



# Legislature of the Virgin Islands

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## POST AUDIT DIVISION

March 14, 2024

### MEMORANDUM

**TO:** Honorable Donna A. Frett-Gregory  
Chairperson, Committee on Budget, Appropriations and Finance  
35<sup>th</sup> Legislature of the Virgin Islands

**FROM:** Post Audit Division

**SUBJECT:** **Bill No.- 35-0207**-An Act amending Title 19, Virgin Islands Code, Part I adding Chapter 6a to create the Territorial Chronic Kidney Disease and Diabetes Registry

### AMENDMENT TO THE VIRGIN ISLANDS CODE

Title 19 Virgin Islands Code, Part I will be amended, as the addition of a new Chapter 6a, title “Territorial Chronic Kidney Disease and Diabetes Registry” with eight (8) sections 121-128 be included in the code. Section 121 defines the terms used; Section 122 establishes the Registry; Section 123 describes how and what entities participate; Section 124 discusses confidentiality; Section 125 addresses what disclosures are allowed; Section 126 addresses liability; Section 127 sets out penalties for violation of mandates; and Section 128 sets out the annual reporting requirements.

### ANALYSIS

A Registry is an organized system for the collection, storage, retrieval, analysis, and dissemination of information on individual person who have either a particular disease, a condition (e.g., a risk factor) that predisposes to occurrence of a health-related event, or prior exposure to substances.

Public health registries could include, but not limited to: birth defects registries, chronic diseases registries and traumatic injury registries etc. In addition, public health registries operated by patient safety and quality improvement organizations that enable knowledge generation or process improvement regarding the diagnosis, therapy and prevention of conditions that affect a population could be considered. [www.cdc.gov](http://www.cdc.gov)

According to Centers for Disease Control and Prevention (CDC) public health registries may be sponsored or maintained by Public Health Agencies (PHAs) or other organizations such as National Specialty Societies, Patient Safety Organizations, and Quality Improvement Organizations. [www.cdc.gov](http://www.cdc.gov)

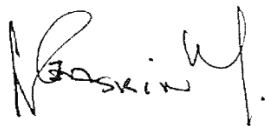
## Bill 35-0207 Territorial Chronic Kidney Disease/Diabetes Registry

Public Health Registries collect several relevant data over long periods of time that is associated with varying costs. For example, patient's treatment and therapy (medication), laboratory (blood/tissue testing, radiology), hospital visits (outpatients/inpatients), and insurance costs. [www.ncbi.nlm.nih.gov](http://www.ncbi.nlm.nih.gov)

Every fiscal year, an amount is recommended from the Miscellaneous Section of the General Fund for the Virgin Islands Central Cancer Registry. In FY 2024 \$33,500 was recommended. \$47,000 was appropriated. **Please see Addendum I on pages 3 and 4.** Bearing this in mind, will the \$250,000 be used for the initial set-up and maintenance of Chronic Kidney Disease and Diabetes Registry or will an amount be appropriated every fiscal year from the General Fund for the Registry? Registries require continuous funding to remain effective like many other programs. Title 19, Part I, Chapter 6, Subchapter 1, Subsection 108 outlined the program funding for the Cancer and Autoimmune Disease Registries. **Please see Addendum II on page 5.**

