



THE UNITED STATES VIRGIN ISLANDS

OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE
Charlotte Amalie, V.I. 00802
340-774-0001

February 8, 2021

VIA MESSENGER

The Honorable Donna M. Frett-Gregory
Senate President
Thirty-Fourth Legislature of the Virgin Islands
Capitol Building
St. Thomas, Virgin Islands 00802

Re: Submission of Bill Amending and Replacing Act No. 8435, Updating Podiatry and Naturopathic Sections of Title 27 of the Virgin Islands Code, and Adding Board of Medical Examiners Member to Boards, so Podiatrist and Naturopathic Physician can be Licensed in the Virgin Islands

Dear Madam Senate President:

In accordance with Section 11 of the Revised Organic Act of the Virgin Islands of 1954 as amended, I submit to the Thirty-Fourth Legislature the enclosed proposed Bill as an amendment to and replacement of Act No. 8435 (which was previously Bill No. 33-0348 as overridden). As indicated in my Veto Transmittal of October 27, 2021, Bill No. 33-0348 allows an entire subchapter of the Code to be deleted taking away the Good Samaritan law as well as many of the licensing rights, powers, and duties for medical practitioners and the board of medical professionals. By deleting this whole section of the Code without relocating sections that are not present in Subchapter I, Board of Medical Examiners, this overridden Bill is subjecting persons and professionals to unforeseen and unnecessary liability, and negatively affects the operation of the medical professions. It is, therefore, imperative that these amended provisions be considered expeditiously to replace the harmful effects of Act No. 8435.

The current proposed Bill, which amends and replaces overridden Bill No. 33-0348 (now Act No. 8435), seeks to correct the effects of deleting Subchapter II, Medicine and Related Professions, as explained in more detail in the enclosed supplemental documents. The supplemental documents

*Letter to Honorable Senator Donna M. Frett-Gregory
Re: Submission of Bill Amending Overridden Bill No. 33-0348,
Updating Podiatry and Naturopathic Sections of Title 27,
and Adding Board of Medical Examiners Member to Boards,
so Podiatrist and Naturopathic Physician can be Licensed s
February 8, 2021*

enclosed include: 1) redline of the effects of Act No. 8435 on the existing Code provisions; 2) explanation of the effects of Act No. 8435 on the Medical Professionals Licensing Code; and 3) redline of the amendments of the proposed Bill on Act No. 8435. In addition, this Bill also seeks to assist the Podiatry and Naturopathic Boards, which have not been able to form a quorum to issue licenses because not enough Podiatrist or Naturopathic Physicians are licensed in the Territory to be able to have a separate board for these professions. To resolve this issue and establish a way for Podiatrist and Naturopathic Physicians to be licensed, this proposed Bill updates the Board of Medical Examiners, Podiatry, and Naturopathic chapters so a temporary board consisting of existing members of the Board of Medical Examiners, Podiatry and Naturopathic Boards can form a quorum, operate, and issue licenses. If the bill is passed new Podiatrist and Naturopathic Physicians can be licensed.

The Office of the Governor has worked with the Medical Examiners Board to draft this legislation to ensure it will be supported by the medical community.

For the above stated reasons, I urge the 34th Legislature to consider this Bill as quickly and favorably as possible.

Respectfully and Sincerely,

A handwritten signature in blue ink, appearing to read 'Albert Bryan, Jr.', with a long horizontal stroke extending to the right.

Albert Bryan, Jr.
Governor

cc: Honorable Senators of the Thirty-Fourth Legislature of the Virgin Islands
David A. Bornn, Chief Legal Counsel to Governor

BILL NO. _____

Thirty-Fourth Legislature of the Virgin Islands

REGULAR SESSION

February 8, 2021

An act amending Title 27, Chapter 1, of the Virgin Islands Code, to include sections of Subchapter II that are needed but were deleted in Bill No. 33-0348, and that are not currently incorporated into the Board of Medical Examiners Subchapter I; amending and updating provisions of Title 27, Chapter 1, Subchapter XI and Title 27, Chapter 4, to allow the Podiatry and Naturopathic Physician boards to function, practice, and issue licenses with their limited numbers; amending Title 3, Chapter 23, Section 415 to provide for the operation of the podiatry board and relocating this section to Title 27, Chapter 1, to coincide with the medical practices included in the medical board Title.

PROPOSED BY: GOVERNOR

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 27 Virgin Islands Code, Chapter 1, Subchapter XI is amended as follows:

(a) under Section 168c, striking the remaining language after “provided” under subsection (a) and adding a “.” after “provided”.

(b) under Section 168d, striking subsection (b) and replacing it with, “May issue, suspend, or revoke licenses under this subchapter;”.

(c) under Section 168e, striking “of the Board”.

(d) under Section 168f, striking subsections (b) and (c), deleting “American Council on Podiatry Education of the American Podiatry Association.” after subsection (a)(4) and replacing with “Council on Podiatric Medical Education (CPME);”, and adding subsections (a)(5) and (6) to read as follows:

“(5) must have passed Parts I, II and III of the American Podiatric Medical Licensing Examination (APLME);

(6) The following are also required of all Podiatrist applicants:

- Complete a minimum of One year of residency in a of a CPME residency program approved by the board or

- If it has been four or more years since the completion of that residency program, the podiatrist must show proof of an active license and active practice with no disciplinary actions of podiatric medicine in another U.S. State or territory jurisdiction for at least two or of the immediately preceding four years; or
- Successful completion of a board approved post graduate program or board approved course within the year preceding the filing of the application or
- 10 years of continuous(consecutive) active license and active practice with no disciplinary actions of podiatric medicine in another U.S. State or territory immediately preceding the submission of the application; and
- Completion of at least the same continuing education requirements during those 10 years as required of podiatric physicians licensed in the U.S. Virgin Islands.”

(e) by striking Sections 168g, 168h, 168i, 168j, and 168k in their entirety.

(f) by adding “may” after “license,”, striking “15” and adding “30 CPME credit” before hours; and by striking language after “Podiatry Continuing Educations Program,” and replacing with “provided that the Board may maintain continuing medical education requirements in such number of hours as may be set by the Board.”.

SECTION 2. Title 3 Virgin Islands Code, Chapter 23, is amended as follows:

(a) [Existing] Section 415 is relocated to Title 27, Chapter 1 and renumbered under Title 27, Chapter 1 as a new subchapter.

SECTION 3. Title 27 Virgin Islands Code, Chapter 1, is amended as follows:

(a) [Existing] Subchapter I

(1) By adding a new subchapter XII and placing previously designated 3 V.I.C. § 415 into subchapter and amending it to add new subsection (b)(1)(C) and (D) to read as follows:

“§ 168o. Boards of Examiners for Medicine, Surgery, Dentistry, Pharmacy, Nursing, Optometry, Physical Therapy, Chiropractic and Podiatry

Boards established

(a) The following boards are hereby established within the Department:

- (1) The Board of Medical Examiners
- (2) The Board of Dental Examiners
- (3) The Board of Pharmacy
- (4) The Board of Nurse Licensure
- (5) The Board of Optometrical Examiners
- (6) The Board of Physical Therapy
- (7) The Board of Chiropractic Examiners
- (8) The Board of Podiatry Examiners.

Composition; qualifications; appointment; tenure

(b) The Boards provided in subsection (a) of this section shall be composed of members appointed by the Governor with the advice and consent of the Legislature as follows:

(1) The Board of Medical Examiners—

(A) Four physicians licensed to practice in the Virgin Islands; two of whom must reside in the district of the St. Croix and two in the district of St. Thomas and St. John.

(B) Three members from the Virgin Islands community of recognized ability and integrity in non-medical professions; one of whom must reside on St. Croix, one on St. Thomas and one on St. John.

(C) Licensed sitting members of the Board of Medical Examiners, appointed under the requirements under subsection (b), may serve temporarily as de facto board members of any of the boards under subsection (a) if any of the boards under subsection (a) do not have enough members to form a board. Until there are enough licensed members to form a board, this de facto board membership may be used to establish a quorum and carry out the duties of the board, including issuing licenses, if any of the boards under subsection (a) or this Chapter need a temporary board established because they do not have enough licensed members to operate.

(D) Subsection (b)(1)(C) may be used by the Naturopathic Board under Chapter 4 of this Title, or by any other board in this Title.

(2) The Board of Dental Examiners—

(A) five dentists licensed to practice in the Virgin Islands for at least five years before the date of appointment—three to be appointed for initial terms of two years, and two for initial terms of four years. Thereafter, all appointments shall be for four years. Three examiners shall reside in the district of St. Thomas and St. John, and two shall reside in the district of St. Croix.

(B) One dental hygienist or dental therapist who must be a resident of the Virgin Islands; and one member of the public of recognized ability and integrity in a non-healthcare profession, who has been a resident of the Virgin Islands for at least five years. Appointments made in accordance with this subparagraph must be for a term of four years, and no member appointed under this subparagraph may serve more than two terms on the Board.

(3) The Board of Pharmacy—five pharmacists registered in the Virgin Islands for at least five years prior to the date of appointment; the members of the Board first to be appointed shall hold office, one for one year, one for two years, one for three years, one for four years, and one for five years, the term of each to be designated by the Governor. Thereafter all appointments shall be for five years. Not more than three members shall reside in any one district and not less than two shall be pharmacists in the retail pharmacy business.

(4) The Board of Nurse Licensure—one nurse anesthetist, one nurse-midwife, one nurse educator, two nurses from varied areas of specialization, two licensed practical nurses and two voting lay people; one to represent St. Croix and one from St. Thomas/St. John; five to be appointed for initial terms of two years and six for initial terms of three years. Thereafter, all terms shall be for

three years. Members may be reappointed. Upon the expiration of a member's term, the member may serve until the member's successor is appointed. Each member of the Board shall have been a citizen of the United States and a resident of the United States Virgin Islands for at least five years. Each nurse appointee shall possess a license to practice nursing in the Virgin Islands, shall have at least five years of experience in nursing, and shall preferably be actively engaged in nursing at the time of the appointment. All nurse specialists should be certified in their area of practice. A panel of nominees, representative of all three islands, shall be submitted by recognized organized nursing organizations or groups to the Governor at least 90 days prior to the expiration of the term of each board member, from which panel the Governor in consultation with the Commissioner of Health may select his appointees to the board.

(5) The Board of Optometrical, Examiners—seven members including three optometrists, who are licensed to practice in the Virgin Islands. Of the three optometrists, one shall be appointed for an initial term of two years, one for an initial term of three years, and the third for an initial term of four years. Thereafter, and for the remaining four members, all appointments shall be for four years. Of the remaining four members, three shall be employees of the Government of the Virgin Islands and one shall be a member of the private sector. The members of the Board shall have been residents of the Virgin Islands for at least five years; provided, however, that not more than four examiners shall reside in any one district and that the Board shall elect a chairman from among its members.

(6)

(A) The Board of Physical Therapy shall consist of five members, all of whom must reside in the Virgin Islands and have been practicing in the Virgin Islands for no less than three years prior to their appointments. Two members must reside in the district of St. Croix, two members must reside in the district of St. Thomas and St. John, and at least one member must represent the public and must not be in the medical profession or have a conflict of interest. Two of the members, one of whom may be a physical therapist assistant, must be elected by a majority vote of all licensed and practicing physical therapists and physical therapist assistants residing in the Territory, and the other three members must be nominated as provided in this section.

