Virginia Birth-Related Neurological Injury Compensation Program
Board of Directors Meeting Minutes
Bon Air Community Center
8725 Quaker Lane, Richmond, VA 23235
March 11, 2025

Attendees:

Joel Dillon, Vice Chair
James Camm, Ph.D.
Mike Hoover
Ronald Ramus,
M.D.
M. Cathy Slusher, M.D.
John Gordon, C.P.A. -Attended Remotely
Patricia Byrnes-Schmehl - Attended Remotely

Absent: David Ratz, Esq. and Kevin Logan, Esq.

Also Present:

Dawn McCoy, Executive Director
Billy Johnston, Chief Financial Officer
Ronda Holloway, Operations Manager
Adonica Baine, Esq., Office of the Attorney General
Scott Fitzgerald, Senior Assistant Attorney General, Office of the Attorney General
Calvin Brown, Senior Assistant Attorney General, Office of the Attorney General
Kamilah Eley, an admitted claimant
Carol Green, parent of an admitted claimant
Melanie Brittingham, parent of an admitted
claimant
Angela Crooks, parent of an admitted claimant
Jack Francis, parent of an admitted claimant
Marissa Goldsmith, parent of an admitted claimant
Billy Paskins, parent of an admitted claimant
Sarah Paskins, parent of an admitted claimant
Alan Polsky, Esquire, grandparent of an admitted claimant

Call to Order:

Vice Chair Joel Dillon called the meeting to order at 10:40 a.m.
Two Remote Attendees, with audio and visual participation

Minutes:

Vice Chair Joel Dillon requested a motion to approve the December 9, 2024, meeting Minutes. Member Ramus moved to approve the Minutes. The Motion was seconded by Member Slusher. The Motion was voted upon and approved unanimously.

Vice Chair Joel Dillon requested a motion to approve the January 14, 2025, board meeting Minutes. Member Gordon moved to approve those Minutes. The Motion was seconded by Member Ramus. The Motion was voted upon and approved unanimously.

Finance:

Executive Director Dawn McCoy introduced the new Chief Financial Officer and reported that the team would provide updates at the next Board meeting regarding the next steps to complete the 2022, 2023 and 2024 audits.

Executive Director Comments:

Director Dawn McCoy stated that an updated staff roster would be posted on the Program's website shortly. She also shared that the Program has a new phone system. She mentioned that the proposed 2025 budget would be presented at the April Board meeting. Director McCoy added that the Program would explore a new third-party administrator for claim reimbursements and an implementation plan given that the current provider's Agreement was ending on May 8, 2025.

Virtual Meeting Policy:

Vice Chair Dillon initiated a discussion to update the Program's Virtual Meeting Policy. The Board discussed parameters for the bases for requesting remote participation to be no more than three times for any one member per year. The Board also discussed consideration for the duration of notification to be at least one calendar week in advance of a meeting. The Board further discussed setting a maximum number of two instances per calendar year for a member to request virtual participation due to a personal matter. Discussion followed. Vice Chair Dillon asked for a motion. Member

Ramus moved to approve the Revised Virtual Meeting Policy. The Motion was seconded by Member Slusher. The Motion was voted upon and approved unanimously.

Communication Policy:

Vice Chair Dillon suggested that the Communication Policy be Tabled and held for discussion at the next scheduled Board meeting. Member Slusher so moved, and Member Ramus seconded the Motion. The Motion was voted upon and the Board unanimously agreed to Table the communication policy discussion.

Investment Report:

Member Mike Hoover mentioned that there was no update for the Investment Committee. He added that a meeting was being held after the March 11, 2025, Board meeting.

Public Comment:

Ms. Melanie Brittingham, parent of an admitted claimant, shared that she has outstanding claims and has concerns about the delayed processing leaving her with $16K of outstanding caregiver claim reimbursements and having to take out a $30K loan given the delays. She expressed concerns about multiple "broken chain" emails from staff and that she does not know who to contact at the Program Office for help. She shared that when she copied her attorney that she was concerned that the team indicated that they would not be able to respond directly but rather to go through attorneys. She cited concerns about the lack of response from the Office of the Attorney General. She cited concerns about apparent lost data in the Program's Portal and felt the new Administration has been unfair to BPA.

