

The Virgin Islands Consortium

Bill Introduced By Sen. Rivera-O'Reilly Could Increase Health Care Options In USVI

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Senator Nereida Rivera-O'Reilly.

ST. CROIX -- A bill that could greatly and positively impact the territory's health care offerings was introduced by Senator Nereida Rivera-O'Reilly during a Committee on Rules and Judiciary hearing on Thursday, as it calls for several important changes to the health care system in the territory. One of the most important goals of the measure is to diminish the power of the V.I. Medical Examiners Board on deciding who should practice medicine in the territory.

The board currently requires applicants for a medical license to pass the Special Purpose Examination of the U.S. Federation of State Medical Boards (SPEX) exam -- even if those applying have passed several medical board exams and have been practicing in other jurisdictions for years. Though the measure was ultimately held in committee for some important amendments, if it is approved and subsequently signed into law by Governor Kenneth Mapp, the bill could pave the way for an influx of new physicians in the territory, thereby increasing competition and causing the cost of health care to drop, while offering Virgin Islanders with a variety of options.

The bill seeks to eliminate the SPEX test for doctors who have already passed board exams. Mrs. Rivera-O'Reilly said the local medical board has stymied attempts of physicians who wanted to practice in the territory, and as a result has placed Virgin Islanders at a disadvantage.

The main problem with the board is that it consists mostly of physicians already operating in the territory, as the past two governors have not dealt with the critical issue of appointing the adequate number of civilians to balance the board. Mrs. Rivera-O'Reilly has asked the Department of Justice to investigate whether the board has colluded to keep other physicians out of the territory.

In a letter to the D.O.J., Mrs. Rivera-O'Reilly wrote: "The board's actions demonstrate a concerted effort to exclude physicians from entering the Virgin Islands health market, constituting an anti-competitive and unfair method of competition, causing harm to residents of the territory."

Other senators agreed that the board has served as a hindrance. And the chairman of the Juan F. Luis Hospital Governing Board of Directors, Troy de Chabert-Schuster, told lawmakers he believed that connivance was afoot.

Stating that a great number of physicians practicing in the territory make over \$1 million a year, Mr. de Chabert-Schuster said, "The physicians here are really trying to limit the number of physicians and hold the health care of our citizens hostage."

"There is certainly a conspiracy to keep physicians out of the territory," Mr. de Chabert-Schuster said.

Dr. Frank Odum, who serves as the chairman of the medical board, said there were already plans to eliminate the SPEX exam, but Hurricanes Irma and Maria hindered progress. "The last time that I was before this body, we were given a directive to fix this problem, do away with the SPEX exam and allow reciprocity or it would be done for us through legislation. We could find nowhere in the VI code the need for the SPEX. It was an issue that could be corrected within rules and regulations and we committed to this body that it would be done at our very next meeting. Needless to say, Irma and Maria disrupted our scheduled September meeting," Dr. Odum said.

He asked that the board be allowed to remove the SPEX requirement, although why the board had not taken action before is a question that lingers.

The bill, Mrs. Rivera-O'Reilly said, seeks to achieve several other goals: It exempts a number of health expenditures from gross receipts taxes. (Marvin Pickering, Bureau of Internal Revenue director, had said the territory could lose over \$7 million annually if

physicians' GRT were to be eliminated. That figure was later lowered to \$1.8 million.) The bill also clears the way for telemedicine to be provided outside of government-run facilities; and it eliminates the Dept. of Health commissioner's discretionary power to deny a certificate of need (CON), which is essentially an endorsement that is required by the government -- in this case the territory's health commissioner -- before construction of a new medical facility can commence. The central basis of a CON is the idea that overbuilding and redundancy in health care facilities lead to higher health care costs.

"I know this legislation does nothing but good for the people we represent," Mrs. Rivera-O'Reilly said.

But the results of CON in the U.S. Virgin Islands have been mixed. During a recent Committee on Health and Human Services hearing, Frederiksted Health Care officials said they were waiting since May 2017 on a CON approval to open a clinic that would provide thousands of Virgin Islanders with low-cost health care, to include behavioral, medical and dental services. However, the sole communication they had received was that their application was on hold. Pressured by lawmakers, Dept. of Health Commissioner Michelle Davis said she would review it.

On Thursday, however, Warren Gardiner, owner of the Caribbean Kidney Center, said the CON needed to stay in place, and relayed a story that attests to the CON's mission.

He said a CON was issued in 2013 for a hemodialysis facility to help meet demand that the Schneider Regional Medical Center was not satisfying. Soon after, he said, another CON was issued for the same service, which ultimately hurt all three businesses and caused the last operation to shutdown.

Following the hourslong discussion about Mrs. Rivera-O'Reilly's bill ([Bill No. 32-0147](#)), senators swiftly approved two other measures: [Bill No. 32-0026](#), which establishes the Virgin Islands Veterinary Practice Act. And [Bill No. 32-0028](#), which requires the Adjutant General of the Virgin Islands to administer the About Face and Forward March programs.