COMMITTEE ON HOMELAND SECURITY, JUSTICE AND PUBLIC SAFETY

BILL NO. 36-0346

Thirty-Sixth Legislature of the Virgin Islands

September 17, 2026

An act amending title 19 Virgin Islands Code creating the Emergency Medical Services System

PROPOSED BY: Senator Marise C. James
Sponsor: Clifford A. Joseph, Sr.

WHEREAS, a territory-wide program for emergency medical services is necessary to promote the health, safety, and welfare of the citizens of the Territory;

WHEREAS, pre-hospital emergency medical care is a primary and essential public service, and the presence of adequately equipped ambulances as well as trained pre-hospital emergency care providers may be the difference between life and death or permanent disability to those persons in the Virgin Islands making use of such services in an emergency;

WHEREAS, the services to be delivered by pre-hospital emergency care providers are complex and demanding, and training and other requirements appropriate for delivery of these services must be continuously reviewed and updated;

WHEREAS, effective delivery of emergency medical services and pre-hospital emergency medical care requires establishing an emergency medical services system, or "EMS System".

WHEREAS, the Virgin Islands has been operating without a structured system, but by enacting the Emergency Medical Services System Act, a comprehensive system can be

established in the territory that will advance the quality of care being provided by pre-hospital emergency care providers, and by emergency medical services agencies so that effective, practical, and economical delivery of pre-hospital emergency medical care can occur throughout the Virgin Islands; and

WHEREAS, the Department of Health should continually assess, and revise as necessary, the functions of emergency medical services agencies and providers and other components of the emergency medical services system that it regulates under this chapter to: (1) improve the quality of emergency medical services provided in this Territory; (2) have the emergency medical services system adapt to the changing needs of the residents of this Territory; and (3) promote the recruitment and retention of persons willing and qualified to serve as emergency medical services providers in this Territory; Now, therefore,

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 19 Virgin Islands Code is amended by adding a Part IX and a chapter 76 to read:

"PART IX. EMERGENCY MEDICAL SERVICES

Chapter 76. Emergency Medical Services System Act

§4201. Short title

This chapter may be cited as "The Virgin Islands Emergency Services System Act".

§4202. Legislative Intent

The Emergency Medical Services System Act ("EMS System Act") is enacted to establish and maintain an effective and efficient emergency medical services system that is accessible on a uniform basis to all residents of the Virgin Islands and visitors to the Territory. By establishing the EMS System Act, the Legislature intends to:

(1) effectuate delivery of quality pre-hospital emergency medical care in the Territory;

1 (2) creating a division responsible for regulating ambulance services and pre-hospital
2 emergency medical care;
3 (3) creating a board responsible for planning, advising, maintaining, expanding, and
4 improving emergency medical services within the Virgin Islands;
5 (4) provide for the appropriate licensure of persons providing pre-hospital medical care
6 and licensure of organizations providing emergency medical services;
7 (5) provide for the establishment of educational requirements and permitted practices
8 for persons providing pre-hospital emergency medical care;
9 (6) provide a system of regulation for pre-hospital emergency medical care that
10 encourages pre-hospital emergency providers and emergency medical services agencies to
11 provide the highest degree of care; and
12 (7) provide a flexible system for the regulation of pre-hospital emergency care
13 providers and emergency medical services that protects public health and safety.
14 **§4203. Definitions**
15 (a) The Commissioner of Health has the authority to define varying types of facilities
16 and agencies reasonably classified within the broader categories defined in this section and
17 may issue rules with respect to these subtypes. The Commissioner of Health shall make the
18 final determination of whether a facility or agency falls within a category or a subtype pursuant
19 to this section.
20 (b) When used throughout this chapter, the terms "facility" and "agency" and their
21 plural forms, unless contextually inappropriate or subject to specific exception, apply to all the
22 facilities and agencies defined in this section as well as those subtypes defined by the
23 Commissioner of Health. The Commissioner of Health shall make the final determination of
24 whether a provision is contextually inappropriate for a particular agency or facility.
25 (c) For the purposes of this chapter:

(1) "Advanced emergency medical services" means invasive emergency medical services exceeding the scope of practice of an emergency medical technician.

(2) "Advanced Life Support" or "ALS" means sophisticated interventions and procedures administered to stabilize critical patients who may have suffered a life-threatening event while preparing them for transport to a hospital in a pre-hospital setting, like an ambulance or another emergency vehicle.

(3) "Ambulance" means any privately or publicly owned vehicle specially designed, constructed or modified and equipped, and is used or intended to be used, and is maintained or operated, for the purpose of providing emergency medical services to, and transportation of patients. The term "ambulance" includes vehicles capable of operation on the ground, on water, or in air.

(4) "Ambulance service" means an entity that regularly engages in the business of providing emergency medical services and transportation of patients within the Territory. The term includes mobile and advanced life support services that may or may not transport patients. An ambulance service may transport patients to a non-medical facility, such as a mental health facility or chemical dependency program.

(5) "Ambulatory surgical facility" means any facility, other than a hospital or maternity center but including an office-based facility, at which outpatient surgical and related procedures are performed that have been classified due to their complexity or the degree of patient risk.

(6) "Basic emergency medical services" means noninvasive emergency medical services included within, but not exceeding, the scope of practice of an emergency medical technician.

(7) "Basic Life Support or BLS" means a set of life-saving medical procedures performed in the early stages of an emergency, generally administered by a first

1 responder, healthcare provider, or any individual on the scene who has basic medical
2 training, until more advanced medical care can be provided.
3 (8) "Board" or "EMS Board" means the Virgin Islands Board of Emergency
4 Medical Services.
5 (9) "Certificate of Need" means a regulatory process that requires hospitals and
6 healthcare providers to obtain government approval before making major capital
7 expenditures, adding new services, or building new facilities as provided for in to title
8 19, chapter 15, section 223.
9 (10) "Commissioner" means the Commissioner of the Department of Health.
10 (11) "Competency evaluation" means any written, oral, or practical examination
11 or assessment of the knowledge or skills of an applicant for certification or recertification
12 as an emergency medical services provider pertinent to the ability of that applicant to
13 perform the duties required of him or her. Each competency evaluation may include one
14 or more sub-parts, including individual demonstrations and assessments of the
15 applicant's performance in actual or simulated emergency situations.
16 (12) "Department" means the Virgin Islands Department of Health.
17 (13) "Director" means the director of the Division.
18 (14) "Division" means the Territorial Office of Emergency Medical Services,
19 which is responsible for the regulation and operation of the EMS system in the territory.
20 (15) "Emergency" means the existence of circumstances in which the element of
21 time in treating, or in transporting to medical treatment, a person who is ill, injured,
22 wounded, or otherwise incapacitated is essential to the health or life of that person, and
23 in which rescue operations, or competent first aid, or both is essential to the health or life
24 of that person.

1 (16) "Emergency medical response vehicle" means a vehicle or conveyance used
2 to respond to a medical emergency for the purpose of rendering medical assistance,
3 including providing medical assistance, or the transportation of patients to a health care
4 facility or other treatment facilities. The term "emergency medical response vehicle"
5 includes:
6 (A) ambulances which operate as motor vehicles, watercraft, or aircraft.
7 (B) fire engines, motor vehicles, segways, other ground, water, or air
8 vehicles used to transport emergency medical services providers, supplies, or
9 equipment to an emergency.
10 (17) "Emergency medical services" or "EMS" means any of the following:
11 (A) The medical care, including medical assessment, monitoring,
12 treatment, stabilization, transportation, and observation, that is provided to a person
13 in responding to an actual or reported emergency to:
14 (i) prevent or protect against loss of life or deterioration in
15 physiological or psychological condition, or,
16 (ii) address pain or morbidity associated with the person's condition.
17 (B) The performance of any act using judgment or skill, based upon the
18 United States Department of Transportation's education standards and guideline
19 training requirements, the National Highway Traffic Safety Administration's
20 National Emergency Medical Service Scope of Practice Model and National
21 Emergency Medical Services Education Standards, and permitted practices and
22 procedures for the levels of licensure of emergency medical services providers.
23 (C) The transportation of an individual with medical assessment,
24 monitoring, treatment, stabilization, or observation of the individual who, due to

