Virginia Birth-Related Neurological Injury Compensation Program

Board of Director's Meeting

Minutes for February 14, 2023 - DRAFT

Attendees:
Joseph Stepp, CPA, CGFM, CFE, Chair
Jonathan Petty, Esq., Vice Chair
Dawn R. McCoy, MPP
Vanessa S. Rakestraw, PhD, CRC,
Michael Hoover, CFA
Ronald M. Ramus M.D.

Also Present:
George Deebo, Executive Director
Rick Shinn, Interim Administrator
Natalie Edwards, Benefits and Claims Specialist
Carla R. Collins, Senior Assistant Attorney General, Office of the Attorney General

Call to Order:
Mr. Stepp, Chair, called the meeting to order at 10:38 a.m.

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

Finances and Investments:
Mr. Hoover reported the January investments and reviewed the 2nd quarter final investments including all private investments, as well as discussing overall market performance and performance as it relates to various indexes.

Mr. Stepp, Chair, moved that the reports be approved by consensus, and consensus was acknowledged by all members of the Board in attendance.

Closed Session (Claimants' Issues, Ratifications and Settlements):
Mr. Stepp, Chair, moved that the meeting convene in accordance with the provisions of Sections 2.2-3711 (A)(7) and (8) and 2.2-3705.5 (11) of the Code of Virginia, and 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 negotiation or litigation 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.-5 2.2: 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.

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

CERTIFICATION

Mr. Stepp, Chair, move 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-23-09: Mr. Stepp, Chair, moved that the Board delegate to the Acting Director of the Program the authority necessary to negotiate to settlement and to settle in lieu of litigation, following consultation with legal counsel, all reimbursement/ compensation and all fees and costs claims made in case number B-23-09, in accordance with the parameters and conditions discussed and approved by the Board in the event that such becomes necessary before the next scheduled meeting of 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: concerning the former employees of the Board and Staff.

The motion was seconded by Mr. Petty, and it passed unanimously.

CERTIFICATION

Mr. Stepp, Chair, move 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.

Executive Director's Comments:

Director Deebo will be retiring from the Program.

Adjournment:

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