

MINUTES OF THE MEETING  
THE FLORIDA BIRTH-RELATED  
NEUROLOGICAL INJURY COMPENSATION ASSOCIATION

September 16, 2021  
Virtual Meeting via Zoom Video and Zoom Conference Call

**\*\*The meeting start time was delayed from 1:00 p.m. to 1:30 p.m.\*\***

The September 16, 2021 meeting of the Board of Directors of the Florida Birth-Related Neurological Injury Compensation Association was called to order by Chair, Jim DeBeaugrine.

Board members present and constituting a quorum were:

Jim DeBeaugrine, MPA  
Renee Oliver  
Julie Ann Zemaitis DeCesare, MD  
Robert A. London, M.D.

Also present:

Kenney Shipley, NICA Executive Director  
Tim Daughtry, NICA Deputy Director  
Steve Ecenia, NICA General Counsel  
Tana Story, NICA General Counsel's Office  
Matt Dufek, Kikoda/NICA's IT Contractor  
Linda Nelson, NICA Compliance  
Michael Glazer, Ausley McMullen  
Mark Herron, Messer Caparello  
Christi Alexander, Auditor General's Office  
Joshua Barrett, Auditor General's Office  
Tasha Carter, Florida Insurance Consumer Advocate,  
Denishia Sword, Office of the Insurance Consumer Advocate  
Russell Perkins, Thomas Howell Ferguson  
Mark Crawshaw, Madison Consulting  
Felicia Bennett, Wilshire Consulting  
Katy Wojciechowski, NICA Investment Consultant  
Ryan Cohn, Sachs Media  
Juliet Hauser, Sachs Media  
Carol Marbin Miller, Miami Herald  
Don Rubottom, Public Integrity & Elections Committee  
Daryl Saylor, Lash and Goldberg  
Marty Goldberg, Lash and Goldberg  
Jonathan Siegelaub, Lash and Goldberg  
David Caldevilla, de la Parte & Gilbert  
Lisa M. Johnson  
Adnan Virani, Sterling Capital

Michelle Glisar  
Robin Hagerstrom  
Becky Griffith  
Jessica Lorenzi  
Anoush Brangaccio  
Ashley Hammer  
Jay Parrish  
Patricia Parrish  
Ruth Jacques  
Paul Whitfield  
Chelsea Reyes  
Michelle Perez  
Nicole Snipes  
Christine Smith  
Florence Snyder  
David Morgan  
Esther Morgan  
Sean Correia  
Rebecca Baer  
Sabrina Jostes  
Barbara Lopez Avila  
Mellisa Lagana  
Julie Nguyen  
Dr. Jackie Amorim  
Sherri Cruz  
Eddie Reyes  
Ann Goshorn  
James Johnson  
Luke Harrison  
Jennifer Pham  
Nina Wilcox  
Rachel Rexford  
Fatima Cruz  
Dan Bookhout  
Christiana Buffington  
Kaitlyn Earle  
Virginia Prue  
Kristen Aubrey  
Jayme O'Connell  
Laura Sokalski  
C Robert West  
Elizabeth Hoo

\*\*Attendees who did not provide full names, were only logged in briefly or who did not identify themselves are not included on this list.

The Chair went over the Zoom guidelines for the meeting participants and advised attendees that the meeting was being recorded. He asked that public comments be kept to the issues and avoid personal attacks.

The Chair and other Board members introduced themselves and discussed their backgrounds.

NICA's General Counsel, Steve Ecenia made the following request:

Mr. Chair. I would like to request an Executive Session of Board at this meeting to discuss pending litigation to which NICA is presently a party. Because this is the first meeting of the Board since the new members were appointed, I am making this request at the start of this meeting but will try, in the future, to make similar requests at the meeting preceding the meeting at which the executive session will be held. In anticipation of this request, we did add the Executive Session for today to the agenda so there has been adequate advance notice that an executive session would be held as part of this meeting.

The Chair granted Mr. Ecenia's request.

The Chair advised attendees of the meeting that the Board would be meeting in Executive Session to discuss confidential items regarding pending litigation.

