COMMITTEE OF THE WHOLE

BILL NO. 33-0271

Thirty-Third Legislature of the Virgin Islands

February 4, 2020

An Act amending title 3 chapters 1 and 15; title, 23, chapters 7 and 9 of the Virgin Islands Code to create a new Virgin Islands Fire and Emergency Medical Services to provide fire prevention services, fire suppression services, emergency medical services, and for the protection of life and property and for other related purposes

PROPOSED BY: Novelle E. Francis, Jr. by request of the Governor

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 3 Virgin Islands Code, chapter 1, section 9 is amended by striking "Virgin Islands Fire Service" and "Fire Service" and inserting "Virgin Islands Fire and Emergency Medical Services (VIFEMS)" and "VIFEMS", respectively.

SECTION 2. Title 3 Virgin Islands Code, chapter 15, section 257 is amended by striking sections 257(a)(1) and (2) in their entirety.

SECTION 3. Title 33 Virgin Islands Code, chapter 111, section 3032 is amended by striking "Fire Service" and "Virgin Islands Fire Service" and inserting "Virgin Islands Fire and Emergency Medical Services" in all instances where they appear; and in Subsection (a) in the last sentence by adding "551b and" before the number "603".
SECTION 4. Title 23 Virgin Islands Code, chapter 7, is amended by striking “Fire Service” in the title and inserting “Virgin Islands Fire and Emergency Medical Services” and inserting a new section in its stead:

§ 551. Creation of Virgin Islands Fire and Emergency Medical Services; Director; organization.

(a) The fire services (FS) and emergency medical services (EMS) of the Virgin Islands are under the supervision of the Director of the Virgin Islands Fire and Emergency Medical Services, (VIFEMS).

(b) VIFEMS, under the direction of the Director, is responsible for the following:

(1) To enforce the laws and regulations as they pertain to fire services and emergency medical services in the Virgin Islands.

(2) To provide effective fire prevention, fire protection, fire suppression, and special operations such as hazardous materials, and search and rescue to persons and property of the Virgin Islands;

(3) To provide emergency and non-emergency basic and advanced life support EMS to persons in the Virgin Islands;

(4) To prevent and reduce the risk of fire through effective public education and injury prevention, conduct fire safety code inspections and enforcement programs;

(5) To conduct arson investigations and make arrests pertaining to such matters;

(6) To establish and participate in training and certification, professional development, and educational programs relating to fire science, EMS, and other related matters.
VIFEMS shall have one Medical Director of Emergency Medical Services, one Assistant Director of Fire, one Assistant Director of Emergency Medical Services, and one Territorial Training Coordinator, all of whom shall be appointed by the Governor and report to the Director of VIFEMS.

(b) There is one Fire Chief and one Emergency Medical Services Chief for the District of St. Thomas-St. John and one Fire Chief and one Emergency Medical Services Chief for the District of St. Croix. There must also be a Deputy Fire Chief for the Island of St. Thomas, a Deputy Fire Chief for the Island of St. Croix, and a Deputy Fire Chief for the Island of St. John who must be a resident of St. John, all of whom shall be appointed by the Governor.

(c) The Director shall establish an Arson Prevention and Investigation Unit within each fire district for the purpose of enforcing the Territorial Fire Prevention Code and such other regulations that will aid in the prevention of fires. Each Arson Prevention and Investigation Unit must be staffed by one District Fire Marshal, and such Fire Inspectors, Deputy Marshals and Deputy Inspectors I, II, II as determined by the Director. The Fire Marshals, Fire Inspectors, and Deputies must have specialized training in arson and investigation, which training must be certified by the Director.

(d) The Fire Chief and the Fire Marshal or their authorized representative shall investigate the cause, origin, and circumstances of every fire, explosion, or hazardous materials emergency. When the Fire Chief, the Fire Marshal, or their authorized representative has reason to believe that a fire, explosion, or hazardous materials incident may be the result of a violation of any law, he shall immediately take custody of and safeguard all physical evidence in connection therewith, and shall have the authority to prohibit the disturbance or removal of any material, substance, device, or utility in, or upon, any building or property where the emergency occurred until such time as the investigation of the incident is complete; provided however, in
fires, explosions, and hazardous materials incidents involving critical injury, death, or assaults with intent to kill, but the Virgin Islands Police Department (VIPD) is the primary investigative agency.