(B) The governor shall appoint one member from each district and the public member.

(C) All nominees must be appointed only with the advice and consent of the Legislature.

(7) The Board of Chiropractic Examiners—four chiropractic physicians who have held a license to practice chiropractic in the Territory at least three years, all of whom shall be licensed to practice in the United States Virgin Islands, and one member of the public, who is neither a physician nor a chiropractic physician all of whom must be bona fide residents of the Virgin Islands.

(8) The Board of Podiatry Examiners—five physicians and/or podiatrists, at least one of whom shall be a podiatrist and all of whom shall be licensed to practice in the Virgin Islands; three to be appointed by the Governor upon the

recommendation of the Commissioner of Health for initial terms of three years and two for initial terms of four years. Thereafter, all appointments shall be for four years or until such time as a successor is appointed. Not more than three examiners shall reside in any one district. Members may be removed by the Governor for cause.

Chairman

(c) Each board shall elect annually one of its members to serve as its Chairman; provided that the Governor shall designate the first Chairman of each board initially appointed under this section.

(d) Omitted.

Removal of members

(e)

(1) The members may be removed by the Governor for cause.

(2) The Governor may remove any member of the Board of Nurse Licensure for neglect of any duty required by law or for incompetence or unprofessional or dishonorable conduct as recommended by the Board of Nurse Licensure.”.

(3) If not otherwise stated, any members of the boards under Chapter 1 of this Title may be removed by the Governor for cause.

(b) [Repealed] Subchapter II

(1) By reinstating repealed sections 36, 38d, 41, and 42 of Subchapter II, and relocating/renumbering said sections at the end of Subchapter I, as follows:

“§ 20. Issuance of licenses by Commissioner of Health for Radiological Technologists

The Commissioner of Health, after due consideration that all requirements have been met, shall issue licenses for radiological technologists to each qualifying applicant. A license shall be issued to an individual who: (i) is registered with the American Registry of Radiological Technologists (ARRT); (ii) possesses a valid radiological technologist license from another state or territory of the United States; or (iii) has worked as a radiological technologist domiciled in the Virgin Islands for 10 years under the supervision of a licensed radiologist. All persons working as radiological technologists shall be required to be licensed in the Virgin Islands and are further required to obtain 12 units of continuing education courses every two years in order to maintain licensure.

§ 21 Mandatory continuing medical education

The Board shall require all permanent and institutional licensees to periodically demonstrate their professional competency by completing at least 25 hours of continuing medical education each year; provided, that the Board may maintain continuing medical education requirements in such number of hours as may be set by the Board, but under no circumstances less than 50 hours of continuing medical education over a two-year period. Criteria for and content of continuing medical education courses shall be approved by the Board, which shall consider equivalent national, state, and territorial educational courses, including those offered by a medical society or a specialty organization, to fulfill the requirements of this section.

§ 22 Penalties

Whoever practices any system of treatment in the Virgin Islands covered by this subchapter without having first obtained the license prescribed herein, or wilfully violates any of the

provisions of this subchapter, or any rules and regulations issued hereunder, shall be fined not more than \$500 or imprisoned not more than six months, or both.

§ 23 Immunity in emergency

(a) This section may be cited as “The Good Samaritan Law.”

(b) No person who voluntarily and gratuitously renders emergency assistance to a person in need thereof, shall be liable for civil damages for any personal injuries or property damage which result from acts or omissions by such person in rendering emergency assistance, which may constitute ordinary negligence; Provided, however, That such immunity does not apply to acts or omissions constituting gross, willful or wanton negligence.

(c) Subsection (a) shall be applicable to all persons, including non-profit groups and the individuals that work in them who voluntarily render counseling, advocacy, support, or other services to people in need thereof, including victims of crimes such as rape, domestic violence, assault, or battery, whether or not it is in an emergency situation.

(d) Reimbursement of a non-profit group's operating expenses or wages of their volunteers does not render such group or its members ineligible for the immunity granted under this statute by grant or donation, or the payment by FEMA through VITEMA or other governmental agencies during a Declared State of Emergency.”.

SECTION 4. Title 27 Virgin Islands Code, Chapter 4, Section 193, is amended as follows:

(a) striking “No” and adding “s” after “member” under subsection (a)(3).

BILL SUMMARY

Based on recommendations and requests from members of the medical profession and the Medical Board, this Bill allows for podiatry, naturopathic, and other boards to operate with appointed members of the Board of Medical Examiners, if their boards do not have enough licensed members to form a board. Allows for a temporary board made up of the licensed members of certain medical boards and the sitting members of the Board of Medical Examiners to form a quorum so that medical boards that do not have enough licensed practitioners can operate and issue licenses to more practitioners. Bill also moves board section to chapter where those medical practices exist and adds back repealed sections of subchapter II that are needed under the Board of Medical Examiners subchapter I. Bill addresses and updates language under the Podiatry and Naturopathic Physician Board sections to function better with their limited number of members and allows the board to issue licenses so they can have enough members to operate their own board in the future.



**THE UNITED STATES VIRGIN ISLANDS
OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE
Charlotte Amalie, V.I. 00802
340-774-0001**

January 25, 2021

VIA ELECTRONIC/HAND-DELIVERY

Honorable Donna M. Frett-Gregory
Senate President
Thirty-Fourth Legislature of the Virgin Islands
Capitol Building
St. Thomas, Virgin Islands 00802

Re: Overridden Bill Nos. 33-0112, 33-0343, and 33-0348, and Bill Nos. 33-0269, and 33-0358.

Dear Senate President Frett-Gregory:

I write to advise you that I acknowledge receipt of Bill Nos. 33-0112, 33-0343, and 33-0348 which the Thirty-Third Legislature has overridden my veto; and Bill Nos. 33-0269, and 33-0358, which have now been properly voted by the Thirty Third Legislature and presented to me. Said bills are now law as Act Nos. 8434, 8438, 8435, 8436, and 8437 pursuant to Section 9(d) of the Revised Organic Act of 1954 as amended.

As previously detailed in my letters to the Senate President of the Thirty-Third Legislature, Bill No. 33-0269 and Bill No. 33-0358 had not been properly passed by an affirmative vote on the amended bills prior to being presented to me within the meaning of section 9(a) of the Revised Organic Act of the Virgin Islands, 48 U.S.C. 1575(d), and therefore, I was unable to either sign or veto these bills. I am extremely appreciative of the Legislature's corrective actions by correctly reconsidering these measures for a vote at the December 30, 2020 session.

I thank you and the members of the Thirty-Fourth Legislature for addressing the concerns expressed above on behalf of our community.

Sincerely,

A handwritten signature in blue ink, appearing to read "Albert Bryan Jr.", is written over a blue circular stamp.

Albert Bryan Jr.
Governor

Enclosures

EXHIBIT A

OVERRIDDEN
DATE: 12/30/2020

ACT NO. 8435

VETOED
OCT 26 2020

BILL NO. 33-0348

GOVERNOR

THIRTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2020

An Act amending title 27 Virgin Islands Code, chapter 1, subchapter 1 relating to licensing of medical professionals to provide for a two-year licensure period amending subchapter 11b to repeal provisions that appear in subchapter 1 and provisions that have become obsolete; and amending subchapter 11b, section 50i to allow physician assistants to prescribe, dispense, and administer Schedule II through V narcotic drugs and non-narcotic drugs to the extent delegated by a physician

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Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 27 Virgin Islands Code, chapter 1, is amended as follows:

(a) Subchapter 1:

(1) In section 5(i), in the first sentence, by striking "must" and inserting "may be required to".

(2) In section 5 by adding a subsection (m) that reads as follows:

"(m) The Board shall issue a license for the practice of medicine or related medical professions for a two-year period";

(3) In section 7 by striking subsections (b) and (c) in their entirety; and

(4) By adding a section 20 that read as follows:

"§ 20. No physician may be employed or placed on contract with the Government of the Virgin Islands unless the physician is board-eligible or board-certified. This section

does not apply to physicians employed with or under contract with the Government of the Virgin Islands before the Effective date of this section."

(b) Subchapter II is stricken in its entirety.

(c) Subchapter IIb, section 50i is amended as follows:

(1) In subsection (a) by adding the following sentence at the end of the subsection: "These drugs include non-narcotic drugs and Schedule II through V narcotic drugs in any outpatient or inpatient setting."

(2) Subsection (b) is stricken.

(3) Subsection (e) is amended by striking "and the Virgin Islands Bureau of Narcotics and Dangerous Drug Control."

Thus passed by the Legislature of the Virgin Islands on September 29, 2020.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 10th day of October, A.D., 2020.




Novelle E. Francis, Jr.
President


Alicia V. Barnes
Legislative Secretary

LEGISLATURE OF THE VIRGIN ISLANDS

**CERTIFICATE OF ENACTMENT
NOTWITHSTANDING THE GOVERNOR'S VETO**

THIS IS TO CERTIFY THAT, Bill No. 33-0348- An Act amending title 27 Virgin Islands Code, chapter 1, subchapter I relating to licensing of medical professionals to provide for a two-year licensure period amending subchapter IIb to repeal provisions that appear in subchapter I and provisions that have become obsolete; and amending subchapter IIb, section 50i to allow physician assistants to prescribe, dispense, and administer Schedule II through V narcotic drugs and non-narcotic drugs to the extent delegated by a physician, enacted by the Thirty-Third Legislature of the Virgin Islands at its regular session held on September 29, 2020 (a copy of which is attached hereto), and vetoed by the Governor on October 26, 2020, was duly enacted, by override by the Thirty-Third Legislature at its regular session on December 30, 2020, pursuant to section 9(d) of the Revised Organic Act of the Virgin Islands, 48 U.S.C. §1575 (d), notwithstanding the Governor's veto and has become law.

DATED: 1-8-21



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Novelle E. Francis, Jr.
President

ATTEST:

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Alicia V. Barnes
Legislative Secretary



**THE UNITED STATES VIRGIN ISLANDS
OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE
Charlotte Amalie, V.I. 00802
340-774-0001**

October 27, 2020

VIA MESSENGER

The Honorable Novelle E. Francis, Jr.
President
Thirty-Third Legislature of the Virgin Islands
Capitol Building
St. Thomas, VI 00802

Re: Governor's Action on Bill Nos. 33-0103, 33-0111, 33-0112, 33-0115, 33-0223, 33-0246, 33-0254, 33-0267, 33-0272, 33-0299, 33-0316, 33-0322, 33-0325, 33-0334, 33-0346, 33-0347, 33-0348, 33-0370, 33-0375, 33-0410, 33-0415, 33-0416, 33-0418, 33-0420, and 33-0423.

Dear Mr. Senate President:

I write to advise you that, on October 26, 2020, pursuant to Section 9(d) of the Revised Organic Act of the Virgin Islands of 1954, as amended, I have acted on Bills numbered 33-0103, 33-0111, 33-0112, 33-0115, 33-0223, 33-0246, 33-0254, 33-0267, 33-0272, 33-0299, 33-0316, 33-0322, 33-0325, 33-0334, 33-0346, 33-0347, 33-0348, 33-0370, 33-0375, 33-0410, 33-0415, 33-0416, 33-0418, 33-0420, and 33-0423.

