

COMMITTEE ON HEALTH,  
HOSPITALS, AND HUMAN SERVICES

11/08/2018-REPORTED OUT TO THE COMMITTEE ON RULES AND THE JUDICIARY

**BILL NO. 32-0147**

**Thirty-Second Legislature of the Virgin Islands**

**November 7, 2017**

An Act amending the Virgin Islands Code title 27, chapter 1, subchapter I relating to the special restricted licensing of physicians and subchapter IIa relating to the practice of telemedicine; amending title 19, chapter 15, relating to the licensing, inspection and regulation of healthcare facilities and health services; and amending title 33, chapter 3, relating to exemptions from the payment of gross receipts on all Medicaid and Medicare payments

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**PROPOSED BY:** Senator Nereida Rivera-O'Reilly

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

2       **SECTION 1.** Title 27 Virgin Islands Code, chapter 1, subchapter I, section 7 is amended  
3 in the following instances:

4       (a) The term, “temporary” is stricken wherever it appears in the section and “special  
5 restricted” is inserted in its place.

6       (b) Subsection (a) is amended at the end of paragraph (1) by adding “If the applicant  
7 has an unrestricted license in any United States jurisdiction, no Special Purpose Examination of

1 the Federation of State Medical Boards of the United States (SPEX) or other examination is  
2 required.”

3 (c) Subsection (b), paragraph (1), subparagraph (C) is amended by striking all the  
4 language after “terminate” and inserting “after 5 years, but is renewable upon the payment of the  
5 fee”.

6 (d) Subsection (c) is amended by striking paragraph (5) in its entirety and re-  
7 designating the remaining paragraph accordingly.

8 **SECTION 2.** Title 27 Virgin Islands Code, chapter 1, subchapter IIa is amended in the  
9 following instances:

10 (a) Section 45a, is amended by:

11 (1) striking the language in subsection (b) and inserting new language that reads  
12 as follows: “Licensure for Telemedicine’ means a telemedicine license or any current  
13 Virgin Islands physician licensure, including; unrestricted, institutional, special restricted  
14 and special unrestricted.”

15 (2) striking subsection (c) and inserting a new subsection (c) that reads as  
16 follows:

17 “(c) “Originating site” means the location of the patient or attending  
18 healthcare professional anywhere within the Territory.”

19 (3) striking in subsection (e) “inter-hospital cooperation” and inserting “a  
20 cooperative agreement” and inserting “or licensed physician” after “hospital”.

21 (b) Section 45c is amended:



1           (1)    in subsection (b) by striking “as a participant, of a group license for the  
2           practice of telemedicine in the Territory” and inserting “of a Virgin Islands medical  
3           license”; and

4           (2)    by striking subsection (c) in its entirety and inserting a new subsection (c)  
5           that reads as follows: “(c) Telemedicine services in the Territory shall operate in  
6           accordance with current accepted core standards for telemedicine operations.”

7           (c)    Section 45d is amended:

8           (1)    in the title by striking “Regulation” and inserting “licensure”;

9           (2)    by striking the terms, “institutional telemedicine group licensure” and  
10          “Institutional Telemedicine Group License” wherever they appear and inserting in their  
11          place “telemedicine licensure” or “telemedicine license”, as appropriate;

12          (3)    in subsection (a) by striking “group” and “as a group” in the first sentence,  
13          and in the second sentence by striking “group” and “institutional” and by inserting after  
14          the second sentence the following: “Any healthcare professional licensed in the Virgin  
15          Islands may practice telemedicine without restriction.”;

16          (4)    in subsection (b) by striking all the language after “examination room with”  
17          in the first sentence and inserting “the patient’s Virgin Islands-licensed health care  
18          professional.”;

19          (5)    in subsection (c):

20                (A)    in the introductory clause by striking “group”

21                (B)    in paragraph (1) by striking “licensed as a member of a group” and  
22          inserting “holding only a telemedicine license”;

1 (C) in paragraph (2), subparagraph (A) striking all the language and  
2 inserting new language that reads as follows: “Establishing a relationship and  
3 coordinating with the patient’s Virgin Islands-licensed healthcare professional.”;

4 (6) in subsection (d) by striking “through group licensure”.

5 (7) In subsection (e) by inserting “and Virgin Islands-licensed health care  
6 professionals” after “medical centers” and by striking “group licensed telemedicine  
7 providers as institutional providers” and inserting “licensed providers of telemedicine  
8 services”.

9 **SECTION 3.** Title 19 Virgin Islands Code, chapter 15 is amended in the following  
10 instances:

11 (a) Section 222 (2) is amended by striking “the obligation of capital expenditures”.

12 (b) Section 225 is amended by:

13 (1) striking in the first sentence, the word, “Upon” and inserting in its place,  
14 “Not later than 60 days after” and by striking all the language after “shall” and inserting  
15 “issue a certificate of need”; and

16 (2) striking the second and third sentences in their entirety.

17 (c) Section 226 is amended:

18 (1) in subsection (a) by striking “refuse to issue a certificate of need or”;

19 (2) in subsection (b), in the fourth sentence by striking “refusing to  
20 recommend the issuance of a certificate of need, or a decision”; and

21 (3) in subsection (c) by striking “but need not” and inserting “and must” and by  
22 striking “unless the decision is appealed pursuant to section 227 of this chapter”.

23 **SECTION 4.** Title 33, chapter 3 is amended by adding section 43/ to read:







1 Physician licensing and other regulations, a lack of reimbursement parity laws and other obstacles  
2 have hindered telemedicine's expansion.

3 Telemedicine is viewed as a cost-effective alternative to the more traditional face-to-face  
4 way of providing medical care (e.g., face-to-face consultations or examinations between provider  
5 and patient).

6 The Virgin Islands must be willing to attract qualified medical professionals and make  
7 them feel wanted and a member of our community. This will take a re-thinking of reciprocity for  
8 medical licenses and a cultural acceptance.

9 Our hospitals are suffering from decaying infrastructure, and aged facilities. The use of  
10 Certificate of Needs as a means of protecting our hospitals and existing medical facilities is  
11 limiting growth in the health care industries and must be changed. With a greater selection of  
12 health care choices the quality of health care in the Territory will improve.

13 Many of our health care professionals are seriously re-considering the acceptance of Medicare and  
14 Medicaid due to the imposition of gross receipt taxes with makes such procedures a money losing  
15 proposition. VA and self-pay charges are generally negotiated at lower rates than insured charges.  
16 By exempting gross receipt taxes there will be a greater incentive for medical services to become  
17 more accessible to more people.

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19 **BR17-0711/July 19, 2017/**

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