1 the individual's condition, requires medical assessment, monitoring, treatment, or
2 observation during the transport.
3 (18) "Emergency medical services agency" or "EMS agency" means an entity
4 engaged in the business or service of one or more of the following:
5 (A) Responding to requests for emergency medical assistance to prevent
6 loss of life or aggravation of physiological or psychological illness or injury;
7 (B) Transporting patients from an emergency to a health care facility or
8 other treatment facilities; or
9 (C) Providing medical assistance to patients at an emergency or in transit
10 from an emergency to a health care facility or other treatment facilities.
11 (19) "Emergency medical services agency medical director" or "EMS agency
12 medical director" means a physician licensed in the Virgin Islands who is employed by,
13 contracts with, or volunteers with an emergency medical services agency either directly
14 or through an intermediary to:
15 (A) evaluate the quality of patient care provided by emergency medical
16 services providers utilized by the emergency medical services agency, and
17 (B) provide medical guidance and advice to an emergency medical services
18 agency.
19 (20) "Emergency Medical Services for Children" means the federal health
20 initiative and specialized branch of emergency care whose primary mission is to reduce
21 child and youth mortality and morbidity from severe illness or trauma by ensuring
22 emergency responders and hospitals are equipped with the pediatric-specific resources
23 and training necessary for children.
24 (21) "Emergency medical services instructor" means a person engaged in the
25 business or service of:

(A) teaching one or more courses of study or training designed to prepare persons for the oral, written, or practical examinations required for certification or re-certification as emergency medical services providers;

(B) administering one or more such examinations; or

(C) both.

(22) "Emergency medical services provider" or "EMS provider" means a person performing the duties of providing medical assistance, medical treatment, first aid, or lifesaving interventions, at an emergency or in transit from an emergency to a health care facility or other treatment facility, to a person who is ill, injured, wounded, or otherwise incapacitated. The term includes persons otherwise classified as "emergency medical responders", "emergency medical technicians", "advanced emergency medical technicians", "paramedics", "prehospital registered nurses", "prehospital physician extenders", "prehospital emergency medical services physicians" and individuals prescribed by the Department of Health to provide specialized emergency medical services.

(23) "Emergency medical services system" or ("EMS System") is a system of coordinated response and emergency medical services in a specific geographic area comprised of the following components: public and private agencies and organizations, communications and transportation networks, trauma systems, hospitals, trauma centers, and specialty care centers, rehabilitation facilities, highly trained professionals, volunteer and career prehospital personnel, physicians, nurses, and therapists, administrators and government officials, and an informed public that knows what to do in a medical emergency.

(24) "Emergency medical services training facility" means an institution or entity engaged in the business or service of providing one or more courses of study or training

1 designed to prepare interested persons for the oral, written, or practical examinations
2 required for certification or re-certification as emergency medical services providers.
3 (25) "Emergency medical technician" means an individual who is trained to
4 provide basic life support services and is certified by the Department in accordance with
5 the current national standard curriculum for basic emergency medical technicians.
6 (26) "Emergency medical technician-Advanced" or "Advanced EMT" or "A-
7 EMT" means an emergency medical technician who is specially trained to provide
8 limited advanced life support services and is certified by the Department in accordance
9 with the current national standard curriculum for basic emergency medical technicians.
10 (27) "Emergency medical technician — paramedic" or "EMT-paramedic" or
11 "EMT-P"" means an emergency medical technician specially trained to provide advance
12 life support services who is certified by the Department in accordance with the current
13 national standard curriculum for basic emergency medical technicians.
14 (28) "First responder" or "Emergency medical responder" or "EMR" means an
15 individual trained to provide emergency medical care prior to the arrival of an ambulance,
16 in accordance with the knowledge and skill acquired through successful completion of
17 an approved program for a first responder or an emergency medical responder and
18 certified by the Department.
19 (29) "Flight emergency medical services provider" means a person performing
20 the duties of providing medical assistance, medical treatment, first aid, or lifesaving
21 interventions, in airborne transit from an emergency to a health care facility or other
22 treatment facility, or in airborne transit between facilities, to a person who is ill, injured,
23 wounded, or otherwise incapacitated. The term "flight emergency medical services
24 personnel" includes persons otherwise classified as emergency medical services
25 providers, as well as nurses, respiratory therapists, physician assistants, and physicians.

1 (30) "Health care facility" means a hospital, maternity center, ambulatory surgical
2 facility, physician's office, nursing home, hospice, skilled nursing facility, or other fixed
3 location at which medical and health care services are performed. It does not include
4 "pre-hospital emergency care settings" which utilize EMS personnel to render pre-
5 hospital emergency care prior to the arrival of a transport vehicle, as defined in this
6 chapter.
7 (31) "Hospice" means an agency, organization, facility, or distinct part thereof
8 primarily engaged in providing a program of in-home, outpatient, or inpatient medical,
9 nursing, counseling, bereavement, and other palliative and supportive services to
10 terminally ill individuals and their families.
11 (32) "Hospital" means a facility having an organized medical staff that provides
12 24-hour inpatient care, including diagnostic, therapeutic, and other health-related
13 services, for a variety of physical or mental conditions, and may, in addition, provide
14 outpatient services, particularly emergency care. The term includes facilities for the
15 diagnosis and treatment of disorders within the scope of specific medical specialties, but
16 not facilities caring exclusively for the mentally ill.
17 (33) "Invalid coach" means a vehicle which is primarily maintained, operated, and
18 intended to be used for routine transport of persons who are convalescent or otherwise
19 non-ambulatory and do not ordinarily require emergency medical treatment while in
20 transit.
21 (34) "Maternity center" means a facility or other place, other than a hospital or
22 the mother's home, that provides antepartal, intrapartal, and postpartal care for both
23 mother and child during and after a normal, uncomplicated pregnancy.

1 (35) "Medical command order" means an order given to an emergency medical
2 services provider by an authorized medical command physician who meets qualifications
3 prescribed by the Department.
4 (36) "Medical command physician" means a physician certified by the
5 Department to give medical command orders to emergency medical services providers.
6 (37) "Medical control system" means a system where the direct clinical
7 instructions are given by physicians in a designated hospital or medical resource center
8 to emergency medical services providers in the field.
9 (38) "Medical monitoring" means performing continuous or periodic
10 observations of an individual's condition or continuation of an ordered treatment plan for
11 an individual to prevent pain, suffering, or exacerbation of a preexisting condition.
12 (39) "Medical observation" means performing continuous or periodic
13 observations of an individual's stable condition to determine whether there is a change
14 in that condition.
15 (40) "Medical resource center" means a public or private facility or organization
16 that provides a range of health-related services, resources, and support to individuals and
17 communities.
18 (41) "Member" means a member of the Virgin Islands Board of Emergency
19 Medical Services.
20 (42) "Mutual aid" means an agreement whereby the Virgin Islands requests the
21 assistance of an outside entity to provide supplemental or specialized emergency medical
22 services in an emergent situation, pursuant to established protocols.
23 (43) "National Emergency Medical Services Information System (NEMSIS)"
24 establishes a uniform national standard for documenting patient care information from
25 prehospital EMS activations.

1 (44) "National Registry of Emergency Medical Technicians (NREMT)" certifies
2 EMS professionals to ensure they meet national standards of knowledge and competency.
3 (45) "Non-emergent transport (NEMT)" generally refers to the range of
4 transportation services provided to individuals who need assistance getting to and from
5 medical appointments when the situation is not life-threatening.
6 (46) "Nursing Home" means a long-term residential care facility providing
7 custodial care (nonmedical assistance with activities of daily living such as bathing,
8 dressing, eating) and basic health care.
9 (47) "Offline medical direction" means the function of a board-licensed physician
10 or physician's assistant in providing:
11 (A) medical oversight and supervision for an emergency medical service
12 agency or an emergency medical services provider; and
13 (B) review of patient care techniques, emergency medical service
14 procedures, and quality of care.
15 (48) "Online medical direction" means the function of a board-licensed physician
16 or physician assistant or the function of a designee of the physician or physician's
17 assistant in providing direction, advice, or orders to an emergency care provider for
18 interfacility emergency medical transportation or pre-hospital emergency medical or
19 community-integrated health care as identified in a plan for offline medical direction.
20 (49) "Patient" means an individual who is sick, injured, wounded, or otherwise
21 incapacitated and helpless and who needs immediate medical attention.
22 (50) "Physician" means a person who has a currently registered license to practice
23 medicine or osteopathic medicine in the Virgin Islands.

