

**Virginia Birth-Related Neurological Injury Compensation Program
Board of Directors Meeting
Minutes for October 28, 2024 - DRAFT**

Attendees:

David Ratz, Esq., Chair
James Camm, Ph.D. (arrived 11:05 a.m.)
Joel Dillon
John Gordon, CPA, CGMA
Michael Hoover, CFA
Kevin Logan, Esq.
Ronald M. Ramus, M.D.
Cathy Slusher, M.D.

Also Present:

Dawn McCoy, MPP, Executive Director
Ronda Holloway, Deputy Director
Grace Farmer, Administrative Assistant
Alex Smith, Claims Manager
Paula Ward, Provider Relations Coordinator
Lindsey Wheeler, Case Manager
Cal Brown, Esq., Office of the Attorney General
Bill Dinkin, Special Counsel
Mike Moore, Special Counsel
Christine Branch, Stenographer

Call to Order:

Mr. Ratz, Chair, called the meeting to order at 10:45 a.m.

Introduction of Participants:

All those present introduced themselves.

Minutes:

Chairman Ratz reviewed the draft minutes from the August 13, 2024, Board of Directors meeting. Mr. Gordon moved for approval of the Minutes. Dr. Ramus seconded the Motion. The Motion passed unanimously.

Financial Update:

Deputy Director Holloway provided updates on the Truist bank account. Staff has been hired to reconcile those accounts and they should be current within the month. The Revenue project is current YTD. Paula Ward, Provider Relations Coordinator, enters the revenues. Ms. Ward shared that she sends invoices to the hospitals which she verifies with the Board of Medicine. Payments are delivered to the lockbox at Truist, and reports

are provided electronically each day. Any payments received in the office are forwarded to Truist. Ms. Ward reconciles all deposits to the reports. Revenue receipts tend to be heaviest in the first quarter. The State sends her a list of who they have billed so she can send reminder notices. Most revenues for FY2024 have been received.

Chairman Ratz reviewed the Profit & Loss statement. The statement is current as of September, and additional revenue has been received. Ms. Ward said she expects receipts in November to be mainly for FY2025.

Mr. Gordon asked if the timing of receipts accounted for the difference between FY2023 and FY2024 figures shown on the Profit & Loss statement. Director McCoy confirmed that to be the case.

Mr. Dillon asked about the variances with bank fees and other expenses. Director McCoy said the bank fee reduction was mainly due to changing banks. Administrative staff increased. No rent was paid for about six months due to a large credit. Therefore, FY2024 does not show the true rent expense due to the credit.

Mr. Gordon moved to approve the financial report. Dr. Slusher seconded the Motion. The Motion was voted upon and passed unanimously.

Investment Update:

Mr. Hoover said the Committee has not met since the last Board meeting and there is no update.

Audit:

Director McCoy went over the auditor's report. Some internal control recommendations were made, and the team has begun implementing them. More discussion will take place in Closed Session. The audit report will be sent to the General Assembly upon Board approval. The 2021 audit is in walk-through status and should be completed soon. The management letter was omitted and will be discussed in Closed Session.

Dr. Slusher moved to approve the audit report and to send it to the General Assembly. Dr. Ramus seconded the Motion. The Motion was voted upon and passed unanimously.

Remote Participation for Board Meeting Policy:

Pursuant to §2.2-3708.3(D), this policy is identical to statute. Mr. Brown explained the statutory exemptions for remote participation and the limits on personal reasons for remote participation. He said it is advisable to adopt the policy, especially to obtain a quorum. Dr. Slusher said it is more beneficial to be present and members may lose family presentation details when they are remote. Dr. Slusher doesn't disagree with having the policy but would hate to see it become the go-to just because they live 60 miles away. She urged members not to use it routinely in order to maintain the

effectiveness of the Board. Mr. Ratz noted there are many statutory requirements and it does provide flexibility when needed.

Mr. Dillon asked if committee meetings are included. Mr. Brown said he believed so but would check. Mr. Hoover asked how it would be done. Director McCoy said it would be duly advertised and the screen in the conference room would be utilized.

Dr. Ramus made a motion to approve the remote policy. Dr. Slusher seconded the Motion. The Motion was voted upon and passed unanimously.

Public Comment:

Mr. Ratz, Chair, opened the public comment period. There being no members of the public present, Mr. Ratz closed the public comment period.

Closed Session:

Chairman Ratz moved that the meeting convene in Closed Session in accordance with the provisions of §2.2-3711 (A)(1), (A)(7), (A)(8), (A)(16), and (A)(11) of the Code of Virginia for the purpose of the discussion, consideration of assignment, appointment, promotion, performance, salaries, disciplining, or resignation of employees; consultation with legal counsel and briefings by staff members of consultants pertaining to actual or probable litigation, where such consultation or briefings 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 of the Virginia Birth-Related Neurological Injury Compensation Program which is required to be kept confidential pursuant to Virginia Code §38.2-5002.2; more specifically, records concerning the deliberations of the Board of Directors in connection with specific claims, as prevented from disclosure by Virginia Code §38.2-5002.2 (iii).

Dr. Slusher seconded the Motion. The Motion was voted upon and passed unanimously.

CERTIFICATION

Mr. Ratz, Chair, moved for the adoption of Standard Resolution 1 (SR-1):

WHEREAS the Virginia Birth-Related Neurological Injury Compensation Program's Board of Director has convened a closed meeting on October 28, 2024 pursuant to an affirmed 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 of Directors 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. Ratz, Chair, certified the resolution and individually polled each member of the Board. All members certified the resolution.

New Business:

Director McCoy asked the members to review the 2025 meeting calendar provided. Dr. Slusher pointed out an incorrect date in February which should be Tuesday, February 11th. In general, meetings are scheduled for the second Tuesday of each month.

Action as a Result of Closed Meeting:

Dr. Slusher made a Motion to delegate authority to the Program's Executive Director to add staff as necessary for the audit. Mr. Dillon seconded the Motion. The Motion was voted upon and passed unanimously.

Executive Director's Comments:

Director McCoy thanked the Board members for their attendance. She recognized new Board appointees including John Gordon.

Adjournment:

Mr. Ratz, Chair, adjourned the meeting at 1:24 p.m.