I have signed into law Bill No. 33-0103, an Act amending several provisions of the Virgin Islands Code providing for learning evaluation of children, postpartum care and minimum standards of health care for incarcerated women and men; establishing a new procedure for obtaining an initial birth certificate; providing for paid time off from work so that parents may visit their children's schools; and providing that health care facilities under the Virgin Islands Government hire discharge planners not later than January 2021. However, for more comprehensive behavioral health evaluations and examinations, I urge the Legislature to take action on the Behavioral Health and Developmental Disability Act submitted in January 2020, which forms a Division for Behavioral Health, Mental Health, Developmental Disability, Alcoholism, and Drug Dependency services, and allows for a public

EXHIBIT B

health facility to be built to provide the Department of Health (DOH) and Bureau of Corrections (BOC) community behavioral health services and the public with progressive treatment programs, crisis intervention programs, and voluntary treatment services, case management services, community support system, emergency service patrol, residential care, evaluations, Psychiatric and Psychological Examination, and publically provided psychologists, psychiatrists, social workers, and behavioral health care-specific hospitals and professionals.

Of a companion nature, I have approved Bill No. 33-0246, an Act amending title 19, chapter 45 of the Virgin Islands Code and adding Maternal Mental Health to the Health Title and Mental Health Chapter, to provide behavioral health services to women suffering from perinatal depression. However, I note the following in regards to Bill No. 33-0246. This Bill is an unfunded mandate, and it requires the DOH to conduct duties it already has the lawful right to do, but without providing any additional funding to support the initiative. I, again, reference that much of the support and tools needed to provide the additional behavioral health services this Bill is trying to require, including establishing treatment and screening, are incorporated in a comprehensive manner in the Behavioral Health and Developmental Disability Act submitted by me to this Legislature for consideration in January, 2020. It is also recommended that an amendment be made to the definition section and use of the term "maternal depression". This definition should change to "Pre- and Post-Partum Depression", so it fits with the subject matter of the Bill, which is not the treatment of mothers generally (this can cover individuals who did not birth a child) but individuals who are going through pregnancy.

I have also signed into law Bill No. 33-0111, an Act amending title 19, part VI, of the Virgin Islands Code by adding a new chapter 56B requiring that the Waste Management Authority designate disposal sites throughout the Territory for waste tires, and creating the Waste Tire Management and Disposal Fund. However, it is important to note that this Bill mandates action but does not include an appropriation for the Waste Management Authority (VIWMA) with initial funding. Thus, for the Bill to be effective, the Legislature should amend the Act to provide VIWMA with the resources, funding, and personnel to set up tire transfer stations or be able to enforce violations of improper tire disposal. Without such amendments, this Bill does not stop tires from accumulating or illegal disposal. I also note that the Bill does not address reuse of tires, federal requirements for the tire transfer stations under the National Fire Protection Association (NFPA), and under Section 2 §1570m(e), the legislation limits collection of monies to properly dispose of existing tire piles throughout the territory to 3 years instead of indefinitely.

I have vetoed Bill No. 33-0112, an Act appropriating all revenue derived from the Virgin Islands Police Department (VIPD) collection of fees for initial and renewal firearms

and ammunition licenses, to the St. Croix Career and Technical Education Center. Although I agree with the Legislatures attempt to amend 23 V.I.C. Section 483, to stop fees collected in the regulation of firearms from being deposited into the General Fund, these funds need to be used for a more specific and related purpose concerning firearms and gun control, not given to another department for deposit for unrelated purposes. Based on the crime and violence that is currently plaguing our community I, therefore, recommend the Legislature craft legislation that creates a "Gun Control Fund" where fees for the control of firearms and ammunition can be deposited into the fund to use for enforcement of the Control of Firearms and Ammunition chapter and crime prevention.

Unfortunately, I must veto Bill No. 33-0115, an Act amending title 24, chapter 14 of the Virgin Islands Code to transfer the Virgin Islands Labor-Management Committee as a division within the Public Employees' Relations Board ("PERB"). Although PERB fully supported this Bill, research has revealed that the Virgin Islands Labor-Management Committee is, in fact, a private, not-for-profit corporation. It has had prior association with the Department of Labor and various labor unions, but is not a governmental entity. Based on these findings, the Executive Branch with the office of PERB is actively working with the Bill sponsors to lawfully effectuate the intent of this Bill, but not as a division of PERB.

I have approved Bill No. 33-0223, an Act amending title 24, chapter 19, section 616 (a)(2) of the Virgin Islands Code by requiring that the Commissioner of the Virgin Islands Department of Labor approve any proposed Youth Transitional Employment Program within three (3) months after receipt of the application. I note, however, that this Program is yet another unfunded mandate; and urge the Legislature to specifically fund the administration of this Program in the Department of Labor.

I have also approved Bill No. 33-0254, an Act amending Act No. 7233 to reprogram monies appropriated to the Virgin Islands Water and Power Authority to be used for the expansion of the Bovoni Water line project, and Bill No. 33-0267, an Act amending title 17 Virgin Islands Code, chapter 23, subchapter I, section 262 relating to the powers of the Virgin Islands Board for Career and Technical Education to strengthen and expand the alternative pathways to career readiness currently available for students in the public high schools of the Virgin Islands and to build on the career and technical (vocational) education program that allows high school students to gain exposure in their desired vocational career field, obtain national qualifications, and incentivize qualified local businesses territory-wide to participate. I support career readiness and preparing our students adequately for the workforce, therefore within 33-0267, under section (g), which creates a condition where this program cannot be implemented until the Board promulgates rules and regulations, I recommend for expediency that amending this subsection be amended to remove this condition so the program can start while rules and regulations are being promulgated.

I have also approved Bill No. 33-0272, an Act amending the Virgin Islands Code title 30, chapter 1, subchapter I relating to public utilities adding section 1a to enact the Virgin Islands Ratepayers' Bill of Rights; amending section 23 relating to powers of the Public Services Commission, adding subsection (c) to authorize the Public Services Commission ("PSC") to resolve ratepayers' complaints and amending chapter 5, subchapter II, section 105 relating to powers of the Virgin Islands Water and Power Authority ("VIWAPA") to require the VIWAPA to comply with the Virgin Islands Ratepayers' Bill of Rights. Although I, the PSC, and VIWAPA all support this Bill, there are numerous clauses that are duplicative and burdensome, and not to mention costly to the VIWAPA and the PSC. Multiple requests for amendments were submitted to the Legislature by the PSC and VIWAPA and should still be considered for future revisions if this Legislature really intends on improving the process.

I am pleased to sign into law Bill No. 33-0299, an Act amending title 29 of the Virgin Islands Code, chapter 19, section 1007 relating to the powers of the Enterprise Zone Commission, to expand its authority; amending section 116 to designate the South Shore of St. Croix as an Enterprise Trade Zone; and adding subchapter IIIA to govern the Virgin Islands South Shore Trade Zone. As this area also portends to be included as a Qualified Opportunity Zone, it holds much promise for investment and manufacturing/industrial development.

Unfortunately, I must veto Bill No. 33-0316, an Act providing Emergency Family Leave. During our now fragile economy, this Bill would be the death knell of our private business sector. Most of our private business have less than 10 employees and this requirement would be burdensome to them. As to the addition of Family Leave, which is already covered by the federal law under the Family First Coronavirus Response Act (FFCVA), the current bill extends beyond that necessary or sustainable by any business without providing any financial relief to the business sector. We cannot cripple our economy any further but must find viable solutions and programs for the public.

I have approved Bill No. 33-0322, an Act conditionally rezoning Plot No. 102 and Plot No. 103 Estate Peter's Rest, Christiansted, St. Croix from R-2 (Residential-Low Density-One and Two Family) to B3 (Business Scattered) and Bill No. 33-0334, an Act approving a Planned Area Development for 41,72 acres on Lovango Cay (eastern portion), No. 21 Cruz Bay Quarter, St. John, Virgin Islands and amending Official Zoning Map OIIZ-1 to allow for a Planned Area Development in the R-1 (Low Density) Zoning District. I am pleased to support business development in the Territory and wish these applicants success.

I have approved Bill No. 33-0325, an Act amending title 23 Virgin Islands Code, chapter 10, subchapter I relating to emergencies and major disasters by adding a section 1017 to prohibit unconscionable pricing of goods and services during a declaration of a state

of emergency. There are several clarifications needed by amendment to the Act which the Department of Licensing and Consumer Affairs and the Department of Justice will take up with the sponsor.

I have approved Bill No. 33-0347, an Act amending title 17 Virgin Islands Code, chapter 15, section 190dd to provide scholarship benefits for persons receiving home instruction. I commend all efforts that allow our students more aid especially in this time of emergency due to Covid-19, all schools must be considered under these circumstances, and this Bill ensures that students attending certified home schooling also receive Higher Education Scholarships.

Unfortunately, although I support the intent of the Bill, I must veto Bill No. 33-0348, an Act amending Title 27 Virgin Islands Code, chapter 1, subchapter I relating to licensing of medical professionals to provide for a two-year licensure period; amending subchapter IIb to repeal provisions that appear in subchapter I and provisions that have become obsolete; and amending subchapter IIb, section 50i to allow physician assistants to prescribe, dispense, and administer Schedule II through V narcotic drugs and non-narcotic drugs to the extent delegated by a physician. The changes under Section 1 that this Bill allows for will delete an entire subchapter of the Code taking away many of the licensing rights, powers, and duties for practitioners and the board of medical professionals. By deleting a whole section of the Code without providing any alternative sections, this Bill and the Legislature's action negatively affects the operation of the entire medical profession. Section 1 (b) [on pg. 2] states "subchapter II is stricken in its entirety". This subchapter consists of all of the following sections which this Bill would have removed:

- [§ 31. Unlawful practice of medicine, surgery, osteopathy, optometry, naturopathy and podiatry](#)
- [§ 32. License required](#)
- [§ 33. Powers and duties of Board](#)
- [§ 34. Application for license: qualifications](#)
- [§ 35. Examinations](#)
- [§ 36. Issuance of licenses by Commissioner of Health for Radiological Technologists](#)
- [§ 37. Fees for examination and license certificate](#)
- [§ 38. Repealed. Dec. 28, 1988, No. 5402. § 4\(d\), Sess. L. 1988, p. 389.](#)
- [§ 38a. Issuance of licenses by Board](#)
- [§ 38b. Institutional licenses](#)
- [§ 38c. Temporary and special licenses](#)
- [§ 38d. Mandatory continuing medical education](#)
- [§ 38e. Status of foreign medical graduates](#)
- [§ 38f. Requirements for Government physicians](#)
- [§ 39. Registration of licenses: annual fees: revocation or suspension](#)
- [§ 40. Exemptions](#)
- [§ 41. Penalties](#)

o § 42. Immunity in emergency

Therefore, I must veto this Bill and respectfully urge the Legislature to be cognizant of the consequences to these professionals for its actions when proposing to delete whole chapters of the law without reason or substitution.

I am vetoing Bill No. 33-0370, an Act appropriating \$800,000 to the Virgin Islands Bureau of Motor Vehicles to renovate a building located at #100 Crown Bay, St. Thomas, Virgin Islands, as the Bureau has already been allocated funding by the Federal Emergency Management Agency for the repairs incurred from Hurricanes Irma and Maria.

I have approved Bill No. 33-0375, an Act appropriating \$15,000,000 from the General Fund to the Waste Management Authority to pay outstanding debts to the waste haulers and landfill operators.

