Virginia Birth-Related Neurological Injury
COMPENSATION PROGRAM

Virginia Birth-Related Neurological Injury Compensation Program
Board of Directors — Regular Meeting
Tuesday, September 15, 2026
7501 Boulder View Drive, Richmond, Virginia
DRAFT MINUTES — Pending Board approval on October 13, 2026

ATTENDANCE:

Board Members Present:
Joel Dillon, Vice Chair
John Gordon, CPA
Jeremy Greenfield
Kevin Logan
James Moon
Cathy Slusher, M.D.

A quorum of the Board was established at the call to order and was maintained throughout the meeting.

Staff Present:
Mark Swain, Executive Director
Razaz Ali, Quality Analyst
Michelle Alvarez, Benefits & Payments Manager
Hanna Bareford, HR & Administration Specialist
Shelby Boughner, Chief of Staff
Brian Campo, Housing Construction Project Manager
Joe Craig, Case Specialist
Lindsay Larkin, Project Manager
Allison Lundberg, Data Analyst
Donald Lynch, Assistant Comptroller
Teresita Muwakil, Procurement Officer
Tammy Ratliff, Case Management Manager
Sarah Roache, Senior Program Analyst
Charlotte Spence, Agency Relations Analyst
Mic Stecher, Systems Administrator
Bri Tocci, Claims Analyst II
Susan Tlusty, Policy and Quality Manager
Kim Uccellini, Chief Program Officer
Stephen Weir, Fractional CFO

Counsel Present:
Laurel Huerkamp, Office of the Attorney General
Amanda Padula-Wilson
Victoria Richardson

Vendors/Consultants Present:
Matt Dufek, Kikoda

Members of the Public Participating:
Marissa Goldsmith, parent of participant
Steve Goldsmith, parent
Ann Jones
Sturgis Kidder, parent
Rosa Machado, parent
Jackson Moulton, parent
Kimberly Nelson, parent
Joyce Price Calhoun, parent
Donna Rostant
Teresa Schultz, parent
Angie Spicer, parent
Kim Thompson, parent

Minutes recorded by: Lindsay Larkin, Project Manager

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CALL TO ORDER

Chair David Ratz called the meeting to order at 9:05 a.m. on Tuesday, September 15, 2026. Roll call was taken and a quorum was present.

APPROVAL OF MINUTES

The Chair presented the minutes of the August 11, 2026 regular meeting for the Board's consideration. No corrections were proposed. On motion of Cathy Slusher, seconded by Kevin Logan, the Board approved the minutes of the August 11, 2026 meeting as presented.

Vote: 6 in favor, 0 opposed, 0 abstain. The motion carried.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Mark Swain reported that the Program's work is guided by a family-facing, trauma-informed approach, including efforts to facilitate timely admission of qualifying children to the Program.

Mr. Swain reported on the Program's transition to working with the Office of the Attorney General's health section on relevant legal and policy matters. He stated that the Program is working with counsel on implementation issues related to recent statutory changes.

Mr. Swain provided updates on financial oversight and compliance activities. The Program expects to be current on its audit work, with additional audit, actuarial, and oversight reports anticipated for review in the coming months. He also reported that budget-to-actual information for the first two quarters would be reviewed by the Finance/Budget Committee.

The Board received an update on the transition to Virginia Information Technologies Agency (VITA) services. A cybersecurity presentation is planned for the October Board meeting. The anticipated framework includes periodic risk and audit assessments, penetration testing, remediation planning, and ongoing reporting.

Mr. Swain also described continuing internal-control practices, including monthly executive review of bank activity and regular review of Program expenditures.

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Mr. Swain provided a substantive update on implementation of the caregiver-compensation provisions. He stated that the Program is developing a predictable, transparent methodology for reasonable benchmark rates and is working with the Family Advisory Committee and legal counsel to do so. He emphasized that any approved rate changes are intended to be retroactive to July 1, 2026.

