

**BILL NO. 29-0247**

**Twenty-Ninth Legislature Of The Virgin Islands**

January 9, 2012

An Act amending title 27 of the Virgin Islands Code to regulate the practice of telemedicine in the United States Virgin Islands

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**PROPOSED BY:** Senators Usie R. Richards, Ronald E. Russell, Esq. and Sammuel Sanes

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

2       **SECTION 1.** Title 27, Chapter 1 of the Virgin Islands Code is amended by  
3 redesignating Subchapter IIa which regulates Physician Assistant Licensing as Subchapter IIb,  
4 and by adding a new Subchapter IIa to read as follows:

5 *“Subchapter IIa. Telemedicine*

6 **§ 45a. Definitions**

7 For the purposes of this subchapter:

8       (a) ‘Distant site’ means the telemedicine site where the provider group is providing  
9 medical services to a patient at a distance or consulting with a patient’s provider remotely.

1 (b) 'Institutional Telemedicine Group Licensure' means licensing and credentialing of  
2 physicians who would provide telemedicine services as a group and are licensed and credentialed  
3 at a Joint Commission certified facility.

4 (c) 'Telemedicine' means the use of medical information exchanged from one distant  
5 site to another via electronic communications to improve, maintain, or assist patients' health  
6 status. Videoconferencing, transmission of still images, and e-health including patient centers  
7 are all considered part of telemedicine and telehealth.

8 (d) 'Telemedicine services' means specialist referral services, patient consultations,  
9 remote patient monitoring, medical education, and consumer medical and health information,  
10 that are performed as part of a telemedicine procedure.

11 (e) 'Telemedicine services agreement' means inter-hospital cooperation within the  
12 Territory or between a hospital in the Territory and one outside the Territory for improved health  
13 care delivery, including but not limited to tele-stroke/neurology and tele-radiology, in order to  
14 decrease patient and physician travel and enhance inter-facility cooperation.

15 **§ 45b. Purpose**

16 In the interests of public health, safety and welfare, and to protect the people from the  
17 unprofessional, improper and incompetent practice of telemedicine, it is the responsibility of the  
18 Legislature to enact laws regulating the granting and subsequent use of the privilege to practice  
19 medicine and to ensure, as much as possible, that only qualified and fit persons hold that  
20 privilege. The fundamental purpose of this statute is to protect the public, and any license,  
21 certificate or other practice authorization issued pursuant to this statute shall be a revocable  
22 privilege, and no holder of such a privilege shall acquire thereby any irrevocable right.

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1 **§ 45c. Telemedicine Regulation**

2 The Virgin Islands Board of Medical Examiners shall regulate the practice of  
3 telemedicine in the Territory in accordance with the provisions of this subchapter and the  
4 following:

5 (a) No person shall practice or attempt to practice medicine at a distant site between the  
6 United States Virgin Islands and a foreign jurisdiction.

7 (b) No person shall practice or attempt to practice medicine at a distant site between the  
8 United States Virgin Islands and another United States jurisdiction without first complying with  
9 the provisions of this subchapter and without being a holder, as a participant, of a group license  
10 for the practice of telemedicine in the Territory.

11 (c) The Board of Medical Examiners may establish a Telemedicine Advisory Committee  
12 for review of telemedicine sites and services in the Territory in accordance with the American  
13 Telemedicine Association's 'Core Standards for Telemedicine Operations'.

14 (1) The Telemedicine Advisory Committee shall submit an annual report to the  
15 Board of Medical Examiners on telemedicine services and costs in the Territory for the  
16 Board's further submission to the Department of Health.

17 (2) The Telemedicine Advisory Committee shall ensure that the hospital in each  
18 District within the Territory maintains institutional membership in the American  
19 Telemedicine Association.

20 (3) The Telemedicine Advisory shall be comprised of ten (10) members:

21 (A) The Medical Director at the hospital in each district of the Territory;

22 (B) The Director of Information Technology at the hospital in each  
23 district of the Territory; and

24 (C) Six (6) practicing physicians that represent a balance of specialties.  
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1 **§ 45d. Institutional Telemedicine Group Licensure**

2 The Board of Medical Examiners may establish regulations for Institutional Telemedicine  
3 Group Licensure as follows:

4 (a) The Board of Medical Examiners shall issue a telemedicine group license to  
5 authorize certain physicians, who hold a full and unrestricted license to practice medicine in  
6 another state or territory of the United States, to provide telemedicine services as a group in the  
7 United States Virgin Islands. Telemedicine group licenses shall be institutional without private  
8 practice rights and without subversion of reciprocity.

9 (b) Any person authorized by the Board of Medical Examiners to practice telemedicine as  
10 defined in this subchapter shall ensure that a United States Virgin Islands licensed health care  
11 professional is in the examination room with the patient at the time such patient is receiving  
12 telemedicine services. The Board of Medical Examiners shall establish what type of health care  
13 professional is necessary and appropriate under specific circumstances.

14 (c) The Board of Medical Examiners shall establish by rules and regulations the  
15 requirements for telemedicine group licensure in accordance with this subchapter, provided that  
16 the rules and regulations include the following:

17 (1) A physician licensed as a member of a group under this subchapter shall not  
18 open an office in the United States Virgin Islands, shall not meet with patients in the  
19 United States Virgin Islands, and shall not receive calls from patients in the United States  
20 Virgin Islands.

21 (2) The physician, when examining a patient by telemedicine, shall establish a  
22 bona fide physician-patient relationship by:

23 (A) Conducting an appropriate examination of the patient as determined  
24 by the Board of Medical Examiners.

1 (B) Establishing a diagnosis through the use of accepted medical practices  
2 including, but not limited to, patient history, mental status and appropriate  
3 diagnostic and laboratory testing.

4 (C) Discussing with the patient any diagnosis as well as the risks and  
5 benefits of various treatment options.

6 (D) Ensuring the availability for appropriate follow-up care.

7 (E) Fulfilling any other requirements as deemed appropriate and  
8 necessary by the Board of Medical Examiners.

9 (d) Any physician licensed to practice telemedicine through group licensure in  
10 accordance with this subchapter, shall be subject to the provisions of this subchapter, the  
11 jurisdiction of the Board of Medical Examiners, applicable United States Virgin Islands law, and  
12 the jurisdiction of the courts of the United States Virgin Islands with respect to providing  
13 medical services to United States Virgin Islands residents.

14 (e) The Department of Health and the Territory's hospitals and medical centers are  
15 authorized to bill third-party payers for consultations and follow-up care provided by group  
16 licensed telemedicine providers, as institutional providers.”

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18 **BILL SUMMARY**

19 This bill amends title 27 of the Virgin Islands Code to regulate the practice of  
20 telemedicine in the United States Virgin Islands. Internal § 45a sets forth applicable definitions.  
21 Internal § 45b states the purpose of the telemedicine legislation. Internal § 45c authorizes the  
22 Board of Medical Examiners to regulate the practice of telemedicine and establish a  
23 Telemedicine Advisory Committee. Internal § 45d authorizes the Board of Medical Examiners  
24 to establish regulations for Institutional Telemedicine Group Licensure.  
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26 **11-0268/December 8, 2011/ EEM/Reviewed by TF**