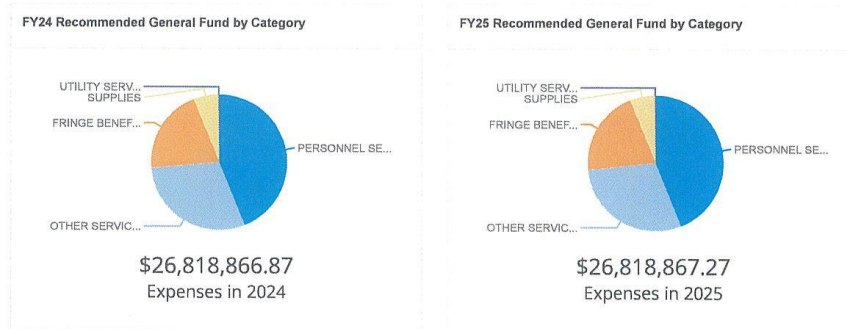
### SUMMARY

The Government of the Virgin Islands (Department of Health) will be responsible for creating and maintaining the Territorial Chronic Kidney Disease and Diabetes Registry. Violations of reporting provisions is subject to a civil fine of \$1,000-\$5,000 per case. Revenues may be generated if private or independent health care providers and health facilities violate the reporting provision. However, no fine was indicated for breach of confidentiality. If any person within the Department of Health (the Registry) discloses privileged or confidential information, who will be held liable? This may become an unforeseen cost to the government through litigations. Bearing in mind Section 126 in the bill only covers health care providers and health care facilities. Appropriating a lump sum of \$250,000 from the General Fund to establish the Registry may become stringent, as it may take several years for the Registry to become fully functional and beneficial. However, instead of appropriating the lump sum of \$250,000, a five (5) year appropriation of \$50,000 each fiscal year can be made to establish the Registry. Another source of funding that can be used is the Health Revolving Fund which consists of revenues derived from medical and dental services performed by the Virgin Islands Department of Health according to Title 33, Chapter 111, Section 3017. **Please see Addendum III on page 6.**



Wendell M. Gaskin, CFE  
Post Auditor

## Addendum I



### RECOMMENDED EXPENDITURES

General Fund

	FY22 Actuals	FY23 Revised	FY24 Recommendation	FY25 Recommendation
PERSONNEL SERVICES	\$13,143,582	\$11,751,394	\$11,762,451	\$11,776,563
FRINGE BENEFITS	\$5,651,811	\$5,225,604	\$5,421,591	\$5,485,762
SUPPLIES	\$264,145	\$682,646	\$1,612,217	\$1,612,217
OTHER SERVICES	\$9,122,649	\$8,385,842	\$7,959,608	\$7,881,326
UTILITY SERVICES	\$0	\$0	\$63,000	\$63,000
CAPITAL PROJECTS	\$63,960	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$28,246,147</b>	<b>\$26,045,486</b>	<b>\$26,818,867</b>	<b>\$26,818,867</b>

### OTHER EXPENSES

Miscellaneous General Fund

	FY22 Actuals	FY23 Revised	FY24 Recommendation	FY25 Recommendation
V.I. PERINATAL, INC.	\$484,000	\$528,000	\$528,000	\$528,000
DOH VITAL RECORDS INFOR MGMT SYS	\$159,214	\$318,427	\$318,427	\$318,427
HIV RYAN WHITE TITLE IV PROGRAM	\$90,418	\$140,000	\$140,000	\$90,000
DOH SICKLE CELL	\$120,068	\$87,500	\$82,500	\$82,500
DOH VI CENTRAL CANCER REGISTRY	\$48,002	\$37,000	\$33,500	\$33,500
MAINT CONTRACT - AMBULANCE BOAT	\$55,863	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$957,565</b>	<b>\$1,110,927</b>	<b>\$1,102,427</b>	<b>\$1,052,427</b>

Other Services General Fund

	FY22 Actuals	FY23 Revised	FY24 Recommendation	FY25 Recommendation
DEBRIS REMOVAL	\$25,520	\$0	\$0	\$0
REPAIRS & MAINTENANCE	\$56,900	\$24,000	\$24,000	\$47,974
AUTOMOTIVE REPAIR & MAINTENANCE	\$1,705	\$0	\$0	\$0
RENTAL OF LAND/BUILDINGS	\$187,732	\$489,510	\$101,910	\$101,910
RENTAL MACHINES/EQUIPMENT	\$8,648	\$16,004	\$16,004	\$16,004
PROFESSIONAL SERVICES	\$265,845	\$7,138,044	\$7,334,839	\$7,228,853
SECURITY SERVICES	\$26,561	\$36,287	\$36,287	\$36,287
TRAINING	\$900	\$0	\$0	\$0
COMMUNICATION	\$37,783	\$26,136	\$23,207	\$26,937
ADVERTISING & PROMOTION	\$132,744	\$61,000	\$61,000	\$61,000
PRINTING AND BINDING	\$1,924	\$0	\$0	\$0
TRANSPORTATION - NOT TRAVEL	\$32,945	\$2,332	\$2,332	\$2,332
IN & OUT PATIENT SERVICES	\$40,449	\$0	\$0	\$0

