

COMMITTEE ON HEALTH, HOSPITALS AND HUMAN
SERVICES

BILL NO. 34-0041

Thirty-Fourth Legislature of the Virgin Islands

April 9, 2021

An act amending title 27 Virgin Islands Code, chapter 1, subchapter I; by amending section 7 relating to the continuing medical education requirements for permanent and institutional licensees, by inserting a new section 55 relating to the Commissioner of Health's authorization to issue licenses to radiological technologists, a new section 56 relating to the Good Samaritan Law, and a new section 57 relating to penalties; amending subchapter XI relating to the practice of podiatry; and by making technical amendments

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

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

2 **SECTION 1.** Title 27 Virgin Islands Code, chapter 1 is amended in the following
3 instances:

4 (a) Subchapter I is amended as follows:

5 (1) Section "1" is re-numbered as section "1F";

6 (2) Section 3, subsection (a) is amended by striking "There is hereby created",
7 and by striking "to" before "regulate" and inserting ", established in 27 V.I.C. § 1a, shall".

8 (3) Section 7 is amended by inserting a new subsection (b) to read as follows:

“(b) 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.”

(b) Subchapter IIc is added to read as follows:

“Subchapter IIc. Medicine and Related Professions; other purposes§55. Issuance of licenses by Commissioner of Health for Radiological Technologists

(a) 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:

(1) is registered with the American Registry of Radiological Technologists (ARRT);

(2) possesses a valid radiological technologist license from another state or territory of the United States; or

(3) has worked as a radiological technologist domiciled in the Virgin Islands for 10 years under the supervision of a licensed radiologist.

(b) All persons working as radiological technologists are 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.

1 **§56 The Good Samaritan Law**

2 (a) No person who voluntarily and gratuitously renders emergency assistance to a
3 person in need emergency assistance, is liable for civil damages for any personal injuries or
4 property damage that result from acts or omissions by such person in rendering emergency
5 assistance, which may constitute ordinary negligence; but such immunity does not apply to acts
6 or omissions constituting gross, willful or wanton negligence.

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

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

15 **§57 Penalties**

16 Whoever practices any system of treatment in the Virgin Islands covered by this chapter
17 without having first obtained the license prescribed herein, or willfully violates any of the
18 provisions of this chapter, or any regulations issued hereunder, shall be fined not more than \$500
19 or imprisoned not more than six months, or both.”

20 (c) Subchapter III, section 63 is amended as follows:

21 (1) Subsection (a) is amended by striking “as” after “Examiners” and inserting a
22 comma “,” and by striking “3 V.I.C. §415(b)(2) to” and inserting “27 V.I.C. §1a, shall”;
23 and

24 (2) Subsections (c) and (e) are amended by striking “3 V.I.C. §415(b)(2)” and
25 inserting “27 V.I.C. §1a”.

(d) Subchapter VII, section 161c is amended in the first sentence by striking “as” after “Examiners,” and by striking “under the provisions of section 415, Title 3 of this code” and inserting “in 27 V.I.C. §1a”.

(e) Subchapter X, section 167, subsection (a) is amended by striking “under 3 V.I.C. §415(b)(7)” and inserting “in 27 V.I.C. §1a”.

(f) Subchapter XI is amended as follows:

(1) Section 168c, subsection (a) is amended by striking all of the language after “subchapter”;

(2) Section 168d, subsection (b) is amended by striking “Recommend the issuance, suspension, or revocation of” and inserting “May issue, suspend, or revoke”;

(3) Section 168e is amended in the second sentence by striking “of the Board”;

(4) Section 168f, subsection (a) is amended as follows:

(A) In paragraph (4), strike “American Council on Podiatry Education of the American Podiatry Association” and insert “Council on Podiatric Medical Education (CPME)”;

(B) Insert paragraphs (5) and (6) to read as follows:

“(5) Has passed Parts I, II, and III of the American Podiatric Medical Licensing Examination, or an examination satisfactory to the Board.

(6) (A) Subject to subparagraph (B), has completed a minimum of one year of residency in a CPME residency program approved by the Board.

