

Air Ambulance Firm Says DOH Inaction Risks Leaving Patients Without Nighttime Evacuations During Airport Closure

TAG Interests USVI 2, LLC claims DOH has ignored its certificate of need application for nearly a year, preventing it from operating helicopter air ambulances as CEKA prepares for nightly closures and causing what the lawsuit calls \$1M irreparable harm.

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A medical services company has taken the V.I. Department of Health to court, claiming that the agency has been unduly ignoring a certificate application required for them to conduct business.

Title 19 of the Virgin Islands Code deals with health in the territory. According to Section 223 of Chapter 15, no person or entity can “establish, construct, or expand a health facility or health

service, or incur capital expenditure on behalf of a health facility or health service, or acquire major medical equipment in the Virgin Islands without applying for and receiving a certificate of need.”

TAG Interests USVI 2, LLC is an “air ambulance, ground ambulance and mobile integrated healthcare provider,” according to their civil complaint, and thus requires a certificate of need to operate. The company submitted the requisite applications on January 5 this year, and “again on October 17, 2025, after nearly twelve months of total agency silence,” the lawsuit claims.

The Department of Health's failure to respond in any way constitutes a “violation of its statutory obligations and fundamental principles of administrative fairness,” the complaint argues.

According to the lawsuit, the need for the company's services are self-evident. Next week, the Cyril E. King Airport will reportedly close each night to allow for work to be done on the runway. “During these nightly closures, the only possible means of off-island medical evacuation is by helicopter,” the complaint states. TAG Interests “is the only entity presently capable of providing helicopter air ambulance operations to the St. Thomas/St. John district during airport closures, yet is legally barred from doing so solely because DOH has failed to process, or issue a decision on its CON application.”

In other jurisdictions, the complaint argues, these applications are “routinely processed within 4-6 weeks,” rendering the months of inaction by VIDOH inexplicable and subject to the scrutiny of the court.

Unable to operate with their application in limbo, TAG Interests say they have thus far lost out on contract opportunities worth more than a million dollars annually. This irreparable harm to the business will continue until the courts step in and order the Department of Health to consider the company's certificate of need application, the lawsuit argues.

The company is asking the court to declare that the Department must process the application, and to order DOH to a) acknowledge receipt of the application, and b) issue a decision on the certificate of need application within 20 days of the matter's conclusion.