1 (51) "Pre-hospital care" means those emergency medical services rendered to an
2 emergency patient for analytic, resuscitative, stabilizing or preventative purposes,
3 precedent to and during transportation of such patient to health care facilities.
4 (52) "Prehospital emergency medical services physician" or "prehospital EMS
5 physician" means a physician who provides advanced medical care to critically ill or
6 injured patients at the scene of an incident and during transport to the hospital and who
7 is certified by the Department as a prehospital emergency medical services physician.
8 (53) "Prehospital physician extender" or "PHPE" means a physician assistant who
9 has the knowledge and skills to provide advanced life support services and is certified by
10 the Department.
11 (54) "Prehospital registered nurse" or "PHRN" means a professional registered
12 nurse who has the knowledge and skills to provide advanced life support services and is
13 certified by the Department.
14 (55) "Protocols" means a set of written policies, procedures, and directions from
15 an emergency medical services medical director to an emergency care provider
16 concerning the medical procedures to be performed in specific situations.
17 (56) "Qualified health care professional" means a person licensed and qualified in
18 accordance with title 27 Virgin Islands Code and with rules promulgated pursuant to that
19 title, to engage in the act of prescribing and of rendering medical care and advice under
20 the circumstances presented.
21 (57) "Skilled Nursing Facility" means an institution or a distinct part of an
22 institution primarily engaged in providing:
23 (a) skilled nursing care and related services for residents who require
24 medical or nursing care, or

1 (b) rehabilitation services for the rehabilitation of injured, disabled, or sick
2 persons.
3 (58) "Standing Order" means a direct order from the emergency medical service
4 medical director or medical command physician to perform certain tasks for a patient
5 under a specific set of circumstances.
6 (59) "Territorial Medical Director" means a licensed physician with specialized
7 pre-hospital care training, to include board certification in emergency medicine,
8 designated by the Department of Health to provide overall medical direction to the
9 territorial EMS system.
10 (60) "Treatment facility" means an urgent care center, treatment center, clinic, or
11 other facility or office where medical or psychological services are performed that has
12 been authorized by the Commissioner to receive patients transported by emergency
13 medical services entities or providers.
14 **§4204. Applicability and exemptions**
15 (a) Except as otherwise provided in this chapter, this chapter is applicable to every:
16 (1) person performing the duties of emergency services providers, compensated
17 or uncompensated, within the Virgin Islands;
18 (2) entity providing emergency medical services within the Virgin Islands,
19 public or private, for-profit, or not-for-profit, including owners or operators of emergency
20 medical services agencies and owners or operators of emergency medical response
21 vehicles; and
22 (3) person and entity providing emergency medical services training and
23 instruction, public or private, for-profit, or not-for-profit, within the Virgin Islands.
24 (b) This chapter is not applicable to:

1 (1) the unexpected rendering of immediate care by a private citizen, or the
2 unexpected use of a privately-owned vehicle or aircraft that is not ordinarily used to
3 transport persons who are sick, injured, wounded, or otherwise incapacitated or helpless,
4 in the performance of a lifesaving act;
5 (2) vehicles or aircraft rendering services as an ambulance in case of a major
6 catastrophe or emergency when licensed ambulances based in the localities of the
7 catastrophe or emergency are incapable of rendering the services required;
8 (3) agencies, vehicles, or training facilities owned or operated by the United
9 States government;
10 (4) agencies operating within the Virgin Islands pursuant to mutual aid
11 agreements;
12 (5) validly licensed non-emergent transport vehicles operated solely for the
13 transportation of non-emergency patients to and from treatment facilities as outpatients;
14 provided, that this exemption does not apply to any vehicle that is in any way held out as
15 an emergency medical response vehicle;
16 (6) physicians, physician assistants, registered nurses, licensed practical nurses,
17 or advanced practice registered nurses, who hold current Virgin Islands licenses and are
18 exclusively engaged in the practice of their respective professions;
19 (7) persons authorized to perform pre-hospital emergency care in other states and
20 territories when incidentally working in the Virgin Islands in response to an emergency;
21 and
22 (8) students under the supervision of a licensed pre-hospital emergency care
23 provider performing emergency medical services that are an integral part of the training
24 provided by an approved training institute.
25 **§4205. Duties of the Department**

1 (a) The Commissioner shall plan, guide, assist and coordinate the development of a
2 territory-wide EMS System.
3 (b) The Department, through the Division, is the lead agency for regulation of
4 emergency medical services in this Territory. The Division has the authority to:
5 (1) coordinate a program for planning, developing, maintaining, expanding,
6 improving, and upgrading emergency medical services throughout the Territory;
7 (2) establish, by regulation, standards and criteria governing the award and
8 administration of contracts pursuant to Title 31, Chapter 23 of the Virgin Islands Code
9 for initiation, maintenance, and improvement of the EMS System;
10 (3) require the collection and maintenance of standardized patient data utilizing
11 the NEMSIS standard in EMS patient care reports by EMS agencies that cover all phases
12 of the EMS incident, including, but not limited to, the dispatch report and contact,
13 treatment, and transport of a patient in the EMS System;
14 (4) collect, as necessary and appropriate, data and information regarding patients
15 who utilize emergency departments without being admitted to the facility and patients
16 admitted to a facility through the emergency department or through a trauma center, in a
17 manner that protects and maintains the confidential nature of patient records;
18 (5) prepare and revise a territorial-wide EMS System plan under section 4208;
19 (6) approve training programs and accredit educational institutions for EMS
20 training of EMS providers;
21 (7) inspect EMS agencies for compliance with this chapter and regulations
22 adopted under this chapter;
23 (8) prescribe minimum requirements for liability insurance to be carried by
24 licensed agencies except that this requirement is not applicable to public agencies;

1 (9) provide technical assistance to EMS agencies and other entities for the
2 purpose of assuring effective planning and execution of EMS;
3 (10) administer contracts and grants authorized under this chapter and other grants
4 pertaining to EMS;
5 (11) maintain a quality improvement program for the purpose of monitoring and
6 improving the delivery of EMS;
7 (12) recommend 911, and other EMS agency dispatchers' protocols with respect
8 to the type and quantity of EMS resources to dispatch to emergencies;
9 (13) investigate, based upon complaints and information received, possible
10 violations of this chapter and regulations under this chapter and take disciplinary actions,
11 seek injunctions, and refer matters for criminal prosecution;
12 (14) enter into agreements with any of the territorial departments or agencies for
13 the purpose of carrying out the provisions of this chapter;
14 (15) enter into agreements with other states and territories that may include the
15 acceptance of EMS resources from other states and territories that do not fully satisfy the
16 requirements of this chapter, or regulations adopted under this chapter; and
17 (16) accept from any person, services, equipment, supplies, materials, or funds by
18 way of bequest, gift, or grant for the purposes of promoting emergency medical care, and
19 which funds must be remitted to the Commissioner of Finance for credit to the Health
20 Revolving Fund of the Department.
21 (c) The data and information collected under subsection (b)(4) must include essential
22 information only, be reasonable in detail, and collected pursuant to regulations issued by the
23 Division. The data and information must be limited to specific planning, research, and quality
24 improvements and not be duplicative of data and information already available to the Division.
25 The information gathering and retention must be compliant with applicable federal law.

1 (d) The Division shall encourage health-care facilities, including long-term care and
2 assisted living facilities, to provide or procure inter-facility transport services independent of
3 the 911 emergency system for their non-emergent needs; provided, that this does not limit the
4 authority of the Medical Director of the Fire and Emergency Medical Services Department.

