Session (Legal/Claimant Issues/Pending Cases):

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. Filla and passed unanimously.

Assistant Attorney General Collins excused herself from the Closed Session and returned after SAAG Regnery concluded his presentation to the Board.

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 motion was seconded by Dr. Filla. The Board members were polled individually and each certified the motion.

Results of Closed Session (Claimant Issues/Pending Cases):

B-15-04: Acting Chairman Schulwolf moved to approve the purchase of the requested van. The motion was seconded by Ms. Harris and it passed unanimously.

B-11-09: Acting Chairman Schulwolf moved that the Board table the request and instruct Program staff to obtain additional information. The motion was seconded by Dr. Filla and it passed unanimously.

New Business:

It was noted that the Program's annual audit is progressing and the results will be presented at the June meeting.

Executive Director's Comments:

Mr. Deebo reported that Rhonda Russell from Hampton, Virginia, has been appointed as a new Board member.

Adjournment:

Mr. Schulwolf, Vice Chair and Acting Chairman, adjourned the meeting at 12:00 p.m.