Virginia Birth-Related Neurological Injury Compensation Program
Board of Director's Meeting

Minutes for January 11, 2016 - Final

Attendees:
Dave Barrett - Chair
Lydia Byrd
Rebecca Filla, M. D.
Vicki Harris, J. D.
Vanessa Rakestraw, Ph. D., CRC
John Seeds, M. D.

Also Present:
George Deebo, Executive Director
Candace Thomas, Deputy Director
Angela Conley, Claims Manager
Carla R. Collins, Assistant Attorney General - III, Office of the Attorney General

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

Minutes:
Dr. Filla moved to approve the December minutes. Ms. Byrd seconded the motion and it passed unanimously.

Finance:
Ms. Thomas stated that the Program had $388 million in investments through November of 2015 compared to $380 million in the previous year. As of November 30th, there were 201 claimants, with one claimant awarded in November and a total of 151 active claimants.

Investments:
Mr. Barrett reported that investments ended the year down by 1.2%. He stated that many institutional funds were down by a much higher percentage. Mr. Barrett commented that the market is having the roughest start since the Depression and our investment managers are doing a tremendous job in handling the Program's funds.

Public Comment:
None.

Closed Session (Legal/Case Updates):
Dr. Filla moved in accordance with the provisions of Sections 2.2-3711 (A)(7) and 2.2-3705.5 (16) of the Code of Virginia, 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 Dr. Seeds and passed unanimously.

CERTIFICATION
Dr. Filla 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.

The Board members were polled individually and each certified the motion.

Results of Closed Session (Legal/Settlements/Case Updates):
B05-08: Dr. Filla moved that the Board approve the request for compensation for medically necessary special equipment in accordance with the agreement discussed by the Board. Dr. Seeds seconded the motion and it passed unanimously.

Dr. Seeds moved that the Board approve the proposed settlement agreements for pending litigation in the matters of case numbers B15-03 and B15-11. Dr. Filla seconded the motion and it passed unanimously.

New Business:
None.

Executive Director's Comments:
Mr. Deebo continues to request information concerning individuals who may be willing to serve as Board members. As of the end of June 2016, two additional Board members' terms will expire.

Adjournment:
Dr. Filla made a motion to adjourn the meeting. Ms. Byrd seconded the motion and Mr. Barrett, Chair, adjourned the meeting at 11:55 a.m.