5 **§4206. Regulations**

6 (a) The Division shall adopt regulations to implement the provisions of this chapter,
7 including:

8 (1) creating licensure and certification requirements for emergency medical
9 responders, emergency medical technicians, advanced emergency medical technicians,
10 and paramedics, which must include all criteria and qualifications for each classification
11 determined to be necessary for the protection of public health and safety;

12 (2) providing for nonrenewable temporary licensure of a pre-hospital emergency
13 care provider who is lawfully authorized to practice in another state, but has not
14 completed a National Registry certification, which must include qualifications and
15 training necessary for issuance of the temporary license, the practices, and procedures
16 authorized for a temporary licensee, and supervision required for a temporary licensee,
17 and which temporary licensure is valid for six months;

18 (3) providing for nonrenewable temporary licensure of a pre-hospital emergency
19 care provider relocating to the Virgin Islands, if such pre-hospital emergency care
20 provider is lawfully authorized to practice in another state that has adopted the licensing
21 standards of the EMS Personnel Licensure Interstate Compact which temporary licensure
22 is valid for six months or until a Virgin Islands license is issued;

23 (4) Prescribing licensure and certification requirements for veterans, active-duty
24 service members, and Guard and Reserve personnel to ensure that the military emergency
25 medical training, emergency medical curriculum completed, and clinical experience are

1 recognized and endorsed as satisfying some or all the applicable standards of the
2 Division;
3 (5) setting standards and requirements for the licensure, registration, and
4 operation of EMS agencies; which must include standards and requirements for the
5 premises, vehicles, equipment, maintenance, sanitation, inspections, personnel, training,
6 medical direction, records maintenance, hours and scope of operation, practices and
7 procedures to be provided by employees or members of each classification of service,
8 and other criteria for licensure established by the Division; No emergency medical
9 service agency shall be licensed to provide practices or procedures without the use of
10 personnel licensed to provide the practices or procedures;
11 (6) authorizing emergency medical services to provide differing practices and
12 procedures depending upon the qualifications of pre-hospital emergency care providers
13 available at the time-of-service delivery;
14 (7) authorizing pre-hospital emergency care providers to perform any practice or
15 procedure that they are authorized to perform with an emergency medical service agency
16 other than the service with which they are affiliated when requested by the other service
17 and when the patient for whom they are to render services is in danger of loss of life;
18 (8) providing for the approval of training agencies and establishing minimum
19 standards for services provided by training agencies;
20 (9) providing for the minimum qualifications of a physician medical director in
21 addition to the licensure required by Title 27;
22 (10) providing for the use of emergency medical service medical directors, model
23 protocols, offline medical direction, standing orders, operating procedures, and
24 guidelines that may be necessary or appropriate to carry out the purposes of this chapter,
25 which may be modified by the emergency medical service medical director for use by

1 any pre-hospital emergency care provider or emergency medical service agency before
2 or after adoption;
3 (11) establishing criteria for approval of organizations issuing cardiopulmonary
4 resuscitation certification which must include criteria for instructors, the establishment
5 of certification periods and minimum curricula, and other aspects of training and
6 certification;
7 (12) establishing renewal and reinstatement requirements for pre-hospital
8 emergency care providers and establish continuing competency requirements, and
9 continuing education sufficient to meet continuing competency requirements, which
10 requirements may also include one or more of the continuing competency activities
11 which a licensed person may select as an alternative to continuing education and the
12 reinstatement requirements for pre-hospital emergency care providers must provide for
13 reinstatement at the same or any lower level of licensure for which the pre-hospital
14 emergency care provider is determined to be qualified;
15 (13) creating licensure, renewal, and reinstatement requirements for emergency
16 medical service instructors, must include the practices and procedures for licensure,
17 renewal, and reinstatement;
18 (14) establishing criteria for advanced emergency medical technicians,
19 emergency medical technicians, or paramedics performing activities within their scope
20 of practice at a hospital or health clinic, which criteria must include, a requirement that
21 the activities must only be performed at the discretion of and with the approval of
22 governing authority of such hospital or health care facility; and
23 (15) establishing grounds and procedures for denial, non-renewal, suspension, and
24 revocation of a license or certification.

1 (b) Regulations adopted by the Division must be promulgated pursuant to title 3 Virgin
2 Islands Code, chapter 35.
3 **§4207. Emergency medical services patient care reports**
4 (a) An EMS agency shall ensure that its responding EMS providers complete an EMS
5 patient care report for each response made in which it encounters a patient or a person who has
6 been identified as a patient to the EMS agency, unless the Department by regulation exempts
7 certain types of patient contact from the reporting requirement. The Department shall employ
8 an electronic EMS patient care reporting process that solicits standardized data and patient
9 information. The Department may require an EMS agency to complete a different standardized
10 report or different fields in a standardized report based upon the type of resources the EMS
11 agency uses in responding. For extraordinary reasons, as determined by the Department, the
12 Department shall permit, on a case-by-case basis, an EMS agency to file a hard-copy report.
13 (b) The report must contain essential information solicited in reasonable detail on the
14 form or other reporting process developed by the Department. The Department may also use
15 the reporting process to collect data to enhance its ability to carry out its responsibilities under
16 section 4205.
17 (c) If a patient is transported to a hospital or from a hospital to another health care
18 facility, the EMS agency must provide to that hospital or other health care facility information
19 about the patient and the procedures or treatment that EMS performed on the patient that is
20 solicited through the reporting process to become part of the patient's medical record.
21 (d) (1) Patient information collected by an EMS agency must remain confidential. The
22 EMS agency or a health care facility may not release patient information except as follows:
23 (A) to the patient who is the subject of the report or to a person who is
24 authorized to exercise the rights of the patient with respect to securing the report;

1 (B) pursuant to a court order, including a subpoena when issued pursuant
2 to a court order, except that disclosure pursuant to a subpoena is not permitted when
3 the disclosure is not otherwise authorized by law;
4 (C) to a health care provider to whom a patient's medical record may be
5 released under the law;
6 (D) for billing purposes;
7 (E) for quality improvement activities;
8 (F) to the department for the purpose of investigating possible violations
9 of this chapter or related regulations; or
10 (G) to a government agency or its agent, as authorized by the Department,
11 for the purpose of the agency performing official government duties;
12 (2) Notwithstanding the duty of confidentiality and applicable territorial and
13 federal law, the Department may release the report for specific research or EMS planning
14 purposes, subject to Department approval and supervision to ensure that use of the report
15 is strictly limited to the purposes of the research.
16 (3) No civil or criminal liability for damages or other relief or penalty arises or
17 is enforceable against any person or organization for providing patient data pursuant to
18 this section.
19 **§4208. Comprehensive Emergency Medical Services System Plan**
20 (a) The Division, with the assistance of the Virgin Islands Emergency Services Board,
21 shall prepare a territory-wide EMS System plan. This plan must include both short-range and
22 long-range goals and objectives. The EMS System plan must be made available to the
23 Governor, the Legislature, and all concerned agencies, entities, and individuals.
24 (b) The EMS System plan must contain:
25 (1) An inventory of EMS resources available within this Territory;

1 (2) An assessment of the effectiveness of the existing EMS System and a
2 determination of the need for changes to the EMS System;
3 (3) Performance measures for delivery of EMS to all persons in this Territory;
4 (4) Methods to be used in achieving the stated performance measures;
5 (5) A schedule for achievement of the stated performance measures;
6 (6) A method for monitoring and evaluating whether the stated performance
7 measures are being achieved; and
8 (7) the estimated costs for achieving the stated performance measures;
9 (c) (1) The Division shall collect and analyze EMS data for the purpose of:
10 (A) revising the Territorial EMS System plan, including the status of the
11 Territorial EMS System, the degree of compliance with requirements of this
12 chapter and the effectiveness of EMS System in reducing morbidity and mortality
13 associated with medical emergencies; and
14 (B) planning future EMS System initiatives.
15 (2) Persons regulated by the Division under this chapter and dispatchers of EMS
16 agencies shall provide data, without charge, as reasonably requested by the Department
17 and EMS Board, to aid them in developing and revising the Territorial EMS System plan
18 and in conducting investigations under this chapter as authorized by the Department.
19 (d) The Department shall publish annually comprehensive and specific reports of
20 activity and plan implementation.
21 (e) The Department shall use the Territorial plan for contract and grant purposes.
22 (f) Nothing in the Territorial plan may be construed to vest the Department with any
23 regulatory authority.
24 **§4209. Emergency medical services agencies and ambulance services; license required**

1 (a) Except as otherwise provided in this chapter, no person or entity may operate an
2 emergency medical services agency or ambulance service in the Territory, whether public or
3 private, for-profit, or not-for-profit, without first having obtained a certificate of need from the
4 Commissioner.
5 (b) Unless otherwise specified, all provisions of this chapter, including those contained
6 within this section, apply to any entity of the Government of the Virgin Islands engaging or
7 seeking to engage in the operation of an emergency medical services agency or ambulance
8 service, except that entity is required to obtain a certification from the Commissioner.
9 (c) An applicant for a license to operate an emergency medical services agency or
10 ambulance service shall establish to the satisfaction of the Commissioner that the agency meets
11 all requirements set forth in this chapter and in rules promulgated pursuant to this chapter.
12 (d) An applicant for a license shall:
13 (1) apply to the Commissioner on a form approved by the Commissioner;
14 (2) submit supporting documentation as required by the Commissioner,
15 including all certificates of approval, authority, occupancy, or need that are required as a
16 precondition to lawful operation in the Virgin Islands; and
17 (3) pay the applicable fee established by the Commissioner, except that no
18 license fee is required of any emergency medical services agency or ambulance service
19 operated by the Government of the Virgin Islands.
20 (e) A license to operate an emergency medical services agency or ambulance service
21 must be issued for a period not to exceed two years.
22 (f) A license to operate an emergency medical services agency or ambulance service
23 is only valid for the persons and premises named as applicants in the application. Re-licensure
24 is required when there is a change in the ownership of an agency owned by an individual,