(e) The Fire Chief and the Fire Marshal or their authorized representative may enter business premises and inspect the premises for any violations to the fire code. If a determination is made that there are violations that present an imminent fire hazard, the offending business must be given 72 hours to correct the violations. The Director of VIFEMS shall close any business that fails to correct the violation. The business may be opened only upon the issuance of compliance by the VIFEMS Director to the Department of Licensing and Consumer Affairs.

(f) The Territorial Training Coordinator shall design an education and training program that encompasses entry-level and in-service training based upon the VIFEMS’ mission and operational performance measures. The Territorial Training Coordinator, in close coordination with the Assistant Directors and Medical Director, shall develop and implement a program of certification for firefighters, paramedics, emergency medical technicians, and emergency medical responders.

(g) The organization of VIFEMS within the Office of the Governor must be in accordance with regulations promulgated by the Director.

SECTION 5. Title 23 Virgin Islands Code, chapter 7, is amended by inserting section 551a:

§ 551a. Medical Director.

(a) To be eligible for appointment, the Medical Director must:

(1) Be a physician licensed to practice medicine in the U.S. Virgin Islands;

(2) Be board certified in a medical specialty that represents the broad patient base that the Department serves, such as emergency medicine, general surgery, family
medicine, or internal medicine; and have at least 4 years of substantial experience such specialty.

(b) The Medical Director must be a practicing physician.

(c) The Medical Director shall:

(1) Provide medical oversight for all aspects of pre-hospital medical services provided by the VIFEMS, including:

(A) Written policies, procedures, and protocols for pre-hospital medical care;

(B) Medical training; and

(C) Quality assurance of medical services;

(2) Supervise the administration of pre-hospital medical care; and

(3) Work collaboratively with the Director, Assistant Directors, Fire Chief, Deputy Fire Chiefs, Emergency Medical Services Chiefs, and other personnel in the VIFEMS.

(d)(1) The provision of pre-hospital medical care by the VIFEMS’s certified emergency medical technicians and paramedics are under the license of the Medical Director.

(2) The Medical Director is not personally liable for the good-faith performance of the Medical Director’s duties under this section for a death or injury that results from the provision of pre-hospital medical care by the VIFEMS’s certified emergency medical technicians or paramedics practicing under the license of the Medical Director unless the death or injury is the result of willful misconduct or gross negligence of the Medical Director.
(f) (1) The Medical Director may order hospital emergency rooms within the Virgin Islands to accept any VIFEMS transports and to require hospitals and medical providers to accept the transfer of care of a patient or patients within a specified period of time.

(2) The VIFEMS may transport patients to any licensed clinic or other medical facility that is not a hospital emergency room, appropriate to the patient’s need.

(3) The Medical Director may work directly with the Governor, the Commissioner of Health, and other appropriate agencies to develop programs and enter into agreements with clinics or other health care providers to receive the VIFEMS’s transport of patients.

(4) The Medical Director may work with the hospitals to coordinate pre-hospital medical services with medical research of best practices for delivery of pre-hospital medical care.

(5) The position of Medical Director may be a part-time, full-time or contractual position dependent on the complexity, scope, and needs of VIFEMS.

SECTION 6. Title 23 Virgin Islands Code, chapter 7, is amended by inserting a new section 551b:

§ 551b. Emergency ambulance service fees.

(a) The Director may establish from time to time a fee to be charged for transportation services provided by the emergency ambulance service of the VIFEMS in such amount as may be reasonable in consideration of the interests of the public and the persons required to pay the fee, and in consideration of the approximate cost of furnishing such services; but no person may be denied the services because of the person’s inability to pay, nor be questioned about the ability to pay at the time the services are requested.
(b) (1) A health care facility shall reimburse the VIFEMS for the cost of emergency ambulance services, as determined under subsection (a) of this section, incurred by a patient resident of the health care facility if the health care facility requests ambulance transport services from the VIFEMS and the patient's healthcare insurance denies payment for the ambulance transport after a determination that the transportation did not meet the medical necessity standard as provided in § 410.40(d) of Title 42 of the Code of Federal Regulations.

