

Virginia Birth-Related Neurological Injury Compensation Program
Board of Directors Meeting
Minutes for June 11, 2024

Attendees:

Joseph Stepp, CPA, CGFM, CFE, Chair
Michael Hoover, CFA
Kevin Logan, Esq.
Cathy Slusher, M.D.
Joel Dillon David Ratz, Esq.

Also Present:

Dawn McCoy, Executive Director
Ronda Holloway, Accounts Payable Supervisor
Natalie Edwards, Benefits and Claims Specialist
Scott Fitzgerald, Senior Assistant Attorney General, Office of the Attorney General
Alexander Smith, Paralegal, Office of the Attorney General

Call to Order: Mr. Stepp, Chair, called the meeting to order at 10:27 a.m.

Minutes: Dr. Slusher moved that the Minutes be approved. Mr. Logan seconded the motion, and the motion passed unanimously.

Finances and Investments: The Program reports a continued increase in administrative expenses due to market conditions regarding residential care facilities and an increase in performance billing regarding financial reserves.

Mr. Hoover reported on the April investments and reviewed the first quarter preliminary performance including all private investments, as well as discussing overall market performance and performance as it relates to various indexes. Mr. Logan moved that the reports be approved. Dr. Slusher seconded the motion, and the motion passed unanimously.

Closed Session (Claimants' Issues, Ratifications, and Settlements): Mr. Step, Chair, moved that the meeting convene in accordance with the provisions of Section 2.2-3711 (A)(7) and (8) and Section 2.2-3705.5 (1) of the Code of Virginia, I move that the Board go into closed meeting for the purpose of Consultation with legal counsel and briefing by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the Board, and consultation with legal counsel employed by 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.

Dr. Slusher seconded the motion, and it passed unanimously.

CERTIFICATION Mr. Stepp, Chair, 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'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 by the Board.

Mr. Stepp, Chair, individually polled each of the members of the Board, and each Certified the Resolution.

Results of Closed Session (Claimants' Issues, Ratifications, and Settlements):

B-23-11: Mr. Stepp, Chair, moved that the Board delegate authority to Program staff, necessary, solely in lieu of litigation, the settlement of the pre-petition reimbursement/compensation claims made in case number B-23-11, in accordance with the parameters and conditions discussed and approved by the Board.

Mr. Ratz seconded the motion, and it passed unanimously.

B-23-10: Mr. Stepp, Chair, moved that the Board delegate authority to Program staff, following legal consultation with legal counsel, to negotiate the pre-petition reimbursement/compensation claims pursuant to Virginia Code 38.2-5009.1 made in case number B-23-10 in accordance with the parameters and conditions discussed and approved by the Board.

Dr. Slusher seconded the motion, and it passed unanimously.

B-24-01: Mr. Stepp, Chair, moved that the Board delegate authority to Program staff, following legal consultation with legal counsel, to negotiate to resolution the grief benefit and counseling expenses pursuant to Virginia Code 38.2-5009.1 made in case number B-24-01 in accordance with the parameters and conditions discussed and approved by the Board. Closed Session (New Business): Mr. Stepp, Chair, moved that the meeting convene in accordance with the provisions of Sections 2.2-3711 (A)(8) and 2.2-3711 (A)(1) of the code of Virginia, I move that the Board go into closed meeting for the purpose of Consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel regarding a personnel matter pursuant to Virginia code 2.2-3711 (A)(1); more specifically the hiring of the Executive Director.

Mr. Stepp, Chair, individually polled each of the members of the Board, and each Certified the Resolution. CERTIFICATION Mr. Stepp, Chair, 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 a 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 by the Board.

(New Business): Mr. Stepp, Chair, moved that the board delegate authority necessary to the Chairman to approve the proposed Memorandum of Delegation of Authority and appoint Dawn McCoy Executive Director of the Virginia Birth-Related Neurological Injury Compensation Program.

Mr. Ratz seconded the motion, and it passed unanimously.

Executive Director's Comments:

Director McCoy welcomed the new board members, David Ratz and Joel Dillon.

Adjournment:

Mr. Stepp, Chair, adjourned the meeting at 11:40 a.m.