1 partnership, or association, or in the legal or beneficial ownership of 25% or more of the stock
2 of a corporation that owns or operates an agency.
3 (g) The medical director of an emergency medical service agency or ambulance service
4 must be a physician licensed to practice medicine in the Virgin Islands. The medical director
5 has responsibility for medical oversight of all operations of the agency or service.
6 (h) Each person performing the duties of emergency medical services providers while
7 employed by or otherwise affiliated with an emergency medical services agency or ambulance
8 service shall practice under the licensure authority of the service's medical director except
9 when directed by another physician or other qualified health care professional.
10 **§4210. Emergency medical response vehicles: EMS Vehicle certification required**
11 (a) Except as otherwise provided in this chapter, no ambulance or other emergency
12 medical response vehicle may be operated in the Territory unless the Commissioner has issued
13 a certificate of need for its intended use, either to transport patients or to transport supplies and
14 equipment.
15 (b) An applicant for an EMS vehicle certification to operate an emergency medical
16 response vehicle shall establish to the satisfaction of the Commissioner that the vehicle,
17 including its emergency medical response equipment and supplies, meets all applicable
18 requirements set forth in this chapter and in regulations promulgated pursuant to this chapter.
19 (c) An applicant for a certification shall:
20 (1) apply to the Commissioner on a form approved by the Commissioner;
21 (2) submit supporting documentation as required by the Commissioner,
22 including all certificates of approval, authority, motor vehicle registration, or need that
23 are required as a precondition to lawful operation in the Virgin Islands; and

1 (3) pay the applicable fee established by the Commissioner, except that no
2 certification fee is required for any emergency medical response vehicle operated by the
3 Government of the Virgin Islands.
4 (e) The Commissioner may not issue a certificate for an emergency medical response
5 vehicle intended to transport patients unless the Commissioner finds that the vehicle is and will
6 be always, when in such use, be in compliance with all applicable laws and ordinances relating
7 to health, sanitation, and safety.
8 (f) A ground emergency medical response vehicle that transport patients must be
9 staffed by not less than two persons, each of whom must be certified pursuant to this chapter
10 and to rules promulgated pursuant to this chapter at a level equal to or greater than a basic
11 emergency medical technician.
12 (g) No air or water emergency medical response vehicle shall be operated to transport
13 patients in the Territory unless it is staffed by at least two persons, one of whom is a validly
14 licensed pilot and the other of whom is certified pursuant to this chapter and to rules
15 promulgated pursuant to this chapter at a level equal to or greater than an intermediate
16 emergency medical technician or a paramedic.
17 (h) An EMS vehicle certification for the operation of an emergency medical response
18 vehicle shall be issued for not more than one year and only for the person named and the
19 vehicles described in the application.
20 (i) No emergency medical response vehicle certification may be sold, transferred, or
21 assigned without the approval of the Commissioner. Approval may be granted only upon a
22 demonstration that the vehicle and its operation will conform to all licensing or certification
23 requirements set forth in this chapter and in rules promulgated pursuant to this chapter.
24 (j) Invalid coaches and non-emergent transport are not ambulances or emergency
25 medical service vehicles.

1 **§4211. Non-Emergent Transport and Invalid Coach vehicles: certification required**

2 (a) Except as otherwise provided in this chapter, no non-emergent transport vehicle or
3 invalid coach may be operated in the Territory unless the Commissioner has issued a
4 certification of need for its intended use, either to transport patients or to transport supplies and
5 equipment.

6 (b) An applicant for an EMS vehicle certification to operate a non-emergent transport
7 vehicle or invalid coach shall establish to the satisfaction of the Division that the vehicle,
8 including its equipment and supplies, meets all applicable requirements set forth in this chapter
9 and in regulations promulgated pursuant to this chapter.

10 (c) An EMS vehicle certification for the operation of an emergency medical response
11 vehicle shall be issued for not more than one year and only for the person named and the
12 vehicles described in the application.

13 (d) No non-emergent transport vehicle or invalid coach certification may be sold,
14 transferred, or assigned without the approval of the Commissioner. Approval may be granted
15 only upon a demonstration that the vehicle and its operation will conform to all licensing or
16 certification requirements set forth in this chapter and in rules promulgated pursuant to this
17 chapter.

18 **§4212. Emergency medical services providers: license required**

19 (a) Except as otherwise provided in this chapter, no person may perform the duties of
20 emergency medical services provider in the Territory, whether for compensation or not for
21 compensation, without first having obtained a license from the Commissioner.

22 (b) Except as otherwise provided in this chapter, no person possessing a license to
23 perform the duties of emergency medical services provider may perform the duties of
24 emergency medical services provider in the Territory, whether for compensation or not for
25 compensation, at a higher classification level than that at which he or she has been licensed.

1 (c) An applicant for licensure as an emergency medical services provider shall
2 establish to the satisfaction of the Commissioner that the applicant meets all requirements set
3 forth in this chapter and in rules promulgated pursuant to this chapter.
4 (d) An applicant for licensure shall:
5 (1) apply to the Commissioner on a form approved by the Commissioner;
6 (2) submit supporting documentation as required by the Commissioner,
7 including proof of required education, training, competency evaluation, physical and
8 mental health, and criminal history; and
9 (3) pay the applicable fee established by the Commissioner; provided, that
10 nothing in this section prohibits a private entity or government agency from paying the
11 application fee on behalf of a current or prospective employee.
12 (e) An emergency medical services provider license shall be issued for not more than
13 two years.
14 (f) An emergency medical services provider license is valid only for the applicant. An
15 emergency medical services provider license may not be sold, assigned, or transferred.
16 (g) The Division shall adopt classifications of emergency medical services providers,
17 including permissible scopes of performance and licensure requirements for each
18 classification. The Division may adopt nationally recognized standards or develop standards
19 specific to the emergency medical services needs of the Virgin Islands.
20 (h) The Division shall require each applicant for emergency medical services provider
21 licensure to successfully complete one or more competency evaluations, demonstrating both
22 theoretical and practical knowledge of the skills required for acceptable performance of the
23 duties of that classification. The Board may adopt nationally recognized evaluations or develop
24 evaluations specific to the emergency medical services needs of the Virgin Islands.

1 (i) A person possessing an emergency medical services provider license shall be
2 recertified, not less than once every two years, to continue performing the duties of emergency
3 medical services provider.
4 (j) The Division shall require each applicant for emergency medical services provider
5 recertification to successfully complete continuing professional education or supplemental
6 training or to successfully complete one or more competency evaluations demonstrating
7 knowledge of the skills required for acceptable performance of the duties of that classification
8 of personnel. The Division and the Board may adopt nationally recognized training
9 requirements and evaluations or develop requirements and evaluations specific to the
10 emergency medical services needs of the Virgin Islands.
11 **§4213. Flight emergency medical services personnel: license required**
12 (a) Except as otherwise provided in this chapter, no person may perform the duties of
13 flight emergency medical services personnel in the Territory, whether for compensation or not
14 for compensation, without first having obtained a license from the Commissioner.
15 (b) An applicant for licensure as flight emergency medical services personnel must be
16 certified as emergency medical services personnel pursuant to this chapter or is licensed, in
17 addition to obtaining special certification from the Commissioner to perform his or her duties
18 in an airborne setting.
19 (c) An applicant for licensure as flight emergency medical services personnel shall
20 establish to the satisfaction of the Commissioner that the applicant meets all applicable
21 requirements set forth in this chapter and in regulations promulgated pursuant to this chapter.
22 **§4214. Requirements — Military training or experience**
23 An applicant with military training or experience satisfies the training or experience
24 requirements of this chapter unless the Commissioner determines that the military training or
25 experience is not substantially equivalent to the standards of this Territory.

1 **§4215. Certificate of advanced first aid qualification**

2 The Commissioner shall recognize a current certificate of advanced first aid qualification
3 for those who provide proof of advanced Red Cross training or its equivalent.

