Virginia Birth-Related Neurological Injury Compensation Program

Board of Director's Meeting

Minutes for July 13, 2021 – Draft

Attendees:
Vanessa Rakestraw, Chair
Jonathan Petty, Esq.
Ronald Ramus, M. D.
Rhonda Russell, Ed. D., A.I.C.P., M. P. A.
Joseph Stepp, C.P.A., C.G.F.M., C.F.E.

Also Present:
George Deebo, Executive Director
John Raines, Deputy Director
Natalie Edwards, Benefits and Claims Specialist
Carla R. Collins, Senior Assistant Attorney General, Office of the Attorney General

Call to Order:
Dr. Rakestraw, Chair, called the meeting to order at 10:30 a.m.

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

Finance and Investments:
Mr. Raines reported that the Program has $641 million in investment reserves, as compared to $497 million as of the same time last year. The Program continues to see a gradual increase in costs due to many factors, including inflation and increasing costs of care.

Ms. Russell moved that the Financial and Investment reports be approved. Mr. Petty seconded the motion, and it passed unanimously.

Closed Session (Claimants' Issues, Ratifications and Settlements):
Dr. Ramus 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 (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 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 Mr. Petty, and it passed unanimously.

CERTIFICATION

Dr. Ramus, 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.

Mr. Petty seconded the motion. The Board members were polled individually, and each certified the motion.

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

B-11-09: Chair Rakestraw moved that the Board deny the request, as made, in Case B-11-09; but if Claimants find a specific van they would like to purchase before the end of September of 2021, they should present their request to program staff. Mr. Petty seconded the motion and it passed unanimously.

B-05-07: Chair Rakestraw moved that the Board grand funding for the purchase of the 2018 Chrysler Pacifica van, within the parameters and pursuant to the conditions discussed and agreed to by the Board. Dr. Ramus seconded the motion and it passed unanimously.

B-04-08: Chair Rakestraw moved that the Board provide funding for a replacement van, solely within the parameters and pursuant to the unique circumstances and the conditions

discussed and agreed to by the Board. Dr Ramus seconded the motion and it passed unanimously.

B-21-02: Chair Rakestraw moved that the Board ratify the settlements in lieu of litigation concerning the pre-Petition reimbursement/ compensation claims. Mr. Petty seconded the motion and it passed unanimously.

B-21-02, B-10-06, and B-20-12: Chair Rakestraw moved that the Board ratify the settlements in lieu of litigation concerning the fees and costs claims in the cases of B-21-02, B-10-06, and B-20-12. Dr. Ramus seconded the motion and it passed unanimously.

B-21-05: Chair Rakestraw move that the Board approve the settlement in lieu of litigation concerning the pre-Petition reimbursement/compensation claims in the case of B-21-05. Dr. Ramus seconded the motion, and it passed unanimously.

B-21-03, B-21-05, and B-21-06: Chair Rakestraw moved that the Board delegate authority to Program staff, following consultation with legal counsel, to negotiate to resolution the pre-Petition reimbursement/compensation claims in the cases of B-21-03, and B-21-06 and any fees and costs claims made in case numbers B-21-03, B-21-05, and B-21-06 in accordance with the parameters and conditions discussed and approved by the Board. Dr. Ramus seconded the motion, and it passed unanimously.

New Business:
No new business.

Executive Director's Comments: There will be no meeting in August. Re-appointments of Mr. Stepp and Ms. Rakestraw are pending. The Program anticipates that elections for Board Chair and Vice Chair will be held at the Board's September meeting. Nominations may be provided to the Executive Director in the interim.

Adjournment:

Dr. Rakestraw, Chair, adjourned the meeting at 12:00 p.m.