Ms. Angela Crooks, parent of an admitted claimant, shared that she is disappointed with the Program's claims processing and that she had delays with the prior Administration and new concerns with the new leadership and team, claims dating back to 2023. She shared that she filed an appeal for a denied claim.

Mr. Jack Francis, parent of an admitted claimant, stated that he would like more transparency, accountability, and better parent representation on the Board of Directors. He expressed concerns about incomplete audits, verification of data, and closed session discussions. He would also like to see better oversight, communication, and more timely Program responses.

Mr. Billy Paskins, parent of an admitted claimant, expressed concerns about the lack of response to emails since his child entered the Program in 2023. He shared concerns about getting responses from staff and the third-party administrator, BPA, staff as well as a benefit card since 2023.
Mrs. Sarah Paskins, parent of an admitted claimant, shared concerns about the apparent security of her child's social security number and paperwork uploaded and then was lost in February 2024 when communicating with Program staff. She stated that the lack of accountability and transparency is at an all-time low. She said she would like to have better open communication. She shared that she has lost time with her daughter having to check on claims and sending emails. She does not like the new Portal and that it could have fraud problems. She asserted that health insurance premiums were not processed by the Program or BPA. She welcomed opportunities to address these concerns.

Ms. Marissa Goldsmith, parent of an admitted claimant, stated that she is frustrated with Program transparency and concerned after learning about the recent Raines fraud issue. She shared frustration about the response time while communicating and said that it is not acceptable, sometimes taking several months to hear back from the Program, despite receiving responses from the third-party administrator. She shared concerns regarding whether the portal is HIPAA secured and believes the Portal can be used to perpetrate fraud.

Mr. Polsky, a claimant's grandparent, cited concerns about multiple prior Program embezzlements and wants to know the status of a fidelity bond for employees and transparency.

Closed Session for Claimants' Issues:

Vice Chair Joel Dillion moved to go into Closed Session at approximately 11:36 am. In accordance with the provisions of 52.2-3711 (A)(8) and 52.2-3705.5 (II) of the Code of Virginia, he moved 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 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 the Virginia Birth-Related Neurological Injury Compensation Program is required to keep confidential pursuant to Virginia Code 538.2-5002.2; more specially, records concerning the deliberations of the Board of Directors in connection with specific claims, as prevented from being disclosed by Virginia Code 538.2-5002.2 (iii).

Member John Gordon seconded the Motion. The Motion was voted upon and passed unanimously

Ms. Green, parent of an admitted claimant, presented a request for consideration in Closed Session.

Ms. Crooks, parent of an admitted claimant, presented a request for consideration in Closed Session.

CERTIFICATION (After closed meeting; roll call vote)

Vice Chair Dillon moved the adoption of the following resolution:

WHEREAS, the Virginia Birth-Related Neurological Injury Compensation Program's Board has convened in 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.

Member John Gordon seconded the Motion. The Board members were polled individually and each certified the Motion.

Results of Closed Session (Claimants' Issues/Pending Cases):

In consultation with legal counsel, Vice Chair Dillon reported the outcomes specifically citing the admitted claimant's last name following the Board's consideration of admitted claimant issues presented during Closed Session:

Washington — Granted in Part through March 31, 2025. Moved by Member Slusher. Seconded by Member Camm. Voted upon and granted in part unanimously as discussed by the Board and pursuant to the instructions given to staff by the Board.

Eley - Granted in Full. Moved by Member Camm. Seconded by Member Slusher. Voted upon and approved unanimously.

Chasseloup —Granted in Full, subject to staff review of all data and information to prevent potential duplication in payment. Moved by Member Slusher. Seconded by Member

Camm. Voted upon and approved unanimously, subject to staff review of all data and information to prevent potential duplication in payment.

Davis —Granted in Full. Moved by Member Camm. Seconded by Member Slusher/Hoover.

Voted upon and approved unanimously.

Ozment— Granted in Full. Moved by Member Camm. Seconded by Member Hoover. Voted upon and approved unanimously.

New Business:

None

Adjournment:

Vice Chair Dillon adjourned the meeting at 1 :41 p.m., Motion to adjourn was made by Member Ronald Ramus and seconded by Member Cathy Slusher. The Motion was voted upon and passed unanimously.