4 **§4216. Emergency medical services training facilities: certification required**

5 (a) Except as otherwise provided in this chapter, no person or entity may operate an
6 emergency medical services training facility in the Territory, whether public or private, for-
7 profit, or not-for-profit, without first having obtained a certification from the Commissioner.

8 (b) An applicant for a certification to operate an emergency medical services training
9 facility shall establish to the satisfaction of the Commissioner that the facility meets all
10 requirements set forth in this chapter and in rules promulgated pursuant to this chapter.

11 (c) An applicant for a certification shall:

12 (1) apply to the Commissioner on a form approved by the Commissioner;

13 (2) submit supporting documentation as required by the Commissioner,
14 including all certificates of approval, authority, occupancy, or need that are required as a
15 precondition to lawful operation in the Virgin Islands; and

16 (3) pay the applicable fee established by the Commissioner, except that no
17 certification fee is required of any emergency medical services training facility operated
18 by the Government of the Virgin Islands.

19 (d) A certification to operate an emergency medical services training facility is issued
20 for not more than two years.

21 (e) A certification to operate an emergency medical services training facility is only
22 valid for the persons and premises named as applicants. Recertification is required for any
23 change in the ownership of a facility.

24 (f) An emergency medical services training facility must conform to curriculum and
25 competency evaluation standards developed by the Division. The Division may adopt

1 nationally recognized standards or develop standards specific to the emergency medical
2 services needs of the Virgin Islands.
3 (g) The medical director of an emergency medical services training facility must be a
4 physician licensed to practice medicine in the Virgin Islands. The medical director has
5 responsibility for medical oversight of all operations of the facility.
6 **§4217. Emergency medical services instructors: certification required**
7 (a) Except as otherwise provided in this chapter, no person may perform the duties of
8 an emergency medical services instructor in the Territory, whether for compensation or not for
9 compensation, without first having obtained a certification from the Commissioner.
10 (b) No person may obtain certification as an instructor for a classification of
11 emergency medical services provider without first having been certified pursuant to this
12 chapter as emergency medical services provider at an equal or higher classification or having
13 been licensed as a health care professional with a greater scope of practice. Each instructor
14 shall maintain the requisite provider certification, as specified in this section, in good standing
15 throughout the instructor's certification.
16 (c) An applicant for certification as an emergency medical services instructor shall
17 establish to the satisfaction of the Commissioner that the applicant meets all applicable
18 requirements set forth in this chapter and in rules promulgated pursuant to this chapter.
19 (d) An applicant for certification shall:
20 (1) apply to the Commissioner on a form approved by the Commissioner;
21 (2) submit supporting documentation as required by the Commissioner,
22 including proof of required education, training, and competency evaluation; and
23 (3) pay the applicable fee established by the Commissioner; Nothing in this
24 section prohibits a private entity or government agency from paying the application fee
25 on behalf of a current or prospective employee.

1 (e) An emergency medical services instructor certification is issued for not less than
2 two years.
3 (f) An emergency medical services instructor certification is only valid for the person
4 named as applicant. An emergency medical services instructor certification may not be sold,
5 assigned, or transferred.
6 (g) The Division shall require each applicant for emergency medical services instructor
7 certification to successfully complete one or more competency evaluations, demonstrating both
8 theoretical and practical knowledge of the skills required for acceptable performance of the
9 duties of instruction. In addition, the Division may require each applicant to successfully
10 complete one or more emergency medical services instructor courses. The Division and Board
11 may adopt nationally recognized evaluations and courses or develop evaluations and courses
12 specific to the emergency medical services needs of the Virgin Islands.
13 (h) To continue performing the duties of emergency medical services instructor, a
14 person possessing an emergency medical services instructor certification shall be recertified
15 not less than once every two years.
16 (i) The Division shall require each applicant for emergency medical services instructor
17 recertification to successfully complete continuing professional education or supplemental
18 training or to successfully complete one or more competency evaluations demonstrating
19 knowledge of the skills required for acceptable performance of the duties of instruction. The
20 Division and the Board may adopt nationally recognized training requirements and evaluations
21 or develop requirements and evaluations specific to the emergency medical services needs of
22 the Virgin Islands.
23 **§4218. Fees**
24 The Division shall establish and collect fees to recover the costs of regulating emergency
25 medical services agencies, emergency medical response vehicles, emergency medical services

1 providers, emergency medical services training facilities and emergency medical services
2 instructors.

3 **§4219. Liability insurance required for vehicles, facilities, and agencies**

4 (a) No license may be issued pursuant to this chapter to any emergency medical
5 response vehicle used to transport patients unless there is insurance coverage for the vehicle,
6 issued by an insurance company or companies licensed to do business in the Territory,
7 providing for the payment of damages for the following:

8 (1) Bodily injury to, or death of, individuals in accidents resulting from any
9 cause for which the owner of the vehicle would be liable, regardless of whether the
10 vehicle was being operated by the owner or by his or her agent; and

11 (2) Loss of or damage to the property of another, including personal property,
12 under similar circumstances.

13 (b) No certification shall be issued pursuant to this chapter to any emergency medical
14 services training facility, on the premises of which training instruction or evaluation is
15 conducted, unless there is insurance coverage for the facility premises issued by an insurance
16 company or companies licensed to do business in the Territory, providing for the payment of
17 damages for bodily injury, death, and damage to or loss of personal property, for any reason
18 for which the owner or operator of the premises would be liable.

19 (c) No license shall be issued pursuant to this chapter to any emergency medical
20 services agency unless there is in addition to vehicle and premises coverage as specified herein,
21 incidental malpractice insurance coverage specific to the duties of a medical director.

22 (d) The provisions of this section are not applicable to vehicles, facilities, and agencies
23 owned and operated by agencies of the Government of the Virgin Islands.

(e) The Division shall promulgate regulations further specifying the insurance coverage limits required of all vehicles, facilities, and agencies licensed or certified pursuant to this chapter.

(f) The cancellation or other termination of any insurance policy required pursuant to this section is grounds for immediate termination of the licenses or certifications issued for the vehicles, facilities, and agencies covered by the policy, unless another insurance policy complying with the provisions of this section is obtained and is in effect at the time of the cancellation or termination.

§4220. Provisional and restricted licenses and certifications

(a) The Commissioner may issue provisional licenses or certifications to new emergency medical services agencies or training facilities to afford the Commissioner sufficient time and evidence to evaluate whether a new agency or facility can comply with the provisions of this chapter, rules promulgated pursuant to this chapter, and other applicable provisions of law.

(b) As an alternative to denial, nonrenewal, suspension, or revocation of a license or certification, when an agency, facility, or vehicle is not in substantial compliance with the provisions of this chapter, regulations promulgated pursuant to this chapter, or other applicable provisions of law, and when the Commissioner finds that the public interest would be served thereby, the Commissioner may:

(1) issue a provisional license or certification, if the owner or operator of the agency, facility, or vehicle is taking appropriate ameliorative action in accordance with an agreed-upon timetable; or;

(2) issue a restricted license or certification that prohibits the agency, facility, or vehicle from accepting new patients or students, or from delivering certain specified

1 services that it would otherwise be authorized to deliver until appropriate ameliorative
2 action is taken.
3 (c) If the Commissioner finds that the public interest would be served, the
4 Commissioner may issue provisional certifications to emergency medical services providers
5 who do not fully meet the requirements specified in this chapter or in rules promulgated
6 pursuant to this chapter.
7 (d) Provisional licenses or certifications are valid for not more than 180 days and may
8 be renewed for not more than an additional 180 days.
9 **§4221. Licenses and certifications issued pursuant to prior authority**
10 Except as otherwise provided in this chapter, any emergency medical services agency,
11 ambulance or other emergency medical response vehicle, emergency medical technician or
12 paramedic, emergency medical services instructor or preceptor, or emergency medical services
13 training facility currently licensed or certified are considered licensed or certified pursuant to
14 this chapter, but are subject to the renewal requirements established by this chapter and by
15 rules promulgated pursuant to this chapter.
16 **§4222. Reciprocity for emergency medical services provider certified in other 26**
17 **jurisdictions**
18 (a) The Commissioner may grant provisional certification, at the equivalent
19 classification level, to any individual possessing a current valid emergency medical service
20 provider credential issued by any state or United States territory.
21 (b) The provisional certification is effective for not more than 90 days.
22 (c) The Commissioner may fully certify the individual as emergency medical services
23 provider in the Virgin Islands, at the appropriate classification level, upon verification from the
24 state or territory originally granting certification that the individual has successfully completed
25 training and competency evaluation equivalent to that required by the Commissioner by this

1 chapter and by rules promulgated pursuant to this chapter, or upon the successful completion
2 by the individual of the Territory's competency evaluation at the appropriate classification
3 level.

