

# ACT NO. 8814

BILL NO. 35-0207

## THIRTY-FIFTH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2024

An Act amending title 19 Virgin Islands Code, part I by adding chapter 6a to create the Territorial Chronic Kidney Disease, Stroke and Diabetes Registry, amending Act No. 8437, to provide an appropriation to the Virgin Islands Olympic Committee, amending Act No. 8579, amending title 17 Virgin Islands Code, chapter 15, section 190dd, amending Act No. 8681, as further amended by Act No. 8788, and for other related purposes

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*Be it enacted by the Legislature of the Virgin Islands:*

**SECTION 1.** Title 19 Virgin Islands Code, part I is amended by adding a chapter 6a that reads as follows:

“Chapter 6a. Territorial Chronic Kidney Disease, Stroke and Diabetes Registry

§ 121. Definitions

As used in this chapter:

(a) “Health care facility” means hospitals; health care clinics; health centers; skilled nursing facilities; mental health facilities; kidney disease treatment centers, including freestanding hemodialysis units; intermediate care facilities; ambulatory surgical facilities; rehabilitation facilities; health maintenance organizations; and hospice care facilities.

(b) “Health care provider” means a person, corporation, facility, or institution licensed in the Territory to provide health care or professional, medical services including a medical, osteopathic, chiropractic or naturopathic physician; hospital; dentist; registered nurse, including an advanced practice registered nurse; optometrist; podiatrist; physical therapist; psychologist; pharmacist and laboratory technician.

(c) “Individually identifiable health information” means information that is a subset of health information, including demographic information collected from an individual, and:

(1) is created or received by a health care provider, health plan, employer, or health care clearinghouse;

(2) relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and

(3) identifies the individual:

(A) by such common identifiers as name, address, birth date, social security number and other common identifies, or

(B) with respect to which there is a reasonable basis to believe the information can be used to identify the individual.

(d) “Registry” means the Territorial Chronic Kidney Disease, Stroke and Diabetes Registry.

(e) “Reporting entity” means a healthcare facility that provides services to individuals who are diabetic or have chronic kidney disease and those receiving dialysis treatments.

(f) “Territory” means the Virgin Islands of the United States.

#### § 122. Establishment of the Territorial Chronic Kidney Disease, Stroke and Diabetes Registry

(a) There is established within the Department of Health, the Territorial Chronic Kidney Disease, Stroke and Diabetes Registry. The Registry serves as the territorial surveillance system and repository of data regarding patients who have been diagnosed with chronic kidney disease, patients who are receiving dialysis, patients diagnosed with a stroke and patients diagnosed with diabetes in the Territory.

(b) The data concerning each case of diabetes is to be collected and used to conduct epidemiological surveys of diabetes cases in this Territory. The data collected must include:

(1) an individual's date of diagnosis;

(2) age at time of diagnosis;

- (3) the type of diabetes that was diagnosed;
- (4) whether the individual has a known history of any type of diabetes in the individual's family;
- (5) the individual's height and weight, and
- (6) the individual's sex, race, ethnicity, and residential address.

(c) The data concerning each person with chronic kidney disease is to be collected and used to conduct epidemiological surveys of chronic kidney disease cases in this Territory. The data collected must include:

- (1) the patient's height, weight, medical history, diet, and lifestyle;
- (2) the patient's sex, race, ethnicity, and residential address;
- (3) kidney disease stage (1-early, 2-mild, 3-moderate, 4-severe, 5-end stage), and information about related comorbidities such as heart disease, hypertension, and diabetes;
- (4) the total number of patients on dialysis, per each island, and whether the patient is receiving hemodialysis or peritoneal dialysis;
- (5) laboratory values for diagnostic tests, and medications;
- (6) insurance coverage details of chronic kidney disease patients, including whether the patient is uninsured, or utilizing private insurance, Medicaid, or Medicare;
- (7) kidney transplant patients being treated;
- (8) kidney transplant candidates; and
- (9) the location of healthcare facilities and healthcare providers that offer dialysis services.