I have exercised my line item veto power granted pursuant to Section 9(b) of the Revised Organic Act of the Virgin Islands of 1954, as amended, in approving Bill No. 33-0410, an Act providing for the disbursement of monies to the Virgin Islands Economic Development Authority to establish the Small Business Relief Grant Program and the COVID-19 Disaster Loan Program; providing for the disbursement of \$2,000,000 from the St. Croix Capital Improvement Fund to the Virgin Islands Economic Development Authority Enterprise Zone Commission for the construction of a state-of-the-art, certified, clean kitchen facility, with storage and classrooms space; and providing for other related purposes. The financial relief portions of the Bill are to be funded from the *federal* COVID CARES Funds received by the Government of the VI via the Department of Finance. There are several problems with the appropriation of these funds. First, the CARES Funds are already fully appropriated to other causes that qualify under the guidelines established by the US Dept. of Treasury and hence there are no more funds available for this purpose. Second, the CARES Funds are *federal* program funds and are administered by the executive branch through the Department of Finance and the Office of Management and Budget pursuant to guidelines established by the US Department of the Treasury. These agencies are further responsible for accounting for the use of the CARES Act funds to the federal government. There is no authority for the Legislature to appropriate or delegate the use of these funds in Section 8(a) of the Revised Organic of 1954 (48 U.S.C.S. § 1541 et seq.) ("Revised Organic Act").

Hence, as admirable as the purposes of the Bill may be, there is neither sufficient funding or authority for the Legislature to so appropriate.

Bill No. 33-0415, an Act to authorize the Commissioner of Public Works to accept the residential roads of Estate LaReine, all the roads in Plots No. 148 through Plot No.

195 Estate St. George Villas, and all the roads in Estate Bugby Hole, on the island of St. Croix, into the public roadway system and to utilize the St. Croix Capital Improvement Fund to repair the residential roads in Estate LaReine, has also been approved.

I have vetoed Bill No. 33-0416, an Act appropriating up to \$3 million from the Cares Act to the Department of Labor in fiscal year ending September 30, 2021. Notwithstanding, I have instructed the Director of the Office of Management and Budget ("OMB") to provide \$3 million of the funds received through the Cares Act to the Department of Labor to fulfill local match obligations in order for qualified persons to receive additional unemployment benefits of \$100 a week for four weeks. As the Director of OMB and the Office of Disaster Recovery manage disaster funds, a legislative resolution should have been sent instead but the intent is appreciated.

Although I have approved Bill No. 33-0418, an Act providing for the remittance a portion of the revenues realized in excess of the funds appropriated by the Legislature of the Virgin Islands from General Fund for the operation of the Government of the Virgin Islands in the fiscal year ending September 30, 2020 and 2021, to the Government Employees Retirement System ("GERS") to be used exclusively for retirement annuity payments for the fiscal year ending September 30, 2021, I must note that the Government of the Virgin Islands is currently involved in active litigation with GERS. Due to this litigation, all appropriations by the Legislature for this purpose should be made to a specific set aside fund for the benefit of the GERS to be disbursed as directed by the Court and not made directly to the GERS.

Although I support the intent of Bill No. 33-0420, an Act amending title 29, chapter 10, section 543 relating to the powers of the Virgin Islands Port Authority to authorize the Authority establish its own self-insurance or captive insurance program to cover and manage certain risks, I have no choice but to veto the Bill. First, the amendment proposed in Section of the Bill does not reference what section of the Code it is amending. By implication, it should be amending Title 29 VIC Chapter 10, Section 543. However the reference to Section 543 is missing. Second, the reference in the proposed insertion of a new (16) is in error as the VIPA does not qualify for the Commercial Self-Insurance Fund program as a government entity and is only one party. The Self-Insurance Fund program requires a group of members. Third, VIPA cannot qualify for the local captive insurance program as that program requires the insured risk to be located outside the USVI. Clearly, all of VIPAs assets and risks are located in the USVI. Fourth, VIPA presented to the Legislature a revised Bill with the approval of the Division of Banking and Insurance that would have created a new subchapter to Title 29 that would have qualified VIPA for a governmental agency Self-Insurance Fund program but that revised Bill was not substituted for the present Bill as requested.

Finally, I have also signed into law Bill No. 33-0423, the Act amending the Virgin

Islands Code relating to the Virgin Islands Compensation Commission, to restrict the Compensation Commission from reducing Senatorial salaries and other expenses below the level existing at the time of the determination, and providing for approval of the Compensation Commission's recommendations by default for the Legislature's nonaction; amending title 2, section 71 to sever senators' salary from that of the lowest annual compensation of the officers itemized in 3 V.I.C. § 29; and providing for the interim retention of the existing salary for members of the Legislature of \$85,000. I must remind the Legislature that Section 20 of the Revised Organic of 1954, as amended, requires the salaries and travel allowances of the members of the Legislature to be paid at rates that are prescribed by the laws of the Virgin Islands. As such, if the recommendations of the Virgin Islands Compensation Commission are approved by "nonaction" of the Legislature, subsequent legislative action will be necessary to gain executive branch approval of such rates by forwarding the decision of the Legislature to the Governor and budget such rates prior to any payment to members of the Legislature.

Please note that I have previously returned to the Legislature Bill Nos. 33-0269 and 33-0358 for corrective actions that prevent me from considering those Bills.

I must also bring to your attention that Bill No. 33-0043 was erroneously sent to me for action with the transmittal of October 15, 2020, from the Legislative Secretary. The record reflects that Bill No. 33-0043 was already approved and enacted by me as Act No. 8185 on July 20, 2019, after this Bill was passed by the Thirty-Third Legislature on June 25, 2019. (See the copy of Act No. 8185 attached for your convenience). Bill No. 33-0043, now Act No. 8185, is the Act amending title 27, chapter 9 of the Virgin Islands Code by adding a section 305h providing for a ban on the retail sale or offer for sale, and the distribution or importation for retail purposes of topical sunscreen products containing oxybenzone and octinoxate.

I thank you and the members of the Thirty-Third Legislature for your efforts and trust that Bill No. 33-0269 and Bill No. 33-0358 will be passed correctly and expeditiously at the next Session of the Thirty Third Legislature.

Sincerely,



Albert Bryan Jr.
Governor

Enclosures

cc: Senators of the Thirty-Third Legislature.

ACT NO. 8185

BILL NO. 33-0043

THIRTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2019

An Act amending title 27, chapter 9 of the Virgin Islands Code by adding a section 305h providing for a ban on the retail sale or offer for sale, and the distribution or importation for retail purposes of topical sunscreen products containing oxybenzone and octinoxate

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WHEREAS, the Legislature of the Virgin Islands finds that three chemicals, oxybenzone, octocrylene and octinoxate, contained in many sunscreen and personal-care products, have significant harmful impacts on the Virgin Islands' marine environment and ecosystem, including coral reefs that protect the Virgin Islands' shoreline;

WHEREAS, oxybenzone, octocrylene and octinoxate cause mortality in developing coral, increase coral bleaching that indicates extreme stress, even at temperatures below 87.8 degrees Fahrenheit, and causes genetic damage to coral and other marine organisms;

WHEREAS, these chemicals have also been shown to inhibit recruitment of new corals and degrade corals' resiliency and ability to adjust to climate change factors;

WHEREAS, oxybenzone, octocrylene and octinoxate appear to increase the probability of endocrine disruption and scientific studies show that these chemicals can induce feminization in adult male fish and increase reproductive diseases in marine invertebrate species, e.g., sea urchins; vertebrate species, e.g., fish such as wrasses, eels, and parrotfish; and mammals, in species similar to the bottlenose dolphin;

WHEREAS, the chemicals have also been found to cause deformities in the embryonic development of fish, sea urchins, and coral, and induce neurological behavioral changes in fish that threaten the continuity of fish populations;

WHEREAS, species that are listed in the federal Endangered Species Act and inhabit Virgin Islands' waters, including sea turtle species, coral species, marine mammals, and migratory birds, may be exposed to oxybenzone, octocrylene and octinoxate contamination;

WHEREAS, elevated levels of oxybenzone, octocrylene and octinoxate have been detected at popular swimming beaches and critical coral reef areas throughout the Territory, including Trunk Bay, Hawksnest Bay, Rainbow Beach, and Buck Island;

WHEREAS, the Legislature further finds that environmental contamination of oxybenzone, octocrylene and octinoxate persists in the Virgin Islands' coastal waters, as the contamination is constantly refreshed and renewed daily by swimmers and beachgoers, and swimming and other water activities cause these chemicals to pollute Virgin Islands' waters, unless they are actively mitigated;

WHEREAS, sewage contamination of coastal waters is another source of oxybenzone and octinoxate environmental contamination, as these chemicals are not removed by the Territory's wastewater treatment system and oxybenzone and octinoxate are also discharged to the ground and surface waters from functioning septic systems, leaking septic systems, and municipal wastewater collection and treatment systems; and

WHEREAS, the purpose of this legislation is to seek to preserve marine ecosystems, including coral reefs, by, beginning March 30, 2020, restricting the sale, offer for sale, and distribution in the Virgin Islands of topical sunscreen products containing oxybenzone, octocrylene and octinoxate to licensed pharmacies or drug stores to be dispensed by prescription only from a licensed healthcare provider; Now, Therefore,

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 27, chapter 9 of the Virgin Islands Code is amended by adding a new section 305h to read as follows:

"§ 305h. Prohibition on the sale, importation and distribution of sunscreen and personal-care products containing oxybenzone or octinoxate

(a) For purposes of this section:

(1) "oxybenzone" means the chemical (2-Hydroxy-4-methoxyphenyl)-phenylmethanone under the International Union of Pure and Applied Chemistry Chemical Nomenclature Registry, that has a Chemical Abstract Service Registry Number 131-57-7, and whose synonyms include benzophenone-3, Escalol 567, Eusolex 4360, KAHSscreen BP-3, 4-methoxy-2-hydroxybenzophenone and Milestab 9, and is intended to be used as protection against ultraviolet light radiation with a spectrum wavelength from 400 nanometers to 280 nanometers in an epidermal sunscreen-protection personal-care product.

(2) "octinoxate" means the chemical ((RS)-2-Ethylhexyl(2E)-3-(4-methoxyphenyl)) prop-2-enoate under the International Union of Pure and Applied Chemistry Chemical Nomenclature Registry, that has a Chemical Abstract Service Registry Number 5466-77-3, and whose synonyms include ethylhexyl methoxycinnamate, octyl methoxycinnamate, Eusolex 2292, NSC 26466, Parsol MOX, Parsol MCX and Uvinul MC80, and is intended to be used as protection against ultraviolet light radiation with a spectrum wavelength from 400 nanometers to 280 nanometers in an epidermal sunscreen-protection personal-care product.

(3) "Octocrylene" means the chemical 2-ethylhexyl 2-cyano-3,3-diphenyl-2-propenoate under the International Union of Pure and Applied Chemistry Chemical Nomenclature Registry, that has a Chemical Abstract Service Registry Number 6197-30-4, and whose synonyms include octocrylene, octocrylene, Uvinul N-539, 2-ethylhexyl 2-cyano-3,3-diphenylacrylate, Octocrileno, Parasol 340, UV Absorber-3, Escalol 597, Eusolex OCR, Neo Heliopan 303, Sanduvor 3039, Seesorb 502, and Viosorb 930, and is intended to be used as protection against ultraviolet light radiation with a maximum ultraviolet spectrum wavelength at 303 nanometers in an epidermal sunscreen-protection personal care product.