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	SUPPLIES	\$ 426,940
	OTHER SERVICES AND CHARGES	\$ 1,439,585
	UTILITIES	\$ 450,000
	SUB-TOTAL DEPARTMENT OF PROPERTY AND PROCUREMENT	\$ 6,170,699
	RENEWAL INSURANCE PREMIUM	\$ 7,257,300
	P&P APPRAISALS	\$ 100,000
	TOTAL ORG 600 DEPARTMENT OF PROPERTY & PROCUREMENT	\$ 13,527,999
W.	ORG 610 DEPARTMENT OF PUBLIC WORKS	
	PERSONNEL SERVICES	\$ 7,068,650
	FRINGE BENEFITS	\$ 3,534,325
	FUNDING FOR EXISTING VACANT POSITIONS - PERSONNEL	\$ 477,349
	FUNDING FOR EXISTING VACANT POSITIONS - FRINGE BENEFITS	\$ 224,354
	SUPPLIES	\$ 1,000,000
	OTHER SERVICES AND CHARGES	\$ 10,600,000
	UTILITIES	\$ 896,000
	CAPITAL OUTLAY	\$ 400,000
	SUB-TOTAL DEPARTMENT OF PUBLIC WORKS	\$ 24,200,678
	ABANDONED VEHICLES STT	\$ -
	ABANDONED VEHICLES STX	\$ -
	INTER ISLANDS SUBSIDY	\$ 200,000
	ABANDONED VEHICLES STJ	\$ -
	NEW WESTERN CEMETRY WALL	\$ 1,600,000
	TOTAL ORG 610 DEPARTMENT OF PUBLIC WORKS	\$ 26,000,678
X.	ORG 700 DEPARTMENT OF HEALTH	
	PERSONNEL SERVICES	\$ 10,876,925
	FRINGE BENEFITS	\$ 4,987,866
	FUNDING FOR EXISTING VACANT POSITIONS - PERSONNEL	\$ 1,093,106
	FUNDING FOR EXISTING VACANT POSITIONS - FRINGE BENEFITS	\$ 491,897
	SUPPLIES	\$ 686,646
	OTHER SERVICES AND CHARGES	\$ 6,857,181
	UTILITIES	\$ 63,000
	SUB-TOTAL DEPARTMENT OF HEALTH	\$ 25,056,621
	HIV MEDICATION	\$ 180,000
	HIV RYAN WHITE TITLE IV PROGRAM	\$ 195,000
	VIRGIN ISLANDS CENTRAL CANCER REGISTRY	\$ 47,000
	VITAL RECORDS, INFORMATION MGMT. SYS.	\$ 318,427
	SICKLE CELL	\$ 100,000
	PERINATAL INC.	\$ 528,000
	VI BOARD OF NURSE LICENSURE	\$ 852,000
	BEHAVIORAL HEALTH MOBILE STAFF/SUPPLIES	\$ 69,375
	TOTAL ORG 700 DEPARTMENT OF HEALTH	\$ 27,346,423
Y.	ORG 720 DEPARTMENT OF HUMAN SERVICES	
	PERSONNEL SERVICES	\$ 16,744,672
	FRINGE BENEFITS	\$ 8,465,415
	FUNDING FOR EXISTING VACANT POSITIONS - PERSONNEL	\$ 1,651,173
	FUNDING FOR EXISTING VACANT POSITIONS - FRINGE BENEFITS	\$ 743,028
	SUPPLIES	\$ 1,056,662

## Addendum II

### 19 V.I.C. § 108

#### Copy Citation

Statutes current through Act 8699 of the 2022 session of the 34th Legislature, including all code changes through March 15, 2023

- [Virgin Islands Code Annotated](#)
- [TITLE NINETEEN Health \(Pts. I — VIII\)](#)
- [PART I. GENERAL PROVISIONS \(Chs. 1 — 13\)](#)
- [Chapter 6. Cancer and Autoimmune Disease Registries \(Subch. I\)](#)
- [Subchapter I. Virgin Islands Central Cancer Registry Program \(§§ 101 — 109\)](#)

#### § 108. Program funding

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The Registry must be funded through appropriations from the Legislature, federal agencies and through donations from private entities.