(d) The data concerning each diagnosis of a stroke must be collected and used to conduct epidemiological surveys of stroke cases in the Virgin Islands. The data collected must include:

- (1) each individual's date of diagnosis;

- (2) age at the time of diagnosis;
- (3) the type of stroke that was diagnosed;
- (4) the individual's family history regarding risk factors for stroke;
- (5) the individual's height and weight;
- (6) the individual's sex, race, ethnicity, and residential addresses; and
- (7) the individual's health insurance/medical coverage or lack thereof.

(e) The Registry shall train and certify personnel designated by the reporting entities as persons responsible for reporting information to the Registry.

(f) The Commissioner of Health shall promulgate administrative guidelines as may be amended from time to time to ensure that the Registry performs its mandate.

#### § 123. Participation in the program

(a) Within 60 days of the enactment of this act, the Registry shall create a standardized form for each healthcare provider and health care facility to use to submit all reportable data. Each healthcare provider and health care facility shall report in an electronic format, or any other format requested by the Registry each new case of diabetes, stroke, and chronic kidney disease to the Registry not later than 180 days after the date of diagnosis or date of first contact with the already diagnosed patient.

#### § 124. Confidentiality

(a) All chronic kidney disease, stroke and diabetes data provided to the Registry must be kept confidential. No information reported to the Registry which identifies or could lead to the identification of an individual patient may be disclosed to any person or entity; except that the identifying information may be disclosed to another state chronic kidney disease, stroke and diabetes registry and territorial health officers.

(b) State chronic kidney disease, stroke and diabetes registries, chronic kidney disease, stroke and diabetes researchers or federal chronic kidney disease, stroke and diabetes control agencies that receive chronic kidney disease, stroke and diabetes case data from the Registry shall enter into an agreement with the Registry to keep the information confidential.

(c) All Registry employees and researchers shall sign a confidentiality agreement. These agreements remain effective after the employee or researcher no longer has a relationship with the Registry and will expire after two years.

#### § 125. Disclosure

(a) Chronic kidney disease, stroke and diabetes case data may be shared with chronic kidney disease, stroke and diabetes researchers or federal chronic kidney disease, stroke and diabetes control agencies for the purposes of chronic kidney disease, stroke and diabetes prevention, control, and research upon the submittal of documentation to the Registry providing that research in chronic kidney disease, stroke and diabetes prevention or control is ongoing or approval for such research has been granted. If applicable, the Registry shall also request evidence of compliance with the requirements of 45 CFR Part 46: Protection of Human Subjects.

(b) The Registry may share statistical compilations of the chronic kidney disease, stroke and diabetes case data with state chronic kidney disease, stroke and diabetes registries and federal chronic kidney disease, stroke, and diabetes control agencies for the following reasons:

- (1) to perform studies on the sources and causes of chronic kidney disease, stroke and diabetes;
- (2) to track the changing patterns of chronic kidney disease, stroke and diabetes incidences;
- (3) to provide patient education and support, individualized to patients' stage of disease and related health conditions;
- (4) to create a robust database of patient outcomes, perceptions, priorities, and activities that will facilitate research, clinical care, and policy decisions to improve patients' experience and outcomes; and
- (5) for any other clinical, epidemiological, or other chronic kidney disease, stroke, and diabetes research.

#### § 126. Liability

(a) No person, who in good faith, discloses privileged or confidential information or provides chronic kidney disease, stroke and diabetes case reports to the Registry or allows the Registry access to a chronic kidney disease, stroke and diabetes case report is liable in any civil action.

(b) The license of a health care provider or a health care facility may not be suspended or revoked for the disclosure of information provided to the Registry pursuant to this chapter.

(c) The protection from liability provided in subsection (a) and (b) does not apply to the unauthorized disclosure of confidential or privileged information when the disclosure is due to gross negligence or willful misconduct.

#### § 127. Penalties

Any person who violates a reporting provision of this chapter or regulations or orders pertaining to the reporting of information to the Registry is subject to a civil fine of not less than \$1,000 per case, but not more than \$5,000 per case. Before assessing the fine, the Commissioner of Health, or the Commissioner's designee, shall conduct a hearing with the person or entity to ascertain the reason for noncompliance and determine if an adjustment in the fine is warranted. Funds collected pursuant to this subsection must be deposited in an account established by the Department of Health within the Department of Finance. The monies in this account must be used exclusively to assist in the funding of the chronic kidney disease, stroke and diabetes Registry as prescribed by law.