(4) "Prescription" means an order for medication that is dispensed to or for an ultimate user. Prescription does not include an order for medication that is dispensed for immediate administration to the ultimate user, such as a chart order to dispense a drug to a bed patient for immediate administration in hospital but includes an order for sunscreen.

(5) "Sunscreen" means a product marketed or intended for topical use to prevent sunburn. Sunscreen does not include products marketed or intended for use as a cosmetic, as defined in section 301(i) of the Federal Food, Drug & Cosmetic Act, title 21, chapter 9, subchapter II of the United States Code, for use on the face.

(b) Unless prescribed by a licensed healthcare provider and imported, distributed and offered for sale by a licensed pharmacy or drug store as defined in 27 V.I.C. § 141, it is unlawful to:

(1) sell, offer for sale, or distribute, after March 30, 2020, in the Virgin Islands any sunscreen product that contains oxybenzone, octocrylene or octinoxate including, but not limited to, lotions, pastes, balms, serums, or ointments;

(2) import, after September 30, 2019, into the Virgin Islands for sale any sunscreen product that contains oxybenzone, octocrylene or octinoxate including, but not limited to, lotions, pastes, balms, serums, or ointments; or

(3) use or possess, after March 30, 2020, while in the Virgin Islands, any sunscreen products that contains oxybenzone, octocrylene or octinoxate including, but not limited to, lotions, pastes, balms, serums, or ointments.

(c) After notice and an opportunity to be heard, the Department of Licensing and Consumer Affairs shall fine any person or entity found to have violated subsection (a), (b), or (c) of this section \$1,000 for the first offense and \$2,000 for each subsequent offense.


SECTION 2. All persons, or entities that sell, distribute, or that are otherwise in possession of products containing oxybenzone, octocrylene, or octinoxate must dispose of them pursuant to the Virgin Islands Waste Management Authority hazardous waste collection system process not later than March 30, 2020.

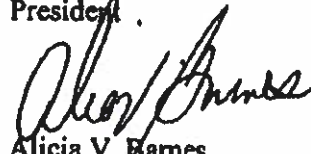
SECTION 3. Upon the effective date of this Act, it shall be unlawful for any person or entity to place new orders for any sun screen product containing oxybenzone, octocrylene, or octinoxate to be offered for sale in the Virgin Islands.

Thus passed by the Legislature of the Virgin Islands on June 25, 2019.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 5th day of July, A.D., 2019.




Novelle E. Francis, Jr.
President


Alicia V. Barnes
Legislative Secretary



Bill No. 33-0043 is hereby approved.

Witness my hand and the seal of the
Government of the United States
Virgin Islands at Charlotte Amalie,
St. Thomas, this 2nd day of July, 2019 A.D.


Albert Bryan, Jr.
Governor

COMMITTEE ON HEALTH, HOSPITALS
AND HUMAN SERVICES

09/15/2020-REPORTED OUT TO THE FLOOR

07/22/2020-REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

BILL NO. 33-0348

Thirty-Third Legislature of the Virgin Islands

July 14, 2020

An act amending title 27 Virgin Islands Code, chapter 1, subchapter I relating to licensing of medical professionals to provide for a two-year licensure period amending subchapter IIb to repeal provisions that appear in subchapter I and provisions that have become obsolete; and amending subchapter IIb, section 50i to allow physician assistants to prescribe, dispense, and administer Schedule II through V narcotic drugs and non-narcotic drugs to the extent delegated by a physician

PROPOSED BY: Senator Janelle K. Sarauw

1 *Be it enacted by the Legislature of the Virgin Islands:*

2 **SECTION 1.** Title 27 Virgin Islands Code, chapter 1, is amended as follows:

3 (a) Subchapter I:

4 (1) In section 5(i), in the first sentence, by striking "must" and inserting "may
5 be required to".

6 (2) In section 5 by adding a subsection (m) that reads as follows:

EXHIBIT C

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(3) In section 7 by striking subsections (b) and (c) in their entirety; and

(4) By adding a section 20 that read as follows:

“§ 20. No physician may be employed or placed on contract with the Government of the Virgin Islands unless the physician is board-eligible or board-certified. This section does not apply to physicians employed with or under contract with the Government of the Virgin Islands before the Effective date of this section.”

(b) Subchapter II is stricken in its entirety.

(c) Subchapter 11b, section 50i is amended as follows:

(1) In subsection (a) by adding the following sentence at the end of the subsection: “These drugs include non-narcotic drugs and Schedule II through V narcotic drugs in any outpatient or inpatient setting.”

(2) Subsection (b) is stricken.

(3) Subsection (c) is amended by striking "and the Virgin Islands Bureau of Narcotics and Dangerous Drug Control."

BILL SUMMARY

This bill amends title 27 Virgin Islands Code, chapter 1, subchapter II to strike provisions that appear in subchapter I and provisions that have become obsolete. It also amends subchapter IIb, section 50i to allow physician assistants to prescribe, dispense, and administer Schedule II through V narcotic drugs and non-narcotic drugs to the extent delegated by a physician.

Section 1 (b) [on pg. 2] of Bill 33-0348 states "subchapter II is stricken in its entirety". This strikes all of sections 31-42 without replacing, re-ordering, amending, or adding anything to substitute for the sections deleted, and does the following to the subchapters of Medicine Professions and Occupation under Title 27:

- TITLE TWENTY-SEVEN Professions and Occupations
 - Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery (Subchs. I — XI)
 - Subchapter I. Board of Medical Examiners (§§ 1 — 19)
 - ~~Subchapter II. Medicine and Related Professions (§§ 31 — 42)~~

If the Bill intends to keep Subchapter I and delete Subchapter II because some of the provisions in Subchapter II are repetitive and are already included in Subchapter I, it is important to note that not all of Subchapter I is inclusive of Subchapter II. A side-by-side comparison of the two subchapters indicates that Subchapter I does not include sections 36, 38d, 41, and 42, so although some of Subchapter II can be deleted with reasoning included that indicates the deleted sections already exist in Subchapter 1, the sections that are not included in Subchapter I need to be moved from Subchapter II to Subchapter I before Subchapter II is deleted in its entirety. If this does not occur these sections, which are still relevant and used, will no longer exist.

SUBCHAPTER II

- § 31. Unlawful practice of medicine, surgery, osteopathy, optometry, naturopathy and podiatry (exists in Subchapter I as §16)
- § 32. License required (exists in Subchapter I as §5)
- § 33. Powers and duties of Board (exists in Subchapter I as §2-3)
- § 34. Application for license; qualifications (exists in Subchapter I as §5)
- § 35. Examinations (exists in Subchapter I as §4)
- § 36. Issuance of licenses by Commissioner of Health for Radiological Technologists
- § 37. Fees for examination and license certificate (exists in Subchapter I as §18)
- § 38. Repealed. Dec. 28, 1988, No. 5402, § 4(d), Sess. L. 1988, p. 389.
- § 38a. Issuance of licenses by Board (exists in Subchapter I as §5)
- § 38b. Institutional licenses (exists in Subchapter I as §7)
- § 38c. Temporary and special licenses (exists in Subchapter I as §7)
- § 38d. Mandatory continuing medical education
- § 38e. Status of foreign medical graduates (exists in Subchapter I as §6)
- § 38f. Requirements for Government physicians (in Bill)
- § 39. Registration of licenses; annual fees; revocation or suspension (exists in Subchapter I as §8)
- § 40. Exemptions (exists in Subchapter I as §15)
- § 41. Penalties
- § 42. Immunity in emergency

SUBCHAPTER I

- § 1. Definitions
- § 2. Statement of purpose
- § 3. The Virgin Islands Board of Medical Examiners
- § 4. Examinations
- § 5. Requirements for full licensure
- § 6. Graduates of foreign medical schools
- § 7. Institutional, special restricted and special unrestricted licensure
- § 8. Disciplinary action against licensees
- § 9. Procedures for enforcement of disciplinary action
- § 10. Impaired physicians
- § 11. Dyscompetent physicians
- § 12. Compulsory reporting and investigation
- § 13. Protected action and communication
- § 14. Periodic renewal
- § 15. Exemptions
- § 16. Unlawful practice of medicine; violations and penalties
- § 17. Rules and regulations
- § 18. Funding and fees
- § 19. Truth in health care professional services

Redline of the entire bill as written:

Redline of changes

SECTION 1. Title 27 Virgin Islands Code Chapter 1, Subchapter I. Board of Medical Examiners

§ 5. Requirements for full licensure

(i) The applicant ~~must~~ **may be required to** make a personal appearance before the Board or a representative thereof for interview, examination or review of credentials. At the discretion of the Board, the applicant may be required to present his original medical education credentials for inspection at the time of personal appearance.

(m) The Board shall issue a license for the practice of medicine or related medical professions for a two-year period

§ 7. Institutional, special restricted and special unrestricted licensure

(a) The Board may establish regulations for issuance of an "Institutional Medical License". Such a license will:

(1) be granted to an eligible Government physician in the employ of, under contract with the Government or public hospitals or any Federally Qualified Community Health Center (FQHC). If the applicant has an unrestricted license in any United States jurisdiction, no Special Purpose Examination of the Federation of State Medical Boards of the United States (SPEX) or other examination is required.

(2) authorize a physician to practice only in a Government hospital, other Government health facility or any Federally Qualified Health Center (FQHC) under the direct supervision of the Medical Director of such hospital or facility or his designee who shall be a permanently licensed physician; and

(3) not authorize a physician to provide for private patient care for a fee.

~~(b) The Board may establish regulations for issuance of a Special Restricted Medical License:~~

~~(1) The Special Restricted Medical License must:~~

~~(A) be granted only to an applicant demonstrably qualified for a full and unrestricted medical license under the requirements set by the Medical Practice Act and the regulations of the Board;~~

~~(B) be given to an applicant employed by either of the Government hospitals, the Department of Health, any Federally Qualified Community Health Center (FQHC), or any private medical practice; and~~

~~(C) automatically terminate after 5 years, but is renewable upon the payment of the fee.~~

~~(2) Applications for a special restricted license for persons in the employ of a private medical practice must be accompanied by written justification to the Board, by the local licensed physician, explaining the need for the physician's specialty or services within the medical practice.~~

~~(3) All successful applicants shall work under the supervision of a licensed physician.~~

~~(4) A physician granted a special restricted license must agree to accept Medicare and Medicaid patients and must submit written verification to the Board.~~

~~(5) The application fee for a special restricted license is \$1,000.00.~~

~~(c) Where there is an established and documented need for medical or surgical specialties, as determined by the Medical Directors of the hospitals or the Commissioner of Health, the Board, in lieu of the exam requirement may issue a "Special Unrestricted License" (hereinafter SUL) to practice medicine and to establish regulations for issuance. The SUL will be renewable yearly for 5 years. The Applicants must:~~

~~(1) have completed an accredited residency program in their specialty that is approved by the American Medical Association;~~

~~(2) be Board Eligible or Board Certified in his specialty;~~

~~(3) hold a full and unrestricted license to practice in at least one other United States jurisdiction;~~

~~(4) not have had previous disciplinary or other action taken against him or her by any state or jurisdiction;~~

~~(5) fulfill all of the other requirements for licensure in the Virgin Islands.~~

~~At the completion of the five-year commitment, the SUL will be transformed into a permanent license and the examination requirement shall be waived.~~

The SUL will be revoked if the physician is terminated by, or resigns from, the Government or any Federally Qualified Community Health Center (FQHC) before the five-year period expires.