Board members asked how the Program would estimate the cost of retroactive payments before benchmark rates are finalized. Staff responded that the total cannot yet be quantified because the proposed rates remain under development, but the Board should anticipate an increased financial obligation and consider its potential effect on the Program's budget and actuarial soundness.

The Board also discussed:

- The distinction between family caregivers, independent caregivers, and agency caregivers.
- Payroll, tax, and overtime issues associated with independently employed caregivers.
- The need to avoid unintended legal or tax consequences for families.
- Whether higher rates can improve continuity and quality of care, while recognizing that caregiver turnover is an industry-wide challenge.
- Geographic differences in caregiver availability and compensation across Virginia.
- The importance of supporting families without acting as the employer or directly supervising caregiving staff.

Mr. Swain stated that the Program's principal measure of whether the policy is working should include feedback from families, particularly whether they experience improved access to stable, consistent care. He also noted that the Program must balance current caregiving needs with long-term sustainability of participant services.

DISCUSSION ITEMS

Staff and guests from Kikoda presented updates on the following matters. Supporting materials for each topic are filed with the meeting packet.

Status Update on Caregiver Wage Analysis

Sarah Roache, Senior Program Analyst, presented an update on development of a caregiver compensation policy. The stated objective is to support access to high-quality, consistent care for Program participants.

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Ms. Roache reported that the policy under development considers benchmark caregiver rates, annual review and adjustment processes, individual assessments where local conditions may warrant variation, agency caregiver arrangements, payroll-related support, and simplified documentation for family caregivers. The proposal also considers protections against reducing existing caregiver compensation.

Board members discussed whether a daily or flat-rate approach might simplify compensation for participants requiring around-the-clock care. Staff responded that a flat-rate model would require further analysis because the governing statute requires consideration of local costs and because participant needs, living arrangements, caregiver qualifications, and care schedules vary substantially.

Staff described the current framework under consideration as using different benchmark levels tied to the type of care documented by physician orders. The Board discussed whether other individualized assessment tools could supplement this approach.

The Program plans to finalize a policy proposal by the end of September, receive family and stakeholder feedback, present a detailed analysis to the Board in October, and seek final approval in November. The Board reiterated the importance of completing the analysis carefully, obtaining family feedback, and evaluating the policy's fiscal impact before final approval.

CARES Project Update

Kimberly Uccellini, Chief Program Officer, moderated discussion related to financial investment into CARES with project and technical representatives available to answer questions. The discussion focused on financial sustainability, system functionality, contract oversight, data migration, family experience, implementation readiness, and operational continuity.

The Board discussed CARES as a long-term replacement for multiple disconnected systems and manual processes. Staff explained that CARES will support provider assessments, case management, benefits, claims, accounts payable and receivable, reporting, audit access, and internal controls.

Board members asked about cost, ownership, implementation, and risks. Staff reported that CARES is expected to have lower ongoing costs than MCI Rising after upfront implementation, with a projected break-even around 2030. The Program will retain control of its data and customizations under a perpetual license.

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The Board discussed the importance of cleaning data before migration, maintaining alternatives for families who do not use digital tools, providing sufficient staff and family training, and avoiding a rushed implementation. The assessment module launched in September; the broader release is targeted for March 2027, subject to readiness and family experience.

Board members discussed family onboarding and support. Staff stated that the Program intends to preserve or improve the functionality families currently use and will provide training and staff assistance. Families who prefer non-digital submission methods will continue to have alternative routes, with Program staff able to enter information on their behalf.

The Board asked whether additional staffing would be required. Staff stated that no additional positions are currently anticipated for implementation, although the Program will continue to evaluate staffing needs as the system is deployed. Staff noted that the data-analysis function is under significant demand because it is supporting both CARES migration and caregiver-policy work.

Finally, the Board discussed contract review and coordination with VITA. Members requested confirmation that the applicable agreements receive appropriate legal, procurement, information-technology, and VITA review. Following closed session, the Board approved contingent authority for the Executive Director to accept and amend CARES-related agreements as necessary, subject to review and approval by VITA, the Office of the Attorney General, and other legal counsel as appropriate.

