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Superior Court Strikes Down Law Changing Composition of Hospital Boards, Citing Separation of Powers Doctrine

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Logo of the Juan F. Luis Hospital. The V.I. Superior Court on May 20 struck down a law that sought to change the composition of the boards governing the territory's hospitals. By. ERNICE GILBERT FOR VI CONSORTIUM

Superior Court Judge Sigrid M. Tejo has struck down a law changing the composition of the V.I. Government Hospital and Health Facilities Corporation in a May 20 ruling, to include the corporation's governing hospital boards for the St. Croix and St. Thomas-St. John Districts.

The judge, citing the separation of powers doctrine, concluded that the law — which was first Bill No. 33-0343, but subsequently became law (Act. No. 8438) through a Senate override —

"Violated the Revised Organic Act as it completely eliminated the governor's ability to remove members of the Hospital Corporate and District boards." The ruling added, "Therefore, it is not necessary for the court to determine if Governor Bryan has satisfied the requirements of permanent injunction." Mr. Bryan had sought to halt implementation of the law through a temporary restraining order in February, [which was denied](#).

In a release issued Monday, Mr. Bryan praised the ruling. "The separation of powers doctrine is a cornerstone in the foundation of democracy and is crucial in keeping the branches of government working on equal footing, so that one branch does not carry more weight than the other," he said. "The specific branches of government have specific responsibilities that are balanced to ensure that the government as a whole works equitably and fairly on behalf of the people."

The Act, which was sponsored by Senators Kurt Vialet and Stedmann Hodge, Jr., and co-sponsored by Senate President Donna Frett-Gregory, amended V.I. Code to establish "minimum criteria for members of the Virgin Islands Government and Health Facilities Corporation Board, decreasing the number of its members, and increasing the stipend of its board members." In essence, the now defunct law required that individuals with subject matter expertise be placed on the boards, not just random individuals who may not be able to contribute in a meaningful way. The law also reduced to three the number of individuals a governor can appoint to the nine-member district boards, "with the advice and consent of the Legislature." The territorial board, which is comprised of 13 members, included under the law three representatives of an administration's cabinet as automatic seats, with the other ten members seeing equal representation from the district boards.

Mr. Vialet, one of the measure's chief sponsors, [told the Consortium in February](#) the law sought to strengthen the boards' ability to effectively function by ascertaining that individuals with skillsets in specific sectors are seated.

"This is going to allow the boards to have some subject area expertise on its membership because it clearly clarifies what each person must bring to the table in order to get a vote," Mr. Vialet said at the time. "Before it had anybody, but now we're saying the board will deal with legal issues, so we want an attorney on the board. We know that we're going through the rebuilding phase, we want an architect or engineers and we want subject area expertise, so we want two doctors and two nurses. And then we have somebody from the private sector; we recommended somebody from the Chamber of Commerce who has experience in raising funds because the hospital should also have an entity that's able to generate money."

Mr. Vialet said individuals from each expert area would be chosen from organizations governing those areas. For example, the V.I. Bar would choose the attorney to be placed on the board.

Governor Bryan in February sought a temporary restraining order to stop the law's implementation, but it was not granted. The [final outcome](#), however, went in the governor's favor, with Gov't House stating that the Superior Court's latest ruling "supports the premise that the governor has the absolute authority of appointment and removal of executive officers, including boards and commissions that assist in implementing executive functions of running the government. Any attempt to restrict that power is a violation of the Revised Organic Act and is invalid."

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