(B) if it has been four or more years since the completion of the residency program in subparagraph (A), the applicant must show: (i) proof of an active license and active practice with no disciplinary actions of podiatric

1 medicine in another U.S. State or Territory for at least two of the immediately
2 preceding four years; or

3 (ii) successful completion of a board approved post graduate program
4 or board approved course within the year preceding the filing of the application;
5 or

6 (iii) 10 consecutive years of continuous active license and active
7 practice with no disciplinary actions of podiatric medicine in another U.S. State
8 or Territory immediately preceding the submission of the application; and
9 completion of at least the same continuing education requirements during those
10 10 years as required of podiatric physicians licensed in the U.S. Virgin Islands.”

11 (5) Sections 168g, 168h, 168i, 168j, and 168k are repealed.

12 (6) Section 168m is amended by striking all of the language after “at least” and
13 inserting “30 CPME credit hours of study each year from a Podiatry Continuing
14 Education Program; provided, that the Board may maintain continuing education
15 requirements in such number of hours as may be set by the Board, but under no
16 circumstances less than 30 hours of continuing medical education each year.”

17 **BILL SUMMARY**

18
19 The bill amends several sections of title 27 Virgin Islands Code, chapter 1: section 7 was
20 amended to require permanent and institutional licensees to complete at least 25 hours of
21 continuing medical education each year; a new subchapter IIc sections 55, 56, and 57 were
22 added- section 55 authorizes the Commissioner of Health to issue licenses to radiological
23 technologists and sets the qualifications for the issuance of the license, section 56 establishes
24 the Good Samaritan Law offering legal protection to a person who voluntarily and gratuitously
25 renders emergency assistance to a person in need except in cases of gross, willful or wanton
26 negligence, and section 57 establishes a penalty of a fine not to exceed \$500 or imprisonment

1 not to exceed six months, or both for the unauthorized practice of any of the specialties covered
2 by chapter 1, or for any violations of the provisions of chapter 1 or any rules and regulations
3 issued under chapter 1; section 168c was amended to remove the restriction that prevented
4 applicants for admission to the practice of podiatry to be examined solely by a member who is
5 a Podiatrist actively engaging in private practice; section 168d was amended to allow the Board
6 of Podiatry to issue, revoke or suspend a license, instead of only recommending the issuance,
7 revocation, or suspension of a license to the Commissioner of Health; section 168f, subsection
8 (a) was amended to: change the accrediting institution for graduates of podiatric medicine from
9 the American Council on Podiatry Education of the American Podiatry Association to the
10 Council on Podiatric Medical Education (CPME), require that an applicant pass Parts I, II, and
11 III of the American Podiatric Medical Licensing Examination or an examination satisfactory to
12 the Board, complete a minimum of one year of residency in a CPME residency program
13 approved by the Board, and sets requirements if the residency program was completed four or
14 more years ago; sections 168g, 168h, 168i, 168j, and 168k were stricken- section 168g required
15 the Board of Podiatry to offer podiatry examinations in the Virgin Islands twice a year and
16 requires a passing score of 75%, section 168h prevented the Board of Podiatry from accepting
17 national or state certificates in lieu of the examination administered by the Board, section 168i
18 established the fees to be paid to the Board of Podiatry for examinations and license certificates,
19 section 168j authorized the Commissioner of Health to issue a license to practice podiatry, and
20 section 168k required persons licensed to practice podiatry to register their license with the
21 Commissioner of Health every year and imposed a fee, gave the Commissioner of Health the
22 power to revoke or suspend a license, and established the fees to be paid to reinstate a certificate
23 of registration that has expired; section 168m was amended to increase the number, from 15 to
24 30, of continuing medical education hours required for the renewal of a podiatrist license, allow
25 the Board to set the number of hours of continuing medical education, and removed the language

1 that allowed continuing education hours to be obtained through lectures, seminars, or meetings
2 given to the general medical staff at a hospital or other location. The bill also makes technical
3 amendments to 27 V.I.C.§3, 27 V.I.C.§63, 27 V.I.C.§ 161c, 27 V.I.C.§ 167, and 27 V.I.C.§
4 168e.

5 **BR21-0382A/ April 09, 2021/GC**