

Testimony in Support of Proposed Amendments to the Virgin Islands Medical Malpractice Laws

Good day, Chairman Ray Fonseca, members of the Committee on Health, Hospitals and Human Services, fellow senators, legislative staff, and members of the listening and viewing audience.

My name is **William F. Kendall, MD, FACS**. I am a general surgeon with specialized fellowship training in abdominal transplantation. I was born and raised on St. Thomas, U.S. Virgin Islands. After leaving the Virgin Islands to attend college in Michigan, I completed medical school, a general surgery residency, and an abdominal transplant fellowship. I have been in medical practice for approximately twenty years.

Although I initially practiced in the field of abdominal transplantation, I eventually chose to focus exclusively on general surgery and have devoted my career to that specialty. I am frequently asked to manage complex surgical cases, and my additional transplant training often provides a unique perspective that, by the grace of God, has helped produce positive outcomes for many patients.

Several years ago, while transitioning between positions, I was given an opportunity to return home to St. Thomas for a brief period through my longtime friend and colleague, Dr. Frank Odum. I worked at Schneider Regional Medical Center and later returned to assist with the surgical call schedule. Although one of my sisters cautioned me about practicing in the Virgin Islands because of concerns she had regarding the healthcare environment, I felt honored to bring my skills home and provide care to my fellow Virgin Islanders.

Against her advice, I began working in both districts of the Virgin Islands, serving in St. Thomas approximately one week each month and later assisting at Governor Juan F. Luis Hospital and Medical Center in St. Croix. I am proud to say that I helped many patients address their surgical conditions and participated in the successful management of numerous complex cases.

Toward the end of my tenure, however, I was surprised to be named in two malpractice lawsuits, and later a third. What shocked me most was the nature of some of the claims and allegations being made. As a surgeon and former Air Force Reserve officer, I have always endeavored to maintain the highest ethical standards and to provide thoughtful, careful, and methodical patient care. Several of the allegations were inconsistent with what actually transpired and did not reflect the care that was provided.

I was also surprised because, despite the challenges physicians face in the Virgin Islands, including limited resources and operational constraints, I consistently sought to deliver the same quality of care to my fellow Virgin Islanders that I provided throughout my career in the mainland United

States. In most cases, patients experienced positive outcomes, or the best outcomes reasonably possible given the severity of their conditions.

Because of concerns regarding statements made in some of the legal filings, I submitted a complaint to the Judicial Ethics Committee. I also spoke with local physicians and learned that many viewed malpractice lawsuits as a relatively common occurrence and simply accepted them as part of practicing medicine in the Virgin Islands.

Accepting such circumstances as unavoidable is not my approach to life. Instead, I sought guidance, asked questions, and considered what changes might improve the situation. It became clear to me that meaningful reform of the existing malpractice laws was necessary. As a result, I contacted Attorney Russell and several senators to discuss potential solutions.

Fortunately, I was able to connect with Senator Novelle Francis, who had previously introduced legislation to address deficiencies in the existing malpractice framework. Although that legislation did not advance at the time, Senator Francis graciously met with me to discuss the issue and explore additional ideas. He and his staff subsequently undertook the important work of developing legislation to amend and improve the Virgin Islands malpractice laws.

These lawsuits have had a profound and damaging impact on my professional career. For many years, I have worked as a locum tenens surgeon, providing surgical services throughout the United States. Prior to these lawsuits, obtaining employment opportunities was relatively straightforward because of my experience and specialized skill set.

Since being named in these cases, however, I have lost at least thirty civilian employment opportunities. While many local physicians are able to continue working despite pending lawsuits, my ability to secure positions outside the territory has been severely affected.

In addition, military recruiters approached me on three separate occasions regarding a return to military service. Although I previously served as a commissioned officer in the United States Air Force Reserve, I am currently unable to obtain a new commission because of these pending malpractice cases in the Virgin Islands.

What is particularly discouraging is the understanding that malpractice cases in the territory often remain unresolved for many years. I have been informed that some cases dating back to the early 1990s may still be pending without final resolution. Such prolonged litigation harms physicians, patients, and the healthcare system as a whole.

Thankfully, despite these challenges, I have been able to continue working. Unfortunately, I cannot attend today's hearing in person or online, because I am traveling from Florida to another state for a surgical assignment.

As a direct result of these lawsuits and the current malpractice environment in the Virgin Islands, I have decided that it is no longer in my best interest to practice there. The risk to my professional livelihood has become too great. Consequently, I have chosen not to renew my Virgin Islands medical license, which was due for renewal this month.

This decision pains me. I am a son of St. Thomas, and I would welcome the opportunity to continue serving my family, friends, and fellow Virgin Islanders. However, I cannot, in good conscience, place myself in circumstances that could further jeopardize my ability to provide for and care for my own family.

Despite my personal experience, I remain hopeful. I sincerely believe that these and future amendments to the malpractice laws can create a system that both protects physicians from unnecessary or unsubstantiated lawsuits and preserves the rights of patients who have genuinely suffered harm due to medical negligence.

I also hope we can establish a process through which patients who are dissatisfied with or uncertain about their care, have access to an informed, respectful, and compassionate forum where their concerns can be heard and evaluated. Through appropriate review and expert vetting, legitimate claims can be identified, and patients who have experienced true malpractice can pursue fair compensation.

A more balanced and equitable system will help attract and retain highly qualified physicians who are committed to serving the people of the Virgin Islands. Ultimately, such reforms can improve access to quality healthcare and help ensure that our residents receive the best possible care close to home.

I would also like to acknowledge the many dedicated physicians with whom I worked during my time in the Virgin Islands. Despite significant challenges, including staffing limitations and shortages of equipment and supplies, they remained committed to their patients and worked tirelessly under difficult circumstances. Nothing in my testimony is intended to diminish their efforts or dedication. They are true healthcare champions.

Thank you for your time and consideration.

May God bless our efforts and the people of the Virgin Islands.

Respectfully submitted,

William F. Kendall, MD, FACS

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