PUBLIC COMMENT

The Chair opened the floor for public comment. The following individuals addressed the Board:

- Marissa Goldsmith, parent of a participant, expressed support for the Program's work with the Attorney General's health section, its caregiver wage-policy efforts, and its VITA transition. Ms. Goldsmith emphasized that household caregivers may have payroll and tax obligations, supported payroll-administration assistance for families, and described challenges families may face in recruiting and retaining caregivers. She encouraged the Board to consider measurable outcomes as part of the policy implementation, including caregiver access, participant health outcomes, and family well-being. Ms. Goldsmith also asked about the appointment of a family representative to the Board. The Board stated that appointments are administered through the Governor's Office and are outside the Board's direct control.

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Hearing no further requests to address the Board, the Chair closed the public comment period.

CLOSED SESSION

Motion to Convene in Closed Session. On motion of the Chair, seconded by John Gordon, the Board moved that the Board convene in closed session pursuant to the Virginia Freedom of Information Act, Va. Code § 2.2-3711, for the purposes set forth below:

(i) Pursuant to Va. Code § 2.2-3711(A)(1), discussion of personnel matters concerning the assignment, appointment, performance, and evaluation of specific public officers and employees;

(ii) Pursuant to Va. Code § 2.2-3711(A)(7), consultation with legal counsel regarding actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice; and

(iii) Pursuant to Va. Code § 2.2-3711(A)(8), consultation with legal counsel employed or retained by the public body regarding specific legal matters requiring the provision of legal advice, including pending claims, pending cases against and in favor of the Program, and impact of legislation changes.

The motion was put to a vote. Vote: 6 in favor, 0 opposed, 0 abstain. The motion carried. The Board convened in closed session at 11:19 a.m.

Reconvene in Open Session and Certification

The Board reconvened in open session at 12:59 p.m. The Chair confirmed that a quorum remained present and stated that no formal action had been taken during the closed session.

Certification of Closed Session. On motion of the Chair the Board adopted the following resolution certifying compliance with the Virginia Freedom of Information Act:

“BE IT RESOLVED that the Board of Directors of the Virginia Birth-Related Neurological Injury Compensation Program hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion convening the closed

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meeting were heard, discussed, or considered by the Board during the closed session."

Pursuant to Va. Code § 2.2-3712(D), a roll-call vote was taken on the certification and passed unanimously. The certification was adopted.

Resolution Authorizing Conditional Continuation of CARES Implementation

On motion of Chair David Ratz, seconded by Cathy Slusher, the Board adopted the following resolution:

WHEREAS, the Program is implementing the CARES system to consolidate and improve benefits administration, provider assessments, case management, financial management, document and data management, internal controls, reporting, and related operational functions; and

WHEREAS, the Board has reviewed information regarding CARES implementation, including its anticipated operational, financial, internal-control, audit, and family-service benefits; and

WHEREAS, the Board recognizes the need to ensure that CARES can be supported within the applicable Virginia Information Technologies Agency ("VITA") environment and that future contractual commitments satisfy applicable legal, procurement, and contractual requirements;

NOW, THEREFORE, BE IT RESOLVED, that the Board authorizes the Executive Director to continue implementation of CARES, including planning, configuration, data migration, testing, training, pilot activities, and other work authorized under existing agreements, subject to the following conditions:

1. Before full production deployment, the Program shall obtain written confirmation from VITA identifying the applicable cybersecurity, hosting, integration, and operational requirements and any material conditions affecting CARES implementation;
2. The Office of the Attorney General shall be provided the CARES contracts for its review and shall review all pending or proposed contracts before execution.

Vote: 6 in favor, 0 opposed, 0 abstain.

ADJOURNMENT

There being no further business before the Board, on motion of the Chair, seconded by Jeremy Greenfield, the Board adjourned at 1:02 p.m.

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Vote: 6 in favor, 0 opposed, 0 abstain.

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