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of the United States of America
Department of Licensing and Consumer Affairs

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Commissioner

Testimony
Before the
35th Legislature of the Virgin Islands

The Honorable Ray Fonseca, Chair
Committee on Health, Hospitals & Human Services

Bill 35-0254

November 22, 2024

"Serving Businesses & Assisting, Educating and Protecting Consumers"

Good Day Honorable Senator Ray Fonseca, Committee Chair, Committee on Health, Hospitals, & Human Services, 35th Legislature of the Virgin Islands, committee Senators present, non-committee Senators present, and the listening and viewing audience.

My name is H. Nathalie Hodge, Commissioner for the Department of Licensing and Consumer Affairs (hereinafter referred to as “DLCA”).

The DLCA appreciates the opportunity to testify before the 35th Legislature on Bill 35-0254, an Act amending Title 27 Virgin Islands Code, by adding a Chapter 21A, establishing the Audiology and Speech-Language Pathology Interstate Compact. The DLCA generally supports the legislation as it aims to improve public access to audiology and speech-language pathology services; especially since the Compact strives to preserve the regulatory authority of states and territories to protect public health and safety.

The compact would allow audiologists and speech-language pathologists to practice across member states under a compact privilege, streamlining professional licensure especially for practitioners seeking to obtain multistate licensure. It includes provisions for sharing disciplinary information among member states, ensuring that practitioners who are subject to disciplinary action in one state can’t evade consequences by moving to another state or territory. While this certainly improves access to much-needed services, it is crucial that business licensure remains a separate process.

The DLCA should retain the authority to issue and regulate business licenses for individuals and entities operating in the Virgin Islands, and this compact *does not explicitly waive the requirement for a local business license*. The Compact establishes uniform standards for licensure, ensuring that all member states adhere to a consistent level of regulation and oversight; streamlines the process and reduces the administrative costs associated with obtaining multiple licenses for practitioners in the field; and includes provisions for sharing disciplinary information among member states, ensuring that practitioners who are subject to disciplinary action in one state can't evade consequences by moving to another state or territory.

As the Department of Licensing and Consumer Affairs is tasked with issuing and regulating certain business and professional licenses, we have some concerns that warrant closer consideration.

How will the compact affect the need for local business licensure? Currently, audiologists and speech-language pathologists who hold compact privileges under the amendment are required to obtain a business license. Audiologists and speech-language pathologists who wish to operate as a business may register with the Office of the Lt. Governor and subsequently obtain a business license from the DLCA. Under the current process, Audiologists and speech-language pathologists are vetted by the Office of Professional Licensure and Health Planning of the Department of Health (DOH) as a prerequisite to being issued an Audiologist or Office of Health Practitioner business license. For this to continue, the compact would need to ensure that these processes are

preserved as registering as a business may accrue significant (tax, insurance, financing, branding) benefits to the entity.

Additionally, the U.S. Virgin Islands does not currently have an audiology or speech-language pathology licensing board. Under § 1110(b) (1) of the compact, each member state is required to appoint two delegates to the Compact Commission—one audiologist and one speech-language pathologist, both selected from the state’s licensing board.

Given this requirement, it raises further important questions: *How will the U.S. Virgin Islands comply with this provision without an existing audiology or speech-language pathology board? Would it be necessary for the territory to establish such a board before fully participating in the compact, or is there flexibility for the appointment of these delegates in the absence of a board? What steps would the government need to take to ensure compliance with this part of the compact?*

In answering these questions, it would seem to me that for the USVI to ensure compliance with this part of the compact, it would likely need to establish a dedicated board or designate an existing body to handle licensing for audiologists and speech-language pathologists.

To reiterate, DLCA fully supports the spirit of this legislation, as it aims to improve access to vital health services in the Virgin Islands. However, to ensure smooth implementation, it is essential to clarify the above questions and determine how business licensing and regulatory structures may need to adapt to accommodate the compact.

DLCA appreciates the opportunity to provide input on this important legislation. We are supportive of the compact's goals but seek further discussion on how business licensing requirements will be addressed and how the U.S. Virgin Islands will comply with the need for a state licensing board for audiology and speech-language pathology. DLCA stands ready to work with this body to ensure the proper regulatory frameworks are in place.

We welcome any questions or further discussions that this esteemed body may have.