4 **§4223. Limitations on liability**

5 The following applies:

6 (1) No medical command physician, medical command facility medical director
7 or medical command facility, which in good faith provides online medical direction or a
8 medical command to an EMS provider or student enrolled in an EMS course of
9 instruction approved by the Department, is liable for civil damages because of issuing
10 the instruction, absent a showing of gross negligence or willful misconduct.

11 (2) No qualified physician or qualified physician surrogate who provides online
12 medical directions or gives orders, either orally or by communication equipment, to any
13 EMS provider at an any emergency, no EMS provider following such orders within the
14 limits of his or her licensure, and no EMS provider trainee in an approved training
15 program following such orders, is liable either civilly or criminally by reason of having
16 issued or followed such orders but is subject to the rules of law applicable to negligence.

17 (3) No EMS agency, EMS agency medical director or EMS provider who in
18 good faith attempts to render or facilitate emergency medical care authorized by this
19 chapter is liable for civil damages because of an act or omission, absent a showing of
20 gross negligence or willful misconduct. This paragraph also applies to students enrolled
21 in approved courses of instruction and supervised pursuant to rules and regulations.
22 Nothing in this subsection grants immunity from liability arising out of the operation of
23 any motor vehicle, aircraft, or boat or while the operator was impaired by alcoholic liquor
24 or any controlled substance.

1 (4) No EMS agency medical director may incur any liability because of the use
2 of any unmodified protocol, offline medical direction, standing order, operating
3 procedure, or guideline provided by the Board pursuant to section 4209.
4 (5) No approved EMS training institute or any entity participating as part of any
5 approved educational program offered by the institute as authorized by this chapter is
6 liable for any civil damages as a result of primary and continuing educational practice by
7 duly enrolled students under proper supervision, absent a showing of gross negligence or
8 willful misconduct.
9 (6) No EMS provider who, in good faith, attempts to render emergency care
10 authorized by this chapter at an emergency while enroute to a place of employment may
11 receive any form of reprimand or penalty by an employer because of late arrival at the
12 place of employment. An employer may require written verification from the EMS
13 provider who shall obtain written verification from either the police officer or another
14 person who is in charge at the emergency.
15 (7) No EMS agency medical director or territorial medical director who in good
16 faith gives instructions to or provides primary and continuing educational training to an
17 EMS provider is liable for civil damages for issuing the instructions, education, or
18 training, absent a showing of gross negligence or willful misconduct.
19 (8) Neither the Department, the Territorial EMS Medical Director, nor any other
20 official or employee of the Department or the EMS Board is liable for civil damages
21 arising out of an EMS provider or a student enrolled in an EMS course of instruction
22 approved by the Department following protocols approved under this chapter.
23 (9) No EMS provider or EMS agency is subject to civil liability based solely on
24 failure to obtain consent in rendering EMS to any person, regardless of age, where the
25 person is unable to give consent for any reason, including minority, and where there is

1 no other person reasonably available who is legally authorized to give or refuse to give
2 consent, if the EMS provider has acted in good faith and without knowledge of facts
3 negating consent.
4 (10) No EMS provider or EMS agency is subject to civil liability based solely on
5 refusal to provide treatment or services requested by the patient or the person responsible
6 for making medical care decisions for the patient if the treatment or services requested
7 are not prescribed or authorized by territory-wide protocols established under this chapter
8 and the EMS provider has:
9 (A) contacted a medical command physician who refused to authorize the
10 requested treatment or service; or
11 (B) made a good faith effort to contact a medical command physician and
12 was unable to do so.
13 (11) No dispatcher of EMS who in good faith collects information about a patient
14 from a caller or makes dispatch assignments based upon the information collected is
15 subject to civil liability based upon the information collected or a dispatch assignment,
16 absent a showing of gross negligence or willful misconduct.
17 **§4224. Persons objecting to treatment; effect**
18 The Emergency Medical Services System Act or the regulations may not be construed to
19 authorize or require giving any medical treatment to a person who objects to the treatment on
20 religious or other grounds or to authorize the transportation of the person to a medical
21 healthcare facility.
22 **§4225. Powers and duties of the Commissioner**
23 (a) To ensure compliance with the provisions of this chapter and of any regulations
24 promulgated pursuant to this chapter, the Commissioner, or any duly authorized designee, may
25 at reasonable times conduct an inspection of any agency, vehicle, or training facility, or conduct

1 a competency evaluation of any person, licensed or certified pursuant to this chapter or for
2 which a licensure or certification application has been filed.
3 (b) In the alternative, or in addition to conducting an inspection or evaluation, the
4 Commissioner, or any duly authorized designee, may demand the production of all records
5 relating to the operation of any agency, vehicle, or training facility, or to the performance of
6 duties by any person, licensed or certified pursuant to this chapter or for which a licensure or
7 certification application has been filed.
8 (c) To ensure compliance with the provisions of this chapter and of any regulations
9 promulgated pursuant to this chapter, the Commissioner may conduct investigations, as
10 needed, and may administer oaths, examine witnesses, and issue subpoenas to compel the
11 attendance and testimony of witnesses or the production of books, records, or other documents.
12 In case of contempt or refusal to obey a subpoena, the Superior Court of the Virgin Islands, at
13 the request of the Commissioner, shall issue an order requiring the person to appear and testify
14 or to produce books, papers, or other evidence bearing on the investigation. Failure to obey the
15 court's order is punishable as contempt of court.
16 (d) The Commissioner shall maintain and make available to the public information
17 concerning:
18 (1) application, licensure, and renewal requirements and procedures;
19 (2) an official register of licensed or certified emergency medical services
20 agencies and emergency medical services training facilities; and
21 (3) trauma and emergency care data as required by this chapter and by
22 regulations promulgated pursuant to this chapter.
23 **§4226. License and certification renewal**
24 (a) An application for renewal of a license or certification must be submitted to the
25 Commissioner not later than 90 days before the expiration of the license or certification, on a

1 form approved by the Commissioner, accompanied by the appropriate renewal fee established
2 by the Commissioner. An application for renewal submitted later than 90 days before
3 expiration shall be subject to a late fee.
4 (b) A license or certification for which timely renewal application is made continues
5 in force beyond the expiration date until the Commissioner acts on the renewal application.
6 **§4227. Denial, suspension, and revocation of license or certification**
7 (a) The Commissioner, subject to the right to a hearing as provided in section 4230,
8 may deny issuance of, deny renewal of, suspend, or revoke a license or certification to operate
9 an emergency medical services agency, an emergency medical response vehicle, or an
10 emergency medical services training facility to a person or entity which is found to have:
11 (1) failed to comply with the applicable provisions of this chapter or of
12 regulations promulgated pursuant to this chapter;
13 (2) failed to comply with any other federal or territorial law applicable to the
14 operation of an emergency medical services agency, an emergency medical response
15 vehicle, or an emergency medical services training facility; or
16 (3) committed, aided, abetted, or permitted to be committed any act of
17 dishonesty, fraud, gross negligence, abuse, assault, or other illegal act related to the
18 operation of the agency, vehicle, or facility.
19 (b) The Commissioner, subject to the right to a hearing as provided in section 4230,
20 may deny issuance of deny renewal of, suspend, or revoke a certification to perform the duties
21 of emergency medical services provider or of an emergency medical services instructor to an
22 individual who is found to have:
23 (1) failed to comply with the applicable provisions of this chapter or of
24 regulations promulgated pursuant to this chapter;

1 (2) failed to comply with any other federal or territorial law applicable to the
2 duties of emergency medical services provider or an emergency medical service
3 instructor;
4 (3) filed a false document or made a false statement to the Government regarding
5 qualifications for the emergency medical services provider or instructor position;
6 (4) committed, aided, abetted, or permitted to be committed any act of
7 dishonesty, fraud, gross negligence, abuse, assault, or other illegal act related to the
8 performance of the person's duties; or
9 (5) committed, aided, abetted, or permitted to be committed repeated acts of
10 malfeasance, negligence, or dereliction of duty, or any act of malfeasance, negligence, or
11 dereliction of duty resulting in demonstrable harm to a patient, related to the performance
12 of the person's duties.
13 (c) Upon suspension, revocation, or termination of a license or certification to operate
14 an emergency medical services agency, emergency medical response vehicle, or emergency
15 medical services training facility, the owner or operator of the agency, vehicle, or facility so
16 certified shall immediately surrender the license or certification, and the agency, vehicle, or
17 facility shall immediately cease emergency medical services operations. In the case of a vehicle
18 used to transport patients, no person or entity shall permit the vehicle to be used for that
19 purpose.
20 (d) Upon suspension, revocation, or termination of a certification to perform the duties
21 of emergency medical services provider or an emergency medical services instructor, the
22 individual so certified shall immediately surrender the person's certification and shall
23 immediately cease to perform emergency medical services or instruction duties. No person,
24 entity, or government agency shall employ the individual, or permit the individual to act, in
25 that capacity.

