

ACT NO. 7731

BILL NO. 31-0062-1

THIRTY-FIRST LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2015

An Act amending the Virgin Islands Code title 19, sections 240(i), 244(o) and 286; title 24, section 362(g); title 27, section 45d; and title 33, section 42(e)(7); providing appropriations to fund the Governor Juan F. Luis Hospital and Medical Center's System improvement Agreement with the Centers for Medicare and Medicaid Services and providing an appropriation to the Roy Lester Schneider Hospital exclusively for the Emergency Room, the Operating Room, Radiology, Hemodialysis and Nursing, the foregoing provisions collectively known as "The Technical Hospital and Medical Center Rescue Act"; providing appropriations from the Disaster Recovery Contingency Fund to reimburse the FEMA for disallowed costs under the Homeland Security Program Grants awarded during Fiscal Years 2007 through 2009; amending Act No. 7697, section 1 relating to the appropriation from the retro claim funding received from the reimbursement of Medicaid funding made to the Department of Human Services; amending Act No. 7699, section 2 reducing the appropriation made to the American Legion Post 85 Auxiliary and increasing the appropriation made to the American Legion Post 90; making an appropriation to the American Legion Post 131; and for other related purposes

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WHEREAS, the Juan Francisco Luis Hospital and Medical Center faced loss of certification by the Center for Medicare and Medicaid Services (CMS), and

WHEREAS, efforts are underway to mitigate and reverse the adverse findings and citations contained within the CMS survey; and

WHEREAS, the CMS decision to delay decertification hinges on the hospital's ability to address specific issues, including among others, capital improvements, acquisition of software, purchase of medications; and

WHEREAS, the Hospital entered into a Systems Improvement Agreement with CMS setting forth specific performance benchmarks and deadlines; and

WHEREAS, the loss of certification would result in a rapid decline of patient care and safety and extreme financial burdens on the government; Now Therefore,

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Sections 2 through 10 of this Act may be cited as “The Technical Hospital and Medical Center Rescue Act”.

~~**SECTION 2.** Title 24 Virgin Islands Code, chapter 14, section 362, subsection (g), is amended by adding paragraph (5) to read as follows:-~~

~~“(5) Radiologists, anesthesiologists, pulmonologist and critical care physicians in the Governor Juan F. Luis Hospital and Medical Center and the Roy Lester Schneider Hospital and Community Health Care Center”.~~

SECTION 3. Title 19 Virgin Islands Code, chapter 16, section 240 is amended at the end of subsection (i) by adding a sentence that reads as follows:

“Uncompensated care” means the sum of unpaid or unreimbursed costs for health care services provided by the hospitals or health facilities after due diligence to collect. The term does not include contractual adjustments in reimbursement for services based upon an agreement with a payer, such as Medicaid and Medicare.”

SECTION 4. Title 19 Virgin Islands Code, chapter 16, subchapter I, section 244, subsection (o) is amended after “non-profit” by inserting “and for profit.”

SECTION 5. Title 19 Virgin Islands Code, chapter 17, section 286 is amended by striking “180” and inserting “90”.

SECTION 6. Title 33 Virgin Islands Code, chapter 3, section 42, subsection (e) is amended by designating paragraph (7), as (7) (A) and inserting subparagraph (B) to read as follows:

“(B) Medications, medical equipment, medical devices, medical supplies, and all other goods brought into the Territory for medical care by the Governor Juan F. Luis Hospital and Medical Center and the Roy Lester Schneider Hospital and Community Health Center.”

~~**SECTION 7.** Title 27 Virgin Islands Code is amended in the section 45d, after the first sentence in subsection (a) by inserting a sentence that reads as follows:-~~

~~“The Board of Medical Examiners may also issue an institutional telemedicine group license to a physician group providing radiology services through telemedicine for the Government hospitals.”~~

SECTION 8. (a) Notwithstanding title 33 Virgin Islands Code, sections 3003a (e) and 3061 (b) and (c), there is appropriated in the fiscal year ending September 30, 2015, the sums \$3,000,000 from the Transportation Trust Fund, \$2,000,000 from the Insurance Guaranty Fund, and \$2,000,000 from the General Fund, or so much of the funds as needed, to the Governor Juan F. Luis Hospital to fund and implement the measures under the Hospital’s System Improvement Agreement with the Centers of Medicare and Medical Services for the following purposes:

(1) Medications	\$3,575,000
(2) Ropes and Gray	\$175,000
(3) Upgrade Digital Mammography Equipment	\$250,000
(4) VRAD Tele Radiology Program	\$400,000
(5) Information Technology Optimization	\$1,000,000
(6) Third Party Consultant	\$1,600,000.

(b) The sums appropriated in subsection (a) remain available until expended.

SECTION 9. (a) The sums appropriated in section 8 of this Act are solely for the implementation of the Systems Improvement Agreement and no other purpose.