§ 20 [No title given]

No physician may be employed or placed on contract with the Government of the Virgin Islands unless the physician is board-eligible or board-certified. This section does not apply to physicians employed with or under contract with the Government of the Virgin Islands before the effective date of this section.

SECTION 1. Title 27 Virgin Islands Code Chapter 1, Subchapter II. Medicine and Related Professions

- Section 1 (b) [on pg. 2] stated "subchapter II is stricken in its entirety". This subchapter consists of all of the following sections which this bill will strike:

- ~~§ 31. Unlawful practice of medicine, surgery, osteopathy, optometry, naturopathy and podiatry~~
- ~~§ 32. License required~~
- ~~§ 33. Powers and duties of Board~~
- ~~§ 34. Application for license; qualifications~~
- ~~§ 35. Examinations~~
- ~~§ 36. Issuance of licenses by Commissioner of Health for Radiological Technologists~~
- ~~§ 37. Fees for examination and license certificate~~
- ~~§ 38. Repealed. Dec. 28, 1988, No. 5402, § 4(d), Sess. L. 1988, p. 389.~~
- ~~§ 38a. Issuance of licenses by Board~~
- ~~§ 38b. Institutional licenses~~
- ~~§ 38c. Temporary and special licenses~~
- ~~§ 38d. Mandatory continuing medical education~~
- ~~§ 38e. Status of foreign medical graduates~~
- ~~§ 38f. Requirements for Government physicians~~
- ~~§ 39. Registration of licenses; annual fees; revocation or suspension~~
- ~~§ 40. Exemptions~~
- ~~§ 41. Penalties~~
- ~~§ 42. Immunity in emergency~~

SECTION 1. Title 27 Virgin Islands Code Chapter 1, Subchapter IIb. Physicians Assistant Licensing

§ 50i. Prescriptive authority

(a) A physician assistant may prescribe, dispense, and administer drugs and medical devices to the extent delegated by the supervising physician. **These drugs include non-narcotic drugs and Schedule II through V narcotic drugs in any outpatient or inpatient setting.**

~~**(b)** Prescribing of drugs to patients seen in the emergency department of a Virgin Islands Government hospital may include an up to 72-hour supply of Schedule III through V substances, as described in title 29, chapter 29 of the Virgin Islands Code, the Virgin Islands Controlled Substances Law, and prescribing and dispensing may include all other legend drugs. A physician assistant may only prescribe non-narcotic drugs for a period of up to 30 days. Physician assistants may not prescribe any refill for any medication.~~

(c) All dispensing activities of physician assistants must:

(1) Comply with appropriate federal and territorial regulations; and

(2) Occur when pharmacy services are not reasonably available, when it is in the best interest of the patient, or when it is an emergency.

(d) Physician assistants may request, receive, and sign for professional samples and may distribute professional samples to patients.

(e) Physician assistants authorized to prescribe controlled substances must register with the United States Drug Enforcement Administration and the Virgin Islands Bureau of Narcotics and Dangerous Drug Control.

See Amended Bill Recommendation (Suggested Amended Bill Attached Separately):

- *Before deleting Subchapter II, relocate sections 36, 38d, 41, and 42, of Subchapter II to Subchapter I and renumber and amend Subchapter I so it incorporates all of Subchapter II.*
- *Also amend Podiatrist and Naturopathic requirements, so that these two professions can have a board with their limited licensed numbers (less than 3 total)*

See Redline and Bill Recommendations (Attached Separately)

TITLE THREE Executive (Chs. 1 — 42)

- [TITLE THREE Executive](#)
- Chapter 1. Governor (§§ 1 — 27h)
- Chapter 2. Office of Libraries and Archives (§§ 28 — 28h)
- Chapter 2A. Executive Succession (§ 29)
- Chapter 3. Lieutenant Governor (§§ 31 — 47)
- Chapter 5. Departments and Agencies Generally (Subchs. I — II)
- Chapter 7. Department of Education (§§ 91 — 100)
- Chapter 8. Department of Justice (§§ 111 — 126)
- Chapter 9. Department of Public Works (§§ 131 — 141)
- Chapter 11. Department of Finance (§§ 171 — 180)
- Chapter 13. Department of Property and Procurement (§§ 211 — 221)
- Chapter 14. Bureau of Motor Vehicles (§§ 227 — 233)
- Chapter 15. U.S. Virgin Islands Police Department (V.I.P.D.) (§§ 251 — 263)
- Chapter 16. Department of Licensing and Consumer Affairs (§§ 270 — 277)
- Chapter 17. Department of Agriculture (§§ 290 — 293)
- Chapter 18. Department of Sports, Parks and Recreation (Subchs. I — II)
- Chapter 19. Department of Tourism (§§ 330 — 340)
- Chapter 20. Department of Labor (§§ 351 — 365)
- Chapter 21. Bureau of Corrections (§§ 371 — 375)
- Chapter 22. Department of Planning and Natural Resources (§§ 400 — 409)
- Chapter 23. Department of Health (§§ 411 — 423)
 - [§ 411. Continuation of Department](#)
 - [§ 412. Commissioner; appointment; tenure; administration](#)
 - [§ 413. Assistant Commissioner and deputies; appointment; tenure; functions](#)
 - [§ 414. Divisions and bureaus; heads; functions](#)
 - [§ 415. Boards of Examiners for Medicine, Surgery, Dentistry, Pharmacy, Nursing, Optometry, Physical Therapy, Chiropractic and Podiatry](#)
 - [§ 415a. Board of Examiners for the Practice of Veterinary Medicine \[Repealed\]](#)
 - [§§ 416, 417. Repealed. June 24, 1987, No. 5265, § 1304\(f\), Sess. L. 1987, p. 103.](#)
 - [§ 418. Powers and duties of Department; budget](#)
 - [§ 418a. Psychological tests](#)
 - [§ 419. Rules and regulations of Commissioner](#)
 - [§§ 420–422. Repealed. Nov. 15, 1971, No. 3153, § 1, Sess. L. 1971, p. 389.](#)
 - [§ 423. Repealed. June 24, 1987, No. 5265, § 1304\(g\), Sess. L. 1987, p. 103.](#)

TITLE TWENTY-SEVEN Professions and Occupations (Chs. 1 — 20)

- Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery (Subchs. I — ~~XI~~ [XII](#))
 - [Subchapter I. Board of Medical Examiners \(§§ 1 — ~~19~~ \[23\]\(#\)\)](#)
 - [§ 1. Definitions](#)
 - [§ 2. Statement of purpose](#)
 - [§ 3. The Virgin Islands Board of Medical Examiners](#)
 - [§ 4. Examinations](#)
 - [§ 5. Requirements for full licensure](#)
 - [§ 6. Graduates of foreign medical schools](#)
 - [§ 7. Institutional, special restricted and special unrestricted licensure](#)
 - [§ 8. Disciplinary action against licensees](#)
 - [§ 9. Procedures for enforcement of disciplinary action](#)
 - [§ 10. Impaired physicians](#)
 - [§ 11. Dyscompetent physicians](#)

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- [§ 12. Compulsory reporting and investigation](#)
- [§ 13. Protected action and communication](#)
- [§ 14. Periodic renewal](#)
- [§ 15. Exemptions](#)
- [§ 16. Unlawful practice of medicine; violations and penalties](#)
- [§ 17. Rules and regulations](#)
- [§ 18. Funding and fees](#)
- [§ 19. Truth in health care professional services](#)
- ~~§ 36~~ [§ 20. Issuance of licenses by Commissioner of Health for Radiological Technologists](#)
- ~~§ 36d~~ [§ 21. Mandatory continuing medical education](#)
- ~~§ 41~~ [§ 22. Penalties](#)
- ~~§ 42~~ [§ 23. Immunity in emergency](#)
- ~~(§§ 31 — 42)~~ **REPEALED BY OVERRIDE OF BILL NO. 33-0348**
- ~~§ 31. Unlawful practice of medicine, surgery, osteopathy, optometry, naturopathy and podiatry~~
- ~~§ 32. License required~~
- ~~§ 33. Powers and duties of Board~~
- ~~§ 34. Application for license; qualifications~~
- ~~§ 35. Examinations~~
- ~~§ 36. Issuance of licenses by Commissioner of Health for Radiological Technologists~~
- ~~§ 37. Fees for examination and license certificate~~
- ~~§ 38. Repealed Dec. 28, 1988, No. 5402, § 4(d), Sess. L 1988, p. 389.~~
- ~~§ 38a. Issuance of licenses by Board~~
- ~~§ 38b. Institutional licenses~~
- ~~§ 38c. Temporary and special licenses~~
- ~~§ 38d. Mandatory continuing medical education~~
- ~~§ 38e. Status of foreign medical graduates~~
- ~~§ 38f. Requirements for Government physicians~~
- ~~§ 39. Registration of licenses; annual fees; revocation or suspension~~
- ~~§ 40. Exemptions~~
- ~~§ 41. Penalties~~
- ~~§ 42. Immunity in emergency~~
- Subchapter IIa. Telemedicine (§§ 45a — 45d)
- Subchapter IIb. Physician Assistant Licensing (§§ 50a — 50t)
- Subchapter III. Board of Dental Examiners — Dental Healthcare Act (§§ 61 — 77)
- Subchapter IV. Nursing (§§ 91 — 101)
- Subchapter V. Advanced Practice Registered Nurse (§ 101a)
- Subchapter VI. Pharmacy (§§ 141 — 155)
- Subchapter VII. Optometry (§§ 161 — 161m)
- Subchapter VIII. Physical Therapy (§§ 165 — 165o)
- Subchapter IX. Health Care Provider Malpractice (§§ 166 — 166m)
- Subchapter X. Chiropractic (§§ 167a — 167m)
- ~~Subchapter XI. Podiatry (§§ 168a — 168n)~~
 - ~~§ 168a. Practice of podiatry defined~~
 - ~~§ 168b. Unlawful practice of podiatry~~
 - ~~§ 168c. License required~~
 - ~~§ 168d. Powers and duties of Board~~
 - ~~§ 168e. Quorum; one member as supervisory board~~

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- § 168f. Application for license: qualifications
- ~~§ 168g. Examinations~~
- ~~§ 168h. National and state certificates~~
- ~~§ 168i. Fees for examination and license certificate~~
- ~~§ 168j. Issuance of licenses by Commissioner of Health~~
- ~~§ 168k. Registration of licenses; annual fees; revocation and suspension~~
- § 168l. Penalties
- § 168m. Continuing education requirements
- § 168n. Emergency care of injured persons
- ~~§ 415. Subchapter XII. Boards of Examiners for Medicine, Surgery, Dentistry, Pharmacy, Nursing, Optometry, Physical Therapy, Chiropractic and Podiatry (§ 168o)~~
- Chapter 2. The Practice of Psychology (§§ 169 — 169p)
- Chapter 3. The Practice of Veterinary Medicine in the Virgin Islands (§§ 171 — 189e)
- Chapter 4. Naturopathic Physician Licensing (§§ 190 — 197)
 - § 190. General provisions
 - § 191. Definitions
 - § 192. Licensure required; licensee title used
 - § 193. Board
 - § 194. Naturopathic childbirth specialty certification
 - § 195. Naturopathic acupuncture specialty certification
 - § 196. Licensing
 - § 197. Enforcement

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27 V.I.C. § 36 20

Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020

Virgin Islands Code Annotated > TITLE TWENTY-SEVEN Professions and Occupations (Chs. 1 — 20) > Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery (Subchs. I — XI) > Subchapter II. Medicine and Related Professions (§§ 31 — 42) Board of Medical Examiners (§§ 1 — 23)

§ 2036. Issuance of licenses by Commissioner of Health for Radiological Technologists

The Commissioner of Health, after due consideration that all requirements have been met, shall issue licenses for radiological technologists to each qualifying applicant. A license shall be issued to an individual who: (i) is registered with the American Registry of Radiological Technologists (ARRT); (ii) possesses a valid radiological technologist license from another state or territory of the United States; or (iii) has worked as a radiological technologist domiciled in the Virgin Islands for 10 years under the supervision of a licensed radiologist. All persons working as radiological technologists shall be required to be licensed in the Virgin Islands and are further required to obtain 12 units of continuing education courses every two years in order to maintain licensure.

