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

Minutes for July 10, 2018 - Draft

Attendees:
Vanessa Rakestraw, Ph. D., C. R. C., Chair
Rebecca Filla, M. D., Vice-Chair
Kevin Logan, Esq.
Dawn McCoy
Rhonda Russell, Ed. D., AICP, M.P.A.
Joseph Stepp, CPA, CGFM, CFE

Also Present:
George Deebo, Executive Director
Candace Thomas, 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 10:33 a.m.

Minutes:
Dr. Rakestraw, Chair, moved that the Minutes be approved. Dr. Filla seconded the motion and it passed unanimously.

Finance:
As of May 31, 2018, the Program has $491 million in investment as compared to $452 million as of the same time last year. One new claimant was admitted into the Program in May making a total of 162 active claimants. Deputy Director Thomas advised the Board of the increases in the Claimant Expense categories from May of 2017 to May of 2018. For example, reimbursements for durable medical equipment have risen 60.9%, van purchases increased 253.72%, health insurance premium expenses increased 560.43%, reimbursements for prescriptions and medications increased by 205.98% and payments of awards pursuant to Virginia Code §38.2-5009.1 increased by 100%.

Mr. Logan moved that the Board approve the Financial Report. Ms. McCoy seconded the motion and it passed unanimously/

Investments:
As of June 31, 2018 the market value of investments stood at $489.2 million with a -0.5% loss for one month and a -0.1% loss for 3 months. The investments are following the market trend. Dr. Rakestraw, Chair, moved that the Investment Report be approved by consensus. The Board unanimously approved.

Public Comment:
None.

Old Business:
None

New Business:
None

Closed Session (Pending Cases/Possible Litigation):
Dr. Filla moved that the meeting convene in accordance with the provisions of Section 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 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. Rakestraw, Chair, and it 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 (Approval of Settlements):

B-18-01 and Case #15-08-70: Dr. Filla, moved to approve the proposed settlement of the fees and costs petition pending in case number B-18-01 and the proposed settlements concerning case #15-08-70. Mr. Logan seconded the motion and it passed unanimously.

Director's Comments:

Executive Director Deebo welcomed back the reappointed Board members, Dr. Vanessa Rakestraw, Chair, Rebecca Filla, MD and Joe Stepp, CPA. Mr. Deebo also reminded the Board members that there will not be a Board meeting in the month of August.

Dr. Rakestraw, Chair, requested that staff and counsel leave the room for the final closed session for the Board members to discuss the Executive Director's annual evaluation.

CLOSED MEETING (Personnel)

Dr. Filla moved that the Board go into closed meeting in accordance with the provision of Section 2.2-3711 (A)(1) of the Code of Virginia for the purpose of:

Discussion, consideration, or interview of a candidate for assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body, in this case, specifically regarding personnel matters concerning the Program's Executive Director, pursuant to Virginia Code § 2.2-371 1 (A)(1).

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 (Personnel):
Dr. Rakestraw, Chair, moved that the Director's evaluation/review be approved by consensus. The Board unanimously approved.

Adjournment:
Chair Rakestraw adjourned the meeting at 12:15 p.m.