#### § 128. Annual Report

The Registry shall publish an annual statistical compilation that does not include identifying information showing the incidence of chronic kidney disease, stroke, and diabetes in the Territory.”

**SECTION 2.** The sum of \$50,000 is appropriated in the fiscal year ending September 30, 2024, from the General Fund of the Treasury of the Government of the Virgin Islands to the Department of Health to create the Chronic Kidney Disease, Stroke and Diabetes Registry and is available until December 30, 2024. In the fiscal years ending September 30, 2025, 2026, 2027, and 2028, the sum of \$75,000 is appropriated from the General Fund of the Treasury of the Government of the Virgin Islands to the Department of Health for the completion of the Chronic Kidney Disease, Stroke and Diabetes Registry.

**SECTION 3.** Act No. 8437 is amended in: section 1, subsection (b) by striking “containing a clause that grants the Virgin Islands Water and Power Authority a possibility of reverter if the Police Department fails to construct a police station within five years after the transfer.”

**SECTION 4.** (a) The sum of \$25,000 is appropriated from the Tourism Advertising Revolving Fund in the fiscal year ending September 30, 2024, to the Virgin Islands Olympic Committee to be expended as follows: \$5,000 to Angelo Ruiz Acevedo, the archery coach of



Nicholas D'Amour, and \$5,000 each to the coaching, training and support staff of the Virgin Islands Senior Women's National Basketball Team, namely: Head Coach, Tajama Ngongba; Assistant Coach, Clint Williams; Team Manager, Jalani Horton; and Support and Training Staff, LaReina Robinson.

(b) The Virgin Islands Olympic Committee is subject to and must comply with the reporting requirements of title 2 Virgin Islands Code, section 29.

**SECTION 5.** Act No. 8759 (Bill No. 35-0141) is amended on page 10 - by striking "DSPR 340 BOXING PROGRAM" and inserting "DSPR USVI BOXING FEDERATION".

**SECTION 6.** Title 17 Virgin Islands Code, chapter 15, section 190dd is amended in the following instances:

(a) Subsection (b) is amended in the first sentence by inserting "full-time or part-time" before the first occurrence of "students"; and

(b) Subsection (i) is amended by adding a new sentence to read: "The regulations must establish requirements for part-time students' participation in the scholarship program, including timelines for completion of degrees, the minimum number of semester credit hours that must be taken, and the manner of fulfilling the obligation to work in the Territory pursuant to subsection (e).

**SECTION 7.** Act No. 8681, as further amended by Act No. 8788, is amended in the following instances:

(a) In Section 3:

(1) Subsection (a), insert "and §102" after "§101";

(2) Subsection (c), second sentence, strike "without pay as may be required to campaign for a delegate seat" and insert "and may use accrued or accumulated annual leave in taking the leave of absence. Persons taking such leave of absence who have no accrued or accumulated annual leave shall do so without pay, but without prejudice to seniority or their employment rights.

(b) In Section 4:


(1) subsection (a), after "resident", insert "and no more than one candidate for delegate at large";

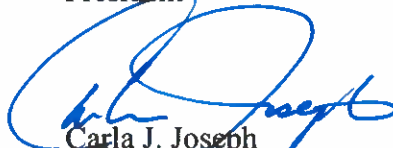
(2) subsection (e), after “election”, insert “but a petition for the delegate at large must be signed by 25 qualified voters in both Virgin Islands election districts for a total of 50 signatures”.

Thus passed by the Legislature of the Virgin Islands on March 25, 2024.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 2<sup>ND</sup> day of April, A.D., 2024.



  
Novelle E. Francis, Jr.  
President

  
Carla J. Joseph  
Secretary



**Bill No. 35-0207 is hereby approved.**

**Witness my hand and the Seal of the Government of the United States Virgin Islands at Charlotte Amalie, St. Thomas, This 5<sup>th</sup> day of April, 2024 A.D.**

  
Albert Bryan Jr.  
Governor