1 **§4228. Complaint Investigations**

2 (a) The Department shall promptly investigate complaints that it receives concerning
3 any person or entity which the Department licenses, certifies, approves, permits or designates
4 pursuant to this chapter.

5 (b) The Department shall notify the Territorial EMS Director of any complaints it
6 receives involving personnel or participants.

7 (c) The Department shall conduct any inspections, interviews, and reviews of records
8 that it considers necessary to investigate complaints.

9 (d) All persons and entities that are licensed, certified, approved, permitted, or
10 designated pursuant to this chapter shall fully cooperate with any Department complaint
11 investigation, including providing patient medical records requested by the Department. Any
12 patient medical record received or reviewed by the Department may not be disclosed publicly
13 in such a manner as to identify individual patients, without the consent of the patient or the
14 patient's legally authorized representative. Patient medical records may be disclosed to a party
15 in administrative proceedings brought by the Department pursuant to this chapter, but a
16 patient's identity must be masked before disclosure of the record during any public hearing
17 unless otherwise authorized by the patient or the patient's legally authorized representative.

18 **§4229. Summary suspension**

19 (a) If, after an investigation, the Commissioner determines that an agency, vehicle,
20 person, or facility licensed or certified pursuant to this chapter has failed to comply with the
21 provisions of this chapter, or with rules promulgated pursuant to this chapter, in a manner as to
22 present an imminent danger to the health, safety, or welfare of any person or of the general
23 public, the Commissioner may summarily suspend the license or certification prior to a hearing.

24 (b) The Commissioner shall provide written notice of the summary suspension as soon
25 as possible, to the person, or the owner or operator of the agency, vehicle, or facility, licensed

1 or certified with. The notice must inform the affected person or entity of the reason for the
2 suspension and of the right to request a hearing.
3 (c) The person, or owner or operator of the agency, vehicle, or facility, has five
4 business days after service of the notice of summary suspension to request a hearing. If
5 requested, the hearing must be conducted by a neutral hearing officer appointed by the
6 Commissioner. A hearing must be held not later than five business days of a timely request,
7 and a decision must be issued not later than five business days after the record is closed.
8 **§4230. Hearings and Judicial Review**
9 (a) Except in the case of a summary suspension as provided in section, before the
10 Commissioner denies an application for initial or renewal licensure or certification, or suspends
11 or revokes a license or certification, or imposes a civil fine, the Commissioner shall give the
12 person, or the owner or operator of the agency, vehicle, or facility, against whom the action is
13 contemplated, written notice of the contemplated action. The Commissioner shall issue a
14 Notice of Intent to fine, suspend, revoke, non-renew, or deny a license or certification and
15 provide the party with an opportunity to request an administrative hearing. The Notice of Intent
16 must be effected by certified mail or by personal service, must set forth the reasons for the
17 proposed action, and must provide the affected person or entity fifteen days in which to request
18 a hearing.
19 (b) If requested, the hearing must be conducted by a neutral hearing officer appointed
20 by the Commissioner. Based on the hearing, or upon default of the Respondent, the
21 Commissioner shall issue a Final Order specifying the findings, conclusions, and decision. A
22 copy of the Final Order must be sent to the Respondent by certified mail or served personally
23 upon the Respondent.
24 (c) A person or entity aggrieved by a decision of the hearing officer may appeal the
25 decision to the Superior Court of the Virgin Islands.

1 **§4231. Violations; Fines**

2 (a) The Division may impose fines on any emergency medical services provider,
3 emergency medical services instructor, emergency medical services agency, an emergency
4 medical response vehicle, or an emergency medical services training facility.

5 (b) The Division shall adopt regulations that establish a system of fines related to the
6 type and level of violation or repeat violation, including:

7 (1) a fine not exceeding $10,000 for a violation that created a condition or
8 occurrence presenting a substantial probability that death or serious harm to an individual
9 will or did result therefrom; and

10 (2) a fine not exceeding $5,000 for a violation that creates or created a condition
11 or occurrence that threatens the health, safety, or welfare of an individual.

12 (c) A Notice of Intent to Impose Fine may be issued in conjunction with or in lieu of
13 a Notice of Intent to Suspend, Revoke, Non-renew or Deny License or Certification, and must
14 conform to the requirements specified in section of this chapter.

15 **§4232. Prosecutions**

16 (a) Criminal prosecutions for violations of this chapter must be brought by the
17 Attorney General of the Virgin Islands in the name of the Government of the Virgin Islands.

18 (b) In any prosecution initiated pursuant to this chapter, a person or entity claiming an
19 exemption from a licensing or certification requirement of this chapter has the burden of
20 proving entitlement to the exemption.

21 **§4233. Injunctions**

22 (a) The Attorney General of the Virgin Islands may bring an action in the Superior
23 Court of the Virgin Islands, in the name of the Government of the Virgin Islands, to enjoin any
24 violation of this chapter.

1 (b) The remedy established by this section is in addition to criminal sanctions, civil
2 sanctions, and disciplinary action initiated by the Commissioner.
3 (c) In any proceeding brought pursuant to this section, it is not necessary to prove that
4 any person has been injured by the violation alleged.
5 **§4234. Pending actions and proceedings; existing orders**
6 No judicial or administrative proceeding commenced by or against any emergency
7 medical services agency, emergency medical response vehicle owner or operator, emergency
8 medical services training facility or instructor, emergency medical technician, or paramedic
9 abates by reason of the taking effect of this chapter. Each action or proceeding is continued
10 with substitution as to parties and government agencies as appropriate.
11 **§4235. Advertising**
12 (a) No person, entity, or government agency shall advertise or disseminate information
13 to the public that it offers ambulance service unless that service is provided by persons certified
14 pursuant to this chapter and to regulations promulgated pursuant to this chapter at a level equal
15 to or greater than a basic emergency medical technician.
16 (b) No person, entity, or government agency shall advertise or disseminate information
17 to the public that it offers emergency medical services training unless that training is provided
18 by persons certified as emergency medical services instructors.
19 **§4236. Emergency medical services for children**
20 The Commissioner shall establish, in collaboration with a licensed hospital within the
21 Virgin Islands specializing in pediatric care, a program of emergency medical services for
22 children.
23 **§4237. Trauma care system**
24 (a) The Commissioner shall establish criteria for the designation of and shall designate,
25 one or more hospitals within the Virgin Islands as specialized trauma care facilities.

1 (b) The Commissioner may establish criteria for the designation of and may designate,
2 one or more hospitals within the Virgin Islands as specialized care facilities for other types of
3 commonly occurring medical emergencies.
4 (c) The Commissioner may establish and maintain a database of information regarding
5 trauma and emergency medical care services provided within the Virgin Islands. All hospitals,
6 health care facilities, and treatment facilities receiving emergency medical care patients, and
7 all entities providing emergency medical care services, shall provide data to the Commissioner
8 as specified in rulemaking promulgated pursuant to this chapter.
9 (d) If trauma and emergency medical care records compiled and maintained by the
10 Commissioner, hospitals, other health care facilities, treatment facilities, or emergency medical
11 services providers in connection with the trauma and emergency medical care information
12 system pursuant to this chapter contain patient identifiable data, that data must be maintained
13 pursuant to applicable privacy laws.
14 **SECTION 2.** Section 1 becomes effective 30 days after enactment.
15 **SECTION 3.** The Virgin Islands EMS Plan must be completed no later than one year
16 from the effective date of this act and updated bi-annually.
17 **BILL SUMMARY**
18 This bill establishes the Emergency Medical Services System ("EMS System") making
19 the Department of Health the lead authority responsible for the regulation of pre-hospital
20 emergency medical services providers ensuring that such services are available and accessible
21 to all residents and visitors within the territory.
22 **BR25-0127A/September 1, 2026/LMW**