(2) For the purposes of this subsection, the term:

(A) “Ambulance” means any publicly owned vehicle specially designed, constructed, modified, or equipped for use as a means for transporting patients in a medical emergency or any publicly owned vehicle that is advertised, marked, or in any way held out as a vehicle for the transportation of patients in a medical emergency.

(B) The term “health care facility” includes, but is not limited to, hospitals, nursing homes, hospices, health care clinics, health centers, behavioral health facilities, community residence facilities, maternity centers, ambulatory surgical facilities, renal dialysis facilities, intermediate care facilities, rehabilitation facilities, urgent care facilities, and home care agencies.

(c) All health insurers, hospitals or medical services corporations, and health maintenance organizations shall reimburse for emergency services that are due to a medical emergency.

(d) Fees collected by VIFEMS under this section must be deposited in the Fire and Emergency Medical Services Fund.

(a) Title 23 Virgin Islands Code, chapter 7, Sections 552, 553, 554, and 556 - 560 are amended by striking the words “Fire Service” wherever they appear and inserting “VIFEMS” in their place and by striking the words “fire service” wherever they appear and inserting “fire and emergency medical services” in their stead.

(b) Title 23 Virgin Islands Code, chapter 9, Sections 601, 603, 606, and 613 are amended by striking the word “Fire Service” and inserting “Virgin Islands Fire and Emergency Medical Services” in their stead; and by striking the words “Fire Service” and inserting “VIFEMS” in their place.

SECTION 8. Transfer of EMS Employees

(a) On the effective date of this act, every Emergency Medical Service employee of the Department of Health is transferred to the VIFEMS Emergency Medical Services except those retained to occupy positions in the Office of Emergency Medical Services within the Department of Health.

(b) The transferred employees may not have their salary or status reduced as a result of a transfer under this section, and their service must be considered continuous.

(c) Rights and entitlement to annual and sick leave benefits, Government Employees' Retirement System benefits, seniority, and other employee benefits of any employee transferred to the VIFEMS pursuant to subsection (a), may not be impaired.

(d) The Director of the VIFEMS shall place the employees transferred pursuant to subsection (a) in the same position or to a position comparable to position the employee enjoyed under the employee’s employment before the transfer subject to the following conditions:

(e) The Director of VIFEMS in determining a comparable position, shall consider the employee’s education, work experience, salary, and duties and responsibilities of prior employment; and
(f) No employee employed at the VIFEMS on the effective date of this act may be demoted to accommodate an employee transferred under subsection (a).

SECTION 9. Department of Health

The Department of Health shall fully cooperate with the VIFEMS in the implementation of the realignment pursuant to this act.

SECTION 10. Transfer of EMS Employees Reporting Requirements

(a) The Director of the VIFEMS shall, no later than 60 days after the effective date of this act, submit a report to the Legislature that includes information on the status of the VIFEMS.

(b) The report must, at a minimum, include:

(1) The number of employees transferred to the VIFEMS pursuant to section 8 of this act;

(2) A job description of the transferred employees' prior positions, prior job functions, duties, educational background, experience, the degree to which the transferred position is similar to the pre-transfer position, job status with respect to the career or exempt government service, and their seniority;

(3) A description of the position to which each transferred employee was appointed; and

(4) A detailed explanation of how each transferred employee is being used within the VIFEMS.

BILL SUMMARY

This bill amends, among the provision, title 23, chapter 7 of the Virgin Islands Code, which creates the Virgin island Fire Service. Section 4 of the bill replaces the existing section 551, with a new section 551 establishing the "Virgin Islands Fire Service and Emergency
Medical Services. The bill organizes the new entity and creates the position of medical director and authorizes the director of the VIFSEMS to set fees emergency ambulance services