Good morning Chairman Francis, Senators, legislative staff, and to those of you in the listening audience. My name is Carol Thomas-Jacobs, and I am the Virgin Islands Chief Deputy Attorney General. I am honored to be here today at the Chairman’s invitation to offer statements on proposed Bill No. 34-0028. The purpose of this proposed measure is to amend Title 19 of the Virgin Islands Code by allowing for the pronouncement of death by registered nurses and certified nurse practitioners under certain situations.

I would like to point out that the Office of the Attorney General (“OAG”) testified on a substantially similar measure in 2018. After reviewing the testimony given by the OAG at that time and comparing it to the previous legislation and today’s proposed legislation, Attorney General George stands by the purpose and intent of what this measure seeks to accomplish. For this reason, there is little occasion for a more
detailed testimony. However, the OAG does want to point out that several recommendations that were made in 2018 have not been incorporated into today’s version of the legislation.

For example, the authorization that is granted in proposed subsection (c)—relating to the physician’s responsibility to name individual practitioners allowed to make a declaration of death—should remain active for a finite period, say, perhaps, 120-180 days. This would be consistent with other jurisdictions.¹ Second, the OAG would recommend that the nurse or physician assistant be required to document the precise criteria that they used in making the pronouncement of death.²

For example, one statute from another jurisdiction states: “A registered nurse who has determined and pronounced death, under this Section, after diagnosing the absence of human responses, shall document the clinical criteria for the determination and pronouncement in the person's medical

² See, e.g., 10 GCA § 12332.
or clinical record and notify the certifying physician.” Finally, the OAG would suggest the addition of a section (f) which would state: “Notwithstanding any other law, only a qualified physician may execute a certificate of death.”

With that, I want to, again, thank this Committee on the invitation to appear and testify on Bill No. 34-0028 and I am now available for any questions the members may have.

---

3 Id.