Virginia Birth-Related Neurological Injury
COMPENSATION PROGRAM

Virginia Birth-Related Neurological Injury Compensation Program
Board of Directors — Regular Meeting
Tuesday, October 13, 2026
7501 Boulder View Drive, Richmond, Virginia
DRAFT MINUTES — Pending Board approval on November 10, 2026

ATTENDANCE:

Board Members Present:
Joel Dillon, Vice Chair
John Gordon, CPA
Jeremy Greenfield
Kevin Logan
James Moon
Tricia Schmehl
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
Michelle Alvarez, Benefits & Payments Manager
Hanna Bareford, HR & Administration Specialist
Shelby Boughner, Chief of Staff
Brian Campo, Housing Construction Project Manager
Lindsay Larkin, Project Manager
Allison Lundberg, Data Analyst
Meghan McDermott, Program Analyst
Margarita Palaez-King, Chief of Administration
LaToya Pettiford, Procurement Officer
Tammy Ratliff, Case Management Manager
Sarah Roache, Senior Program Analyst
Bri Tocci, Claims Analyst II
Susan Tlusty, Policy and Quality Manager
Kimberly Uccellini, Chief Program Officer
Stephen Weir, Fractional CFO

Counsel Present:
Jim Rutkowski, OAG
Laurel Huerkamp, OAG
Victoria Richardson, OAG
Mandy Wilson, OAG

Vendors/Consultants Present:
Matt Dufek, Kikoda
Qiana Foote, VITA
Trey Stevens, VITA

Members of the Public Participating:
Joyce Price Calhoun
Marissa Goldsmith
Ann Jones, Esq.
Raiza Garcia
Kristin Howe
Dezada Jernigan
Sturgis Kidder
Rosa Machado
Jennifer Maddox
Jackson Moulton
Roy Munster
Ruthanne Reeves
Shawnita Robinson
Lina Rodriguez
Donna Rostant
Kim Thompson
Martha Valenzuela

Minutes recorded by: Lindsay Larkin, Project Manager

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CALL TO ORDER

Vice Chair Joel Dillon called the meeting to order at 9:02 a.m. on Tuesday, October 13, 2026. Roll call was taken and a quorum was present.

APPROVAL OF MINUTES

The Vice Chair presented the minutes of the September 15, 2026 regular meeting for the Board's consideration. No corrections were proposed. On motion of Cathy Slusher, seconded by James Moon, the Board approved the minutes of the September 15, 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 actuarial report was expected in approximately three weeks and was planned for presentation at the December meeting, with a Virginia State Corporation Commission Bureau of Insurance representative available to answer questions. He also reported that Phase 1 of CARES had launched to distribute and track assessment notices and payments. Through partnership with the Board of Medicine, early physician responses and credit-card payments were ahead of the prior year's pace. Board members asked about collection estimates and the effect of improved collections on program finances. Management said it expected better data as payments continued to arrive but could not yet confirm the full-year result.

Mr. Swain reviewed implementation of Senate Bill 398, including increased use of accessible-vehicle and housing-modification benefits. He explained that a comprehensive caregiver benchmark rate and compensation policy required further legal and statutory review. In response to questions about cost and actuarial soundness, management described an interim benchmark rate adjustment estimated at approximately $4.7 million annually and distinguished it from full implementation of Senate Bill 398. Board members discussed the need to act for families, document the basis for the adjustment, and continue evaluating the program's long-term finances.

John Gordon raised the value of an internal actuarial analysis commissioned for the program's own use. Management agreed to explore its scope and cost through the upcoming budget process.

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Action

Cathy Slusher moved that the Program proceed with an interim caregiver benchmark rate adjustment for families, retroactive to July 1, 2026, without establishing the framework for final rate benchmarks. The motion was seconded and carried without opposition. The proposal discussed by the Board would move family and independent caregivers from PCA to CNA rates and use the 75th percentile of the applicable Bureau of Labor Statistics rate as a flexible benchmark, not a cap.

Vote: 6 in favor, 0 opposed, 0 abstain. The resolution was approved.

CYBERSECURITY UPDATE

Trey Stephens of the Virginia Information Technologies Agency (VITA) presented an overview of VITA's cybersecurity services and the program's planned onboarding. He described risk assessment, monitoring, incident response, training, and reporting. In response to Board questions, he explained how staff security training and phishing exercises are tracked and how the program would receive VITA services while participating voluntarily. Management said it would review identified risks and address deficiencies as onboarding proceeds.

PUBLIC COMMENT

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

- Sturgis Kidder, parent of a participant, urged the Board to understand the assumptions and methodology behind the actuarial report before using its findings to evaluate benefit decisions.

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

CLOSED SESSION

Motion to Convene in Closed Session. On motion of the Vice Chair, seconded by Cathy Slusher, 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:

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(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 10:34 a.m.

Reconvene in Open Session and Certification

The Board reconvened in open session at 11:37 a.m. The Vice 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 Vice 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 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.

Action

After returning to open session, the Board voted to deny an individual appeal in case B-15-06 for a caregiver rate adjustment and directed the Program to provide the

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family a letter explaining the decision. The motion was seconded and carried without opposition.

Vote: 6 in favor, 0 opposed, 0 abstain. The resolution was approved.

ADJOURNMENT

There being no further business before the Board, the meeting adjourned at 11:42 a.m.

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