27 V.I.C. § 38d 21

Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020

Virgin Islands Code Annotated > TITLE TWENTY-SEVEN Professions and Occupations (Chs. 1 — 20) > Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery (Subchs. I — XI) > Subchapter II. Medicine and Related Professions (§§ 31 — 42) Board of Medical Examiners (§§ 1 — 23)

§ 38d. 21 Mandatory continuing medical education

The Board shall require all permanent and institutional licensees to periodically demonstrate their professional competency by completing at least 40 25 hours of continuing medical education each year; provided, that the Board may maintain continuing medical education requirements in such number of hours as may be set by the Board, accept an average of 40 hours, but under no circumstances less than 50 25 hours of continuing medical education each year over a twothree-year period. Criteria for and content of continuing medical education courses shall be approved by the Board, which shall consider equivalent national, state, and territorial educational courses, including those offered by a medical society or a specialty organization, to fulfill the requirements of this section.

27 V.I.C. § 41 22

Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020

Virgin Islands Code Annotated > TITLE TWENTY-SEVEN Professions and Occupations (Chs. 1 — 20) > Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery (Subchs. I — XI) > Subchapter II. Medicine and Related Professions (§§ 31 — 42) Board of Medical Examiners (§§ 1 — 23)

§ 41. 22 Penalties

Whoever practices any system of treatment in the Virgin Islands covered by this subchapter without having first obtained the license prescribed herein, or wilfully violates any of the provisions of this subchapter, or any rules and regulations issued hereunder, shall be fined not more than \$500 or imprisoned not more than six months, or both.

27 V.I.C. § 42 23

Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020

Virgin Islands Code Annotated > TITLE TWENTY-SEVEN Professions and Occupations (Chs. 1 — 20) > Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery (Subchs. I — XI) > Subchapter II. Medicine and Related Professions (§§ 31 — 42) Board of Medical Examiners (§§ 1 — 23)

§ 42. 23 Immunity in emergency

- (a) This section may be cited as "The Good Samaritan Law."
- (b) No person who voluntarily and gratuitously renders emergency assistance to a person in need thereof, shall be liable for civil damages for any personal injuries or property damage which result from acts or omissions by such person in rendering emergency assistance, which may constitute ordinary negligence. Provided, however, That such immunity does not apply to acts or omissions constituting gross, willful or wanton negligence.
- (c) Subsection (a) shall be applicable to all persons, including non-profit groups and the individuals that work in them who voluntarily render counseling, advocacy, support, or other services to people in need thereof, including victims of crimes such as rape, domestic violence, assault, or battery, whether or not it is in an emergency situation.
- (d) Reimbursement of a non-profit group's operating expenses or wages of their volunteers does not render such group or its members ineligible for the immunity granted under this statute by grant or donation, or the payment by FEMA through VITEMA or other governmental agencies during a Declared State of Emergency.

27 V.I.C. § 168c

Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020

Virgin Islands Code Annotated > TITLE TWENTY-SEVEN Professions and Occupations (Chs. 1 — 20) > Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery (Subchs. I — XI) > Subchapter XI. Podiatry (§§ 168a — 168n)

§ 168c. License required

- (a) Any person desiring to practice podiatry in the Virgin Islands shall first obtain a license to do so in accordance with the provisions of this subchapter provided, ~~however, that no applicant for admission to the practice of podiatry shall be examined solely by a member who is a Podiatrist actively engaged in private practice.~~
- (b) A license issued pursuant to this subchapter for the practice of podiatry shall be issued for a period of two years.

27 V.I.C. § 168d

Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020

Virgin Islands Code Annotated > TITLE TWENTY-SEVEN Professions and Occupations (Chs. 1 — 20) > Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery (Subchs. I — XI) > Subchapter XI. Podiatry (§§ 168a — 168n)

§ 168d. Powers and duties of Board

The Board shall administer the provisions of this subchapter, except as otherwise specifically provided, and, without limitation of the generality of the foregoing, shall have the power and duty to:

- (a) Adopt an official seal;
- (b) ~~Recommend the~~ May ~~issuance, suspension, or revocation of~~ licenses under this subchapter;
- (c) Adopt, amend and appeal rules, regulations and bylaws not inconsistent with the provisions of this subchapter, and in accordance with generally accepted podiatry standards relating to the organization of the Board, and the licensing and registration of practitioners under this subchapter, upon finding that such are necessary for the furtherance of the provisions of this subchapter, which rules, regulations or bylaws when approved by the Governor shall be deemed to be part of and of the same effect as this subchapter;
- (d) Employ counsel, subpoena witnesses, and administer oaths;
- (e) Submit to the Governor, through the Commissioner of Health, annual reports ~~containing a summary of its work and other data which the Governor may request.~~

27 V.I.C. § 168e

Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020

Virgin Islands Code Annotated > **TITLE TWENTY-SEVEN Professions and Occupations (Chs. 1 — 20)** > **Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery (Subchs. I — XI)** > **Subchapter XI. Podiatry (§§ 168a — 168n)**

§ 168e. Quorum; one member as supervisory board

Three members ~~of the Board~~ shall constitute a quorum. The chairman or any one member of the Board may constitute a supervisory board for the purpose of examining applicants for admission to practice.

27 V.I.C. § 168f

Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020

Virgin Islands Code Annotated > **TITLE TWENTY-SEVEN Professions and Occupations (Chs. 1 — 20)** > **Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery (Subchs. I — XI)** > **Subchapter XI. Podiatry (§§ 168a — 168n)**

§ 168f. Application for license; qualifications

(a) Applications for license shall be sent to the Board at least six weeks prior to the date of the examination and shall be accompanied by satisfactory proof that the applicant—

- (1) Is twenty-one years of age or over;
- (2) Is of good moral character;
- (3) Is not addicted to intemperate use of alcohol or narcotics;
- (4) Is a graduate of a four-year college of podiatric medicine which has been accredited by the ~~American Council on Podiatry Education of the American Podiatry Association~~ Council on Podiatric Medical Education (CPME);
- (5) ~~must have passed Parts I, II and III of the American Podiatric Medical Licensing Examination (APLME)~~;
- (6) The following are also required of all Podiatrist applicants:
 - Complete a minimum of One year of residency in a of a CPME residency program approved by the board or
 - If it has been four or more years since the completion of that residency program, the podiatrist must show proof of an active license and active practice with no disciplinary actions of podiatric

medicine in another U.S. State or territory jurisdiction for at least two or of the immediately preceding four years, or

- Successful completion of a board approved post graduate program or board approved course within the year preceding the filing of the application or
- 10 years of continuous(consecutive) active license and active practice with no disciplinary actions of podiatric medicine in another U.S. State or territory immediately preceding the submission of the application; and
- Completion of at least the same continuing education requirements during those 10 years as required of podiatric physicians licensed in the U.S. Virgin Islands.

(b) There shall be no minimum residency requirement for persons applying to take the examination.

(c) ~~The residency requirement specified in subsection (b) of this section shall not apply to residents of the Virgin Islands who have been abroad studying or practicing podiatry.~~

(d) This section shall not apply to individuals seeking preceptorship programs, internships and/or residency programs for the purposes of research and/or additional training in the field of podiatric medicine, providing that these individuals are approved by the Board of Podiatry Examiners.

27 V.I.C. § 168g

~~Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020~~

~~Virgin Islands Code Annotated > TITLE TWENTY-SEVEN Professions and Occupations (Chs. 1 — 20) > Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery (Subchs. I — XI) > Subchapter XI. Podiatry (§§ 168a — 168n)~~

§ 168g. Examinations

~~(a) The Board shall hold regular podiatry examinations twice a year in the Virgin Islands pursuant to rules and regulations promulgated by the Board. The examination shall cover all subjects as the Board prescribes, which, in accordance with accepted standards are adequate and sufficient for proper evaluation of an applicant's qualifications to practice podiatric medicine.~~

~~(b) Candidates for admission to practice shall be required to attain an average of 75 percent on each subject examined.~~

27 V.I.C. § 168h

~~Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020~~

~~Virgin Islands Code Annotated > TITLE TWENTY-SEVEN Professions and Occupations (Chs. 1 — 20) > Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery (Subchs. I — XI) > Subchapter XI. Podiatry (§§ 168a — 168n)~~

§ 168h. National and state certificates

~~In determining the qualifications necessary for registration under the provisions of this subchapter, the Board shall not accept national and/or state certificates in lieu of the examination administered by the Board of Examiners for Podiatry in the Virgin Islands. However, where there is a documented need for the specialty or its subspecialties as determined by the Medical Directors of the hospitals or the Commissioner of Health, the Board is authorized to grant without examination a special unrestricted license for a three-year period. A special unrestricted license shall be issued only to a Podiatric physician who has an unrestricted license to practice in the United States, and who has completed an accredited residency program approved by the American Podiatric Medical Association.~~

27 V.I.C. § 168i

Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020

Virgin Islands Code Annotated > ~~TITLE TWENTY-SEVEN Professions and Occupations (Chs. 1—20)~~ > ~~Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery (Subchs. I—XI)~~ > ~~Subchapter XI. Podiatry (§§ 168a—168n)~~

§ 168i. Fees for examination and license certificate

Examination	License Certificate
\$100.00	\$100.00

All fees shall be paid in accordance with regulations issued by the Board as incorporated in its bylaws. Any person upon showing proper justification for being unable to attend the examination or who fails to pass the required examination shall be admitted to reexamination with the payment of a fee of \$100, provided that the fee paid in advance for the prior examination shall not be returned to the applicant.

27 V.I.C. § 168j

Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020

Virgin Islands Code Annotated > ~~TITLE TWENTY-SEVEN Professions and Occupations (Chs. 1—20)~~ > ~~Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery (Subchs. I—XI)~~ > ~~Subchapter XI. Podiatry (§§ 168a—168n)~~

§ 168j. Issuance of licenses by Commissioner of Health

The Board shall report its recommendations with respect to all applications to practice, including the results of all examinations, where such are required, to the Commissioner of Health who upon due consideration having been satisfied feels that all requirements have been met shall issue licenses to each qualifying applicant.