#### History

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—Added Oct. 7, 2016, No. 7939, § 1, Sess. L. 2016, p. 198; Former 1258 was renumbered to be § 108, by Act No. 8688, § 5(a), effective January 19, 2023.

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## Addendum III

### 33 V.I.C. § 3017

#### Copy Citation

Statutes current through Act 8699 of the 2022 session of the 34th Legislature, including all code changes through March 15, 2023

- [Virgin Islands Code Annotated](#)
- [TITLE THIRTY-THREE Taxation and Finance \(Subts. 1 — 4\)](#)
- [Subtitle 3. Finance \(Chs. 111 — 119\)](#)
- [Chapter 111. Government Funds \(§§ 3001 — 3100gg\)](#)

#### § 3017. Health Revolving Fund

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(a) The “Health Revolving Fund” heretofore established in the Department of Health is hereby continued as a special fund in the Treasury of the Virgin Islands.

(b) The Commissioner of Finance is directed to maintain and provide for the administration of the Health Revolving Fund as a separate and distinct fund in the Treasury, and no funds therein shall be available for expenditure except as provided in this section.

(c) The Health Revolving Fund shall be constituted of—

All revenues derived from the Department of Health and medical fees which are authorized to be charged for dental and medical services.

All payments by the Department of Human Services under its contract with the Department of Health covering medical care for the aged.

All sums reimbursable to the Department of Health of the Virgin Islands from Federal Grants-in-Aid Programs, for costs of services rendered to all eligible patients receiving outpatient services from the Department.

All fines collected by the Department of Health pursuant to 19 V.I.C., § 1496 to be used exclusively for education programs on tobacco smoking.

(d) [Repealed.]

(e) [Repealed.]

(f) The Commissioner of Finance shall submit a quarterly report to the Governor and the Legislature listing all receipts and expenditures pertaining to the Health Revolving Fund.

(g) The Governor, upon the recommendation of the Commissioner of the Budget, and with the approval of the Legislature or the Finance Committee of the Legislature, if the Legislature is not in session, is hereby authorized to make transfers from the Health Revolving Fund to the General Fund.

(h) The annual appropriations of the Health Revolving Fund shall remain available until expended.

#### History

—Added Mar. 22, 1963, No. 982, § 3, Sess. L. 1963, p. 196; amended Mar. 17, 1965, No. 1346, Sess. L. 1965, Pt. I, p. 90; June 29, 1965, No. 1450, §§ 1, 2, Sess. L. 1965, Pt. I, p. 337, 338; June 15, 1966, No. 1743, Sess. L. 1966, p. 329; June 4, 1968, No. 2220, §§ 1, 2, Sess. L. 1968, Pt. II, p. 27; Sept. 18, 1969, No. 2559, § 1, Sess. L. 1969, p. 289; Apr. 14, 1971, No. 2975, §§ 1, 2, Sess. L. 1971, p. 90; Mar. 19, 1972, No. 3185, Sess. L. 1972, p. 39; July 14, 1975, No. 3718, §§ 6, 7, Sess. L. 1975, p. 105; 1978, No. 4146, Sess. L. 1978, p. 96; May 24, 1979, No. 4310, § 1, Sess. L. 1979, p. 59; Oct. 12, 1979, No. 4363, § 1, Sess. L. 1979, p. 199; Oct. 23, 1980, No. 4498, § 23(a), Sess. L. 1980, p. 232; Oct. 9, 1981, No. 4629, § 2, Sess. L. 1981, p. 160; Apr. 6, 1998, No. 6222, § 8(b), Sess. L. 1998, p. 234; May 14, 1999, No. 6279, § 3 1., Sess. L. 1999, p. 14; May 10, 2010, No. 7171, § 3, Sess. L. 2010, p. 87.

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