(b) The Hospital shall maintain a separate bank account to segregate the funds appropriated. All expenditures from the account must be authorized by at least two board members, regardless of the amount.

(c) The Hospital shall submit monthly reports of expenditures to the Legislature.

SECTION 10. The sum of \$3,425,957 is appropriated for the fiscal year ending September 30, 2015, from the General Fund of the Virgin Islands to the Roy Lester Schneider Hospital to be used exclusively as follows:

- (1) \$250,000 for the Emergency Room;
- (2) \$647,000 for the Operating Room;
- (3) \$1,245,000 for Radiology;
- (4) \$343,957 for the Laboratory;
- (5) \$450,000 for Hemodialysis; and
- (6) \$490,000 for Nursing.

SECTION 11. Notwithstanding title 33 Virgin Islands Code, chapter 111, section 3100h, subsection (d), there is appropriated from the Disaster Recovery Contingency Fund: the sum of \$378,900 in the fiscal year ending September 30, 2015; the sum of \$305,200 in the fiscal year ending September 30, 2016; the sum of \$305,200 in the fiscal year ending September 30, 2017; and the sum of \$75,276.05 in the fiscal year ending September 30, 2018, for the Government of the Virgin Islands on behalf of the Virgin Islands Emergency Management Agency to reimburse the Federal Emergency Management Agency (FEMA) for disallowed costs pursuant to the Final Department of Homeland Security, Office of the Inspector General's Audit Report, OIG-12-29, of the U.S. Virgin Islands Management of the Homeland Security Program Grants awarded during Fiscal Years 2007 through 2009.

SECTION 12. The Commissioner of the Department of Finance shall disburse funds appropriated in section 11 of this Act pursuant to the payment plan approved by FEMA on March 4, 2015, beginning with a down payment of \$150,000 due by March 31, 2015, and thereafter, quarterly payments of \$76,300 in the fiscal years specified in section 11, and a final payment of \$75,276.05, for a total payment of \$1,064,576.05 including interest.

SECTION 13. Act No. 7697 is amended in section 1 as follows:

(a) The introductory clause is amended by striking "\$19,141,076.50" and inserting "\$19,941,076.50";

(b) Paragraph (6) is amended in the introductory clause by striking "\$7,941,076.50" and inserting "\$4,201,076.50";

(c) Paragraph (6), subparagraph (A) is amended in the introductory clause by striking "construct" and inserting "design";

(d) Paragraph (6)(A) is further amended:

(1) in clause (i) by striking "\$729,300.00 for";

(2) in clause (ii) by striking "\$598,500.00 for"; and

(3) in clause (iii) by striking "\$1,744,800.00 for".

SECTION 14. Act No. 7699, section 2 is amended in the line item, M1228 SPR-American Legion Post 85 Auxiliary by striking "\$16,934" and inserting "\$4,234" and in the line item, M1225 SPR-American Legion Post 90 by striking "\$4,234" and inserting "\$16,934".

SECTION 15. The sum of \$5,000 is appropriated from the General Fund in the fiscal year ending September 30, 2015, as a grant to the American Legion Post 131 for operating expenses, subject to the financial disclosure requirements of 2 V.I.C. §29.

Thus passed by the Legislature of the Virgin Islands on March 12, 2015.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 13 Day of March, AD., 2015.



Neville James
Neville James
President

Myron D. Jackson
Myron D. Jackson
Legislative Secretary



THE UNITED STATES VIRGIN ISLANDS

OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE

Charlotte Amalie, V.I. 00802
340-774-0001

THE GOVERNOR'S OBJECTIONS

Bill No. 31-0062-1 is hereby approved with the exception of the following items, part or parts, portion or portions thereof, which are hereby objected to (and deleted and disapproved in full) pursuant to Section 9(d) of the Revised Organic Act of the Virgin Islands of 1954 as amended:

SECTION 2. Title 24 Virgin Islands Code, chapter 14, section 362, subsection (g), is amended by adding paragraph (5) to read as follows:

“(5) Radiologists, anesthesiologists pulmonologist and critical care physicians in the Governor Juan F. Luis Hospital and Medical Center and the Roy Lester Schneider Hospital and Community Health Care Center”.

SECTION 7. Title 27 Virgin Islands Code is amended in the section 45d, after the first sentence in subsection (a) by inserting a sentence that reads as follows:

“The Board of Medical Examiners may also issue an institutional telemedicine group license to a physician group providing radiology services through telemedicine for the Government hospitals.”

Witness my hand and the seal of the Government of the United States Virgin Islands, at Charlotte Amalie, St. Thomas, Virgin Islands, this 27th day of March, A.D., 2015.



A handwritten signature in blue ink, appearing to read "K. Mapp".

Kenneth E. Mapp
Governor