27 V.I.C. § 168k

Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020

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Virgin Islands Code Annotated > TITLE TWENTY-SEVEN Professions and Occupations (Chs. 1 — 20) > Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery (Subchs. I — XI) > Subchapter XI. Podiatry (§§ 168a — 168n)

§ 168k. Registration of licenses; annual fees; revocation and suspension

(a) ~~Persons who obtain licenses under the provisions of this subchapter shall within 30 days after issuance, register said license in the office of the Commissioner of Health. Thereafter, such license shall be annually registered as a condition to further practice. An annual registration fee of \$200.00 shall be levied and payments made to the office of the Commissioner of Health.~~

(b) ~~The Commissioner of Health, upon recommendation of the Board, and subject to appeal to the Governor, may revoke or suspend the license to practice issued to any person under this subchapter who after due notice and hearing by the Board, is found guilty of any unprofessional or dishonorable conduct, including habitual drunkenness, or excessive use of narcotics.~~

(c) ~~The fee to be paid for reinstatement of a certificate of registration which has expired for a period of less than five years is \$300.00. If a certificate has expired for a period of more than five years, the applicant must be reexamined. The fee for issuance of a duplicate which has been lost or destroyed is \$50.00.~~

27 V.I.C. § 168m

Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020

Virgin Islands Code Annotated > TITLE TWENTY-SEVEN Professions and Occupations (Chs. 1 — 20) > Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery (Subchs. I — XI) > Subchapter XI. Podiatry (§§ 168a — 168n)

§ 168m. Continuing education requirements

Podiatrists licensed to practice in the Virgin Islands shall, as a requirement for renewal of license, ~~may complete at least 15 30 CPME credit~~ hours of study from a Podiatry Continuing Education Program, ~~provided that the Board may maintain continuing medical education requirements in such number of hours as may be set by the Board,~~ which 15 hours may be in the form of lectures, seminars, and/or meetings; ~~lectures, and/or seminars given or presented to the general medical staff at hospital or other appropriate locations shall be deemed sufficient to obtain the required number of hours per year to maintain or renew a license.~~

3 V.I.C. § 415 27 V.I.C. § 168o

Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020

Virgin Islands Code Annotated > TITLE THREE Executive (Chs. 1 — 42) > Chapter 23, Department of Health (§§ 411 — 423) TITLE TWENTY-SEVEN Professions and Occupations (Chs. 1 — 20) > Chapter 1. Medicine, Surgery, Dentistry, Pharmacy, Nursing and Nurse-Midwifery (Subchs. I — XII)

§ 415 168o. Boards of Examiners for Medicine, Surgery, Dentistry, Pharmacy, Nursing, Optometry, Physical Therapy, Chiropractic and Podiatry

Boards established

(a) The following boards are hereby established within the Department:

- (1) The Board of Medical Examiners
- (2) The Board of Dental Examiners
- (3) The Board of Pharmacy
- (4) The Board of Nurse Licensure
- (5) The Board of Optometrical Examiners
- (6) The Board of Physical Therapy
- (7) The Board of Chiropractic Examiners
- (8) The Board of Podiatry Examiners.

Composition; qualifications; appointment; tenure

(b) The Boards provided in subsection (a) of this section shall be composed of members appointed by the Governor with the advice and consent of the Legislature as follows:

(1) The Board of Medical Examiners—

(A) Four physicians licensed to practice in the Virgin Islands; two of whom must reside in the district of the St. Croix and two in the district of St. Thomas and St. John.

(B) Three members from the Virgin Islands community of recognized ability and integrity in non-medical professions; one of whom must reside on St. Croix, one on St. Thomas and one on St. John.

(C) Licensed sitting members of the Board of Medical Examiners, appointed under the requirements under subsection (b), may serve temporarily as de facto board members of any of the boards under subsection (a) if any of the boards under subsection (a) do not have enough members to form a board. Until there are enough licensed members to form a board, this de facto board membership may be used to establish a quorum and carry out the duties of the board, including issuing licenses, if any of the boards under subsection (a) or this Chapter need a temporary board established because they do not have enough licensed members to operate.

(D) Subsection (b)(1)(C) may be used by the Naturopathic Board under Chapter 4 of this Title, or by any other board in this Title.

(2) The Board of Dental Examiners—

(A) five dentists licensed to practice in the Virgin Islands for at least five years before the date of appointment—three to be appointed for initial terms of two years, and two for initial terms of four years. Thereafter, all appointments shall be for four years. Three examiners shall reside in the district of St. Thomas and St. John, and two shall reside in the district of St. Croix.

(B) One dental hygienist or dental therapist who must be a resident of the Virgin Islands; and one member of the public of recognized ability and integrity in a non-healthcare profession, who has been a resident of the Virgin Islands for at least five years. Appointments made in accordance with this subparagraph must be for a term of four years, and no member appointed under this subparagraph may serve more than two terms on the Board.

(3) The Board of Pharmacy—five pharmacists registered in the Virgin Islands for at least five years prior to the date of appointment; the members of the Board first to be appointed shall hold office, one for one year, one for two years, one for three years, one for four years, and one for five years, the term of each to be designated by the Governor. Thereafter all appointments shall be for five years. Not more than three members shall reside in any one district and not less than two shall be pharmacists in the retail pharmacy business.

(4) The Board of Nurse Licensure—one nurse anesthetist, one nurse-midwife, one nurse educator, two nurses from varied areas of specialization, two licensed practical nurses and two voting lay people; one to represent St. Croix and one from St. Thomas/St. John; five to be appointed for initial terms of two years and six for initial terms of three years. Thereafter, all terms shall be for three years. Members may be reappointed. Upon the expiration of a member's term, the member may serve until the member's successor is appointed. Each member of the Board shall have been a citizen of the United States and a resident of the United States Virgin Islands for at least five years. Each nurse appointee shall possess a license to practice nursing in the Virgin Islands, shall have at least five years of experience in nursing, and shall preferably be actively engaged in nursing at the time of the appointment. All nurse specialists should be certified in their area of practice. A panel of nominees, representative of all three islands, shall be submitted by recognized organized nursing organizations or groups to the Governor at least 90 days prior to the expiration of the term of each board member, from which panel the Governor in consultation with the Commissioner of Health may select his appointees to the board.

(5) The Board of Optometrical Examiners—seven members including three optometrists, who are licensed to practice in the Virgin Islands. Of the three optometrists, one shall be appointed for an initial term of two years, one for an initial term of three years, and the third for an initial term of four years. Thereafter, and for the remaining four members, all appointments shall be for four years. Of the remaining four members, three shall be employees of the Government of the Virgin Islands and one shall be a member of the private sector. The members of the Board shall have been residents of the Virgin Islands for at least five years; provided, however, that not more than four examiners shall reside in any one district and that the Board shall elect a chairman from among its members.

(6)

(A) The Board of Physical Therapy shall consist of five members, all of whom must reside in the Virgin Islands and have been practicing in the Virgin Islands for no less than three years prior to their appointments. Two members must reside in the district of St. Croix, two members must reside in the district of St. Thomas and St. John, and at least one member must represent the public and must not be in the medical profession or have a conflict of

interest. Two of the members, one of whom may be a physical therapist assistant, must be elected by a majority vote of all licensed and practicing physical therapists and physical therapist assistants residing in the Territory, and the other three members must be nominated as provided in this section.

(B) The governor shall appoint one member from each district and the public member.

(C) All nominees must be appointed only with the advice and consent of the Legislature.

(7) The Board of Chiropractic Examiners—four chiropractic physicians who have held a license to practice chiropractic in the Territory at least three years, all of whom shall be licensed to practice in the United States Virgin Islands, and one member of the public, who is neither a physician nor a chiropractic physician all of whom must be bona fide residents of the Virgin Islands.

(8) The Board of Podiatry Examiners—five physicians and/or podiatrists, at least one of whom shall be a podiatrist and all of whom shall be licensed to practice in the Virgin Islands; three to be appointed by the Governor upon the recommendation of the Commissioner of Health for initial terms of three years and two for initial terms of four years. Thereafter, all appointments shall be for four years or until such time as a successor is appointed. Not more than three examiners shall reside in any one district. Members may be removed by the Governor for cause.

Chairman

(c) Each board shall elect annually one of its members to serve as its Chairman; provided that the Governor shall designate the first Chairman of each board initially appointed under this section.

(d) Omitted.

Removal of members

(e)

(1) The members may be removed by the Governor for cause.

(2) The Governor may remove any member of the Board of Nurse Licensure for neglect of any duty required by law or for incompetence or unprofessional or dishonorable conduct as recommended by the Board of Nurse Licensure.

(3) If not otherwise stated, any members of the boards under Chapter 1 of this Title may be removed by the Governor for cause.

27 V.I.C. § 193

Statutes current through Act 8393 of the 2020 Regular and Special Sessions of the 33rd Legislature, including all code changes through December 30, 2020

Virgin Islands Code Annotated > **TITLE TWENTY-SEVEN Professions and Occupations (Chs. 1 — 20)** > **Chapter 4. Naturopathic Physician Licensing (§§ 190 — 197)**

§ 193. Board

(a) Creation of board.

(1) There is created the Virgin Islands Board of Naturopathic Physicians under the Department of Health for administrative purposes only. The Board shall consist of five members appointed by the Governor with the advice and consent of the Legislature. The Governor shall make the initial appointments to the Board no later than 60 days after the effective date of this section.

(2)

(A) Three members of the Board shall be licensed as naturopathic physicians under this chapter. One member of the Board shall be a physician, and one member shall be a pharmacist licensed to practice under the provisions of this title.

(B) The members of the Board shall be appointed for staggered terms of four years, except for the initial Board. Each member shall serve until the member's successor is appointed and confirmed. For the initial Board, one naturopathic physician and one medical physician shall serve a four-year term, one naturopathic physician and one licensed pharmacist shall serve a three-year term, and one naturopathic physician shall serve a two-year term.

(3) No Board members may serve more than two consecutive terms, whether full or partial.

(4) Any Board member may be removed for just cause, including unprofessional conduct.

(5) The Governor may appoint a new member to fill any vacancy on the Board for the remainder of the unexpired term.

(6) Board members shall not receive compensation, but shall be compensated for travel expenses as provided under title 3, chapter 1, of this code.

(b) Board meetings.

(1) The members of the Board shall elect a chairperson and secretary from among their members, who shall serve until a successor is elected.

(2) The Board shall meet at least semi-annually and at such other times, as the chairperson deems necessary. Special meetings shall be at the request of a majority of the Board after notice in accordance with the provisions of this chapter.

(3) Any member who fails to attend 50% of all the meetings held during any calendar year shall be deemed to have resigned from his position.

(4) A majority of the members shall constitute a quorum for conducting the business of the Board.

(c) Powers and duties of the Board. The Board shall:

(1) adopt rules and regulations that are necessary or proper for the administration of this chapter;

(2) administer and enforce all provisions of this chapter which pertain to licensees and applicants, and all rules adopted by the Board under the authority granted in this chapter;

- (3) adopt and use a seal, the imprint of which, together with the signatures of the chairperson and secretary of the Board, evidence its official acts;
 - (4) keep an updated professional registry of all the licenses issued;
 - (5) set all application, license and renewal fees commensurate with the cost of administration;
 - (6) issue, renew, deny, suspend, and revoke licenses and fine licensees;
 - (7) issue certificates of specialty practice as provided in this chapter;
 - (8) maintain a permanent record of the Board's proceedings;
 - (9) establish procedures for appealing decisions of the Board;
 - (10) investigate and conduct hearings regarding any violation of this chapter and any rules of the board;
 - (11) subpoena witnesses, administer oaths in any hearing or disciplinary proceedings and compel, by subpoena duces tecum, the production of papers and records;
 - (12) maintain an accurate account of all receipts, expenditures, and refunds granted under this chapter; and
 - (13) establish a formulary.
- (d) **Civil immunity.** The members of the Board are immune from suit in any civil action based on any act performed in the course of their duties.