The Executive Session would convene at 3:00 pm. If other agenda items run long, the Executive Session would convene at the conclusion of item 5 on the agenda.

The Chair asked for a motion to approve the minutes of the December 4, 2020 Board meeting.

**A motion was made to approve the minutes as drafted. The motion passed unanimously.**

A few of the attendees by phone and some by Zoom had not identified themselves. The Chair asked that any attendees participating by phone please identify themselves. There was no response.

### **Orientation**

Steve Ecenia advised the Board members of the powers and responsibilities of the Board as detailed in Section 766.315, Florida Statutes.

The Chair advised the Board that the Board would need to undergo a search for a new Executive Director as Ms. Shipley had indicated that she would like to retire.

Mike Glazer of Ausley McMullen followed with a presentation and discussion of Florida's open government laws and HIPAA and how those laws interrelate and how they apply to NICA.

Mike Herron then discussed ethics and conflicts of interest and the new provisions outlined in Senate Bill 1786.

### **Change in Order of Agenda**

The Chair asked the other Board members if there was any objection to going ahead with public testimony earlier than listed on the agenda so as to allow time to hear all members of the public attending the meeting to speak. There was no objection.

### **Staff Recommendations for Benefit Changes**

Prior to public testimony, the Chair asked Ms. Shipley to review the benefit change recommendations from NICA staff.

#### **Staff Recommendations:**

- Apply the Housing and Construction benefit language to include paying down or paying off an existing mortgage.
- Reimburse parents for 24 hours a day for in-hospital care at the Family Care rate.
- Set an allowable amount for “reliable transportation” of \$30,000 to meet the need to get to medical appointments.

### **Public Testimony**

Several families of NICA participants addressed the Board regarding their experiences with NICA.

### **Executive Session**

The Board then met in Executive Session.

Board members present were:

Jim DeBeaugrine, MPA  
Renee Oliver  
Julie Ann Zemaitis DeCesare, MD  
Robert A. London, M.D.

Also present:

Kenney Shipley, NICA Executive Director  
Steve Ecenia, NICA General Counsel  
Tana Storey, NICA General Counsel’s office  
Marty Goldberg, Lash and Goldberg  
Jonathan Siegelau, Lash and Goldberg  
Daryl Saylor, Lash and Goldberg

MaryKay Horvath, Court Reporter, Phipps Reporting  
Matt Dufek, Kikoda (NICA IT Consultant-managing Zoom for meeting)

Pending litigation was discussed.

The Executive Session ended.

### **Resumed Public Session**

The Chair reconvened the public session of the meeting.

The Chair stated that the Board would probably not be able to cover all the agenda items and some items would have to be covered at a future meeting.

### **Staff Recommendations for Benefit Changes**

The Chair asked Ms. Shipley to repeat the staff recommendations for benefit changes.

#### **Staff Recommendations:**

- Apply the Housing and Construction benefit language to include paying down or paying off an existing mortgage.
- Reimburse parents for 24 hours a day for in-hospital care at the Family Care rate.
- Set an allowable amount for “reliable transportation” of \$30,000 to meet the need to get to medical appointments.

**A motion was made to approve the staff recommendations for benefit changes. The motion passed unanimously.**

### **Executive Session Attendees and Future Executive Session**

The Chair then listed those who were in attendance at the Executive Session.

The Chair recognized Steve Ecenia who requested that the Board hold an Executive Session at its next Board meeting to seek advice regarding pending litigation to which NICA is presently a party.

The Chair granted the request.

### **Audits**

#### **Auditor General Report**

Josh Barrett of the Auditor General’s office presented the operational audit report dated August 2021.

### Consumer Advocate Family Survey

Tasha Carter, Insurance Consumer Advocate of the Florida Department of Financial Services presented and discussed the NICA Participant Survey completed by her office.

### Annual Financial

Russell Perkins of Thomas Howell Ferguson discussed the audit of the June 30, 2021 financial statements of NICA. The audit report would be voted on at the next Board meeting.

### **Adjourn**

There being no further business before the Association, the meeting was adjourned.