

June 7, 2023

Testimony of the Virgin Islands Board of Nurse Licensure
Tania Penn, MSN, RN
Chairwoman

Good morning

Honorable Senator Fonseca, Chair for Health, Hospital and Human Services and Members of the Health, Hospital, and Human Services Committee, Kenny Gittens, Vice Chair, other Committee Members along with all other members of the Senate, Staff, and Listening Audiences. I am Tania Penn - Chairwoman of the VI Board of Nurse Licensure. With me today, I have Brittney Dawson - Vice Chair, Carmen Vanterpool-Romney - Executive Director, and Joycelyn McFarland - Operations Director.

For decades nursing Boards have been tasked with a unique role of protecting the public, overseeing practices, and ensuring compliance within its jurisdiction. The Virgin Islands Board of Nurse Licensure was established more than four decades ago to do this. As the regulatory organization for nurses and nursing practice, our mission is to identify and promote policies and standards for nurses and nursing education that would safely guard the practice (which is a craft within itself), the principal, and the discipline.

The practice of nursing is governed by the Virgin Islands Nurse Practice Act, (Act # 4666, Section 415, Title 3, Virgin Islands Code, Subchapter IV, §100) and designates the Virgin Islands Board of Nurse Licensure (VIBNL) as the body with regulatory oversight for Advance Practice Registered Nurses, Registered Nurses, Licensed Practical Nurses, and Certified Nursing Assistants to ensure that healthcare within the territory is provided by safe, competent, trained providers.

The VIBNL is a member of the National Council of State Boards of Nursing. With this membership comes benefits and responsibilities. All of which this board are held to. There are high ethical and professional practices that are considered important for proper licensing of nurses, the improvement of policy, and nursing education.

The state nursing boards, and other healthcare related boards operate with a certain level of independence and autonomy from general state agencies responsible for healthcare or public health safety. It should be understood and accepted that it would then be a conflict of interest to hire, supervise, and deploy while still being responsible for vetting licensing and professionally sanctioning these individuals. The VIBNL through Title 27 and the Nurse Practice Act is the only entity in the Virgin Islands with this responsibility.

We take our responsibility seriously and for this responsibility to fall within any other government leadership is a conflict of interest and major safety concern. To reduce the likelihood

of conflict, the board, as indicated in the Nurse Practice Act and its rules and regulations should be the only entity handling its Human Resources, fiscal and procurement responsibilities.

The Law as it is set forth in Title 27, is vague and with it carries much difficulty to many departments. Legally, we have been told the law as written may be left up to interpretation.

Our goal at the board is to eliminate this concern in the future. To do this VIBNL has begun the process of updating our Nurse Practice Act to meet our national regulatory body standards. We will move our laws and our practice, with your support, into the twenty first century. Here in the Virgin Islands of the United States, we are looked at on the world stage as behind the times. VIBNL plans in partnership with other government agencies to move nurse licensure and its regulations forward, keeping safety and efficacy at the forefront.

This Board has a unique mission which is to improve nursing practice in the territory. Bill #34-0133, sponsored and passed under the 34th Legislature by Senator Donna Frett-Gregory (Senate President) and Senator Kurt Vialet (Chair of Finance Committee), this act was legislated to provide an appropriation for the operating expenses. Although this bill was created to clarify the operations of the board, inconsistency on the provision on how, where, and when funds are allocated and spent are not inclusive. Currently, the law is outdated and VI Code needs to be revisited for amendment making clear the Board power and duty.

Thus, the VIBNL has been plagued with many challenges as follows:

Authorization of the Board of its operations and financial duties:

- The Board has been excluded from authorization of the Enterprise Resource Planning (ERP) System.
- Due to the misinterpretation of the law as it relates to the functions of the board, it encounters a delay in executing contracts, expending funds, approving invoices, requisitions, NOPAs, and payroll.
- It impedes the smooth transparent workflow.

Inability to provide testing for nurse assistants consistently:

- VIBNL lacks training centers which contributes to delays in testing and a back log of nursing assistant exams.
- In the event an external Proctor is unavailable, two (2) VIBNL staff consisting of the Executive Director and Administrative Specialist administer testing.
- The unavailability of official standardized testing sites makes it difficult to offer regularly scheduled examinations for CNAs.
- It is imperative that the board seeks to secure a site that enables testing based on national standards such as faculty requirement, lockable storage, parking accessibility, separate exam room from check in room, and technical requirement like hardware operating system, etc.

Nurse Licensure Compact (Criminal Background check):

- Criminal background Check is not practical at this time and should further clarification be required kindly contact the Department of Health/Virgin Islands Police Department.

Board Members appointments:

- There are currently three (3) board vacancies consisting of Nurse Educator, License Practice Nurse (STT), Consumer Vacancy (STX).

Staffing:

We currently try and continue to try to do as much as possible within our ceiling but may be able to contribute more if given a supplemental budget. As nursing expands, so do the requirements for the board's responsibility. It would be helpful to add two (2) additional staff. Additional funding is helpful in addressing barriers and improving boards standards, which we are attempting to accomplish here in the territory.

Our much-needed compliance officer position has produced multiple regulatory intervention with licensure within our own local organizations and nurses trying to gain practice authority here. This position was added through supplemental funding and has shown itself to be inviable in nature. Due to the halt in Personnel Requisition Forms the board was unable to proceed with the PRF. Applications were reviewed & screened and strong candidates were identified.

This board is looking forward to our meeting with the Department of Health as we continue to regain authority in the lapse of quorum. It is our hope that the difficulties faced by our board and our leadership is not repetitive in nature.

Thank for your time and we are open to answer any questions the committee and its member may have.