



**36TH LEGISLATURE OF THE VIRGIN ISLANDS
COMMITTEE ON RULES AND JUDICIARY**

The Honorable Senator Carla J. Joseph,
Chair of Committee

Testimony Presented By
The Honorable Justa E. Encarnacion, RN, BSN, MBA/HCM
Commissioner of Health

On

Bill No. 36-0141— An act amending title 3 Virgin Islands Code, chapter 22, section 415 to add a term of service for appointees to the Board of Physical Therapy. **Proposed by Senator Avery L. Lewis.** For your use and information, please find attached Bill No. 36-0141.

1 Good day, Honorable Senator Carla J. Joseph, Chair of the Committee on Rules and Judiciary;
2 Vice Chair Senator Kenneth L. Gittens; Committee and non-Committee members; and those of
3 you viewing and listening. Unfortunately, given the timing of this request, the VIDOH team has
4 major conflicts due to prior work commitments and will not be able to attend. As such, I
5 respectfully submit this written testimony on Bill No. 36-0141 for inclusion in the official record
6 of today's proceedings.

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8 **Bill No. 36-0141**— An act amending title 3 Virgin Islands Code, chapter 22, section 415 to add a
9 term of service for appointees to the Board of Physical Therapy, **proposed by Senator Avery L.**
10 **Lewis.** SECTION 1. Title 3 Virgin Islands Code, chapter 23, section 415, subsection (b),
11 paragraph (6), subparagraph (A), is amended by adding at the end of the subparagraph: “All board
12 members are appointed to a three-year term and may serve until their successor is appointed.”

13 The Department of Health supports this legislation as it addresses a critical gap in our current
14 statutory framework and ensures the continued functionality of the Board of Physical Therapy.

15 **Current Challenges**

16 Currently, the Virgin Islands Code does not specify term limits for Physical Therapy Board
17 members. While the statute establishes that board members must have practiced in the Virgin
18 Islands for no less than three years prior to their appointments, it does not define the length of their
19 service terms. This has resulted in:

20 • Legal ambiguity regarding board members' continued service after informal term periods
21 • Extended service periods for several board members whose terms have long expired
22 • Uncertainty about the legal standing of board actions when member terms are unclear

23 **How this bill addresses the issues**

24 This amendment accomplishes several important objectives:

25 • Formalizes Current Practice: The bill codifies the existing practice where board members
26 serve until their successors are appointed, making this legally compliant and removing any
27 ambiguity.

- Prevents Board Dysfunction: By explicitly allowing members to continue serving until replacements are found, the bill ensures the board maintains the necessary quorum to conduct business, including issuing licenses and performing regulatory oversight.
- Addresses Workforce Realities: The Territory faces a shortage of physical therapists available and willing to serve on the board. The three-year term with continuation until replacement provides flexibility to accommodate this challenge while maintaining board operations.
- Establishes Clear Term Structure: The three-year term provides a clear framework for appointments while the continuation provision prevents gaps in board functionality.

Important Considerations

While Act No. 8456 (Bill No. 34-0042) authorized members of the Board of Medical Examiners to serve temporarily as de facto board members to establish quorum for boards under 3 V.I.C. §415, we must emphasize that medical board members are not subject matter experts in physical therapy. This backup mechanism should be reserved for emergency situations only. Bill No. 36-0141 helps minimize the need for such measures by ensuring continuity of qualified physical therapy professionals on their own board.

It is important to note that the Board of Physical Therapy is unique among the boards established under 3 V.I.C. §415, as it is the only board that elects two of its own members—one from St. Thomas and one from St. Croix—with the Governor appointing the remaining members. This structure makes it particularly important to have clear term guidelines that accommodate both elected and appointed positions.

By supporting this bill, we ensure:

- Continuous regulatory oversight of physical therapy practice in the Territory
- Timely processing of licensure applications
- Consistent enforcement of professional standards
- Protection of public health and safety through active board governance

In closing, the Virgin Islands Department of Health is committed to protecting the health and well-being of our residents. By supporting Bill No. 36-0141, we strengthen the regulatory framework

1 that governs physical therapy practice in our Territory and ensures that this essential board can
2 continue to function effectively even during transitions of its membership.

3 We thank Senator Lewis for his proactive leadership in bringing this legislation forward. The
4 Virgin Islands Department of Health stands ready to work with lawmakers, community partners,
5 and healthcare providers to ensure its effective implementation.

6 Madam Chair, Committee and non-committee members, thank you for your time, attention, and
7 unwavering commitment to the health and well-being of our community. Although we are unable
8 to provide testimony in person due to the short notice, we remain fully available to provide any
9 additional information or support as needed.

10 Respectfully submitted,

11 Justa E. Encarnacion, RN, BSN, MBA/HCM Commissioner of Health Department of Health,
12 Government of the U.S. Virgin Islands