

COMMITTEE ON GOVERNMENT OPERATIONS,
VETERANS AFFAIRS AND CONSUMER PROTECTION

09/26/2024-REPORTED OUT TO THE FLOOR

09/26/2024-AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

06/02/2023 - REASSIGNED TO THE COMMITTEE ON BUDGET, APPROPRIATIONS AND FINANCE

BILL NO. 35-0087

Thirty- Fifth Legislature of the Virgin Islands

May 31, 2023

An Act amending title 33 Virgin Islands Code, chapter 111 to add section 3038a to establish in the Treasury of the Virgin Islands a special fund designated as the Veterans Mainland Travel Revolving Fund and appropriating \$250,000 for reimbursement for veterans' airfare to travel outside of the VA Caribbean Healthcare Network for necessary medical care

PROPOSED BY: Senators Dwayne M. DeGraff, Marvin A. Blyden,
Diane T. Capehart and Milton E. Potter

1 **WHEREAS**, the Virgin Islands Office of Veterans Affairs is part of the VA Caribbean
2 Healthcare Network which has community based outpatient clinics (CBOC) in Puerto Rico, on
3 St. Croix and St. Thomas, and its main medical facility in San Juan, Puerto Rico; and

4 **WHEREAS**, the CBOCs are limited in the healthcare they can provide veterans, and
5 when veterans require more extensive healthcare than primary/preventative care, they are
6 required to make an appointment through a CBOC at the closest VA medical facility, which is
7 the San Juan VA Medical Center in Puerto Rico. In some circumstances, the VA will reimburse
8 veterans, and one necessary attendant, for 100% of the costs associated with travel in-network
9 to Puerto Rico; and

10 **WHEREAS**, in many cases, the San Juan VA Medical Center cannot see veterans in a
11 timely manner, and veterans must wait to receive necessary healthcare. While there are VA
12 healthcare facilities on the mainland that could accommodate the needs of the veterans who

1 cannot be seen judiciously in Puerto Rico, it is the policy of the Office of Veterans Affairs to
2 reimburse no more than \$250 for travel outside the VA Caribbean Network, and only under
3 very limited circumstances. The reimbursement must be approved by the Director of Veterans
4 Affairs, and only if funds are available; and

5 **WHEREAS**, this policy leaves many Virgin Islands veterans without efficient access to
6 the same necessary healthcare that other veterans on the mainland enjoy; and

7 **WHEREAS**, to ensure that Virgin Islands veterans receive the same access to necessary
8 healthcare that other U.S. veterans enjoy, it is necessary to create a fund that will reimburse
9 veterans 100% for the out-of-pocket expenses they pay for travel for healthcare outside the VA
10 Caribbean Healthcare Network; Now, Therefore,

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

12 **SECTION 1.** Title 33 Virgin Islands Code, subtitle 3, chapter 111, section 3038 is
13 repealed and reenacted with amendments as follows:

14 “§ 3038 Veterans Emergency and Mainland Transportation Account (a) There is
15 established within the Office of Veterans Affairs, under the Office of the Governor, an account
16 to be known as the 'Veterans Emergency and Mainland Transportation Account.' The purpose
17 of this account is to provide transportation assistance to veterans for the purpose of receiving
18 necessary medical care. The funds in the Account must be used exclusively to cover airfare
19 expenses for Virgin Islands veterans who travel to the mainland United States to receive
20 necessary medical care. Reimbursement shall be provided upon presentation of documentation
21 signed by an authorized licensed medical provider.

22 (b) The Director of Veterans Affairs, or a designee within the Office of the Governor,
23 shall cover all or part of the costs associated with transporting veterans of the United States
24 Armed Forces residing in the Virgin Islands to and from Veterans Administration hospitals,
25 located outside the territory for the purpose of receiving emergency medical treatment or

1 services. Additionally, funds may be disbursed to cover transportation costs for at least one
2 family member, or other individual, to accompany the veteran to and from the medical facility.

3 (c) The Director of Veterans Affairs, or a designee within the Office of the Governor,
4 shall pay 100% of the airfare costs incurred by Virgin Islands veterans of the United States
5 Armed Forces for travel, up to twice per calendar year, to and from medical facilities, including
6 Veterans Administration hospitals, located on the mainland United States, for the purpose of
7 receiving medical treatment and services. Additionally, the Director shall cover 100% of the
8 airfare costs for at least one family member, or other individual, to accompany the veteran,
9 provided that the veteran requires assistance with daily tasks or is suffering from a catastrophic
10 illness.

11 (d) The Commissioner of Health and the Director of the Office of Veterans Affairs
12 shall promulgate regulations defining the terms 'emergency treatment and services' and
13 'catastrophic illness' for the purposes of subsection (c).

14 (e) For the purposes of this section, a 'Virgin Islands Veteran' is a person who was
15 discharged or released under conditions other than dishonorable discharge from the United
16 States Armed Services who served in active military, naval or space services and who either
17 (1) entered the Armed Services of the United States while residing in the Virgin Islands, or (2)
18 claimed the Virgin Islands as his domicile but entered the Armed Services in another
19 jurisdiction while temporarily residing there for the purpose of attending high school or
20 postsecondary education, or (3), served in the Virgin Islands National Guard for 20 or more
21 years of qualifying service as a traditional M-Day soldier or airman. and who.

22 **SECTION 2.** The sum of \$250,000 is appropriated annually, beginning in the fiscal year
23 ending September 30, 2025, from the General Fund of the Treasury of the Government of the
24 Virgin Islands to the Veterans Emergency and Mainland Transportation Account. These funds
25 shall be used exclusively to cover airfare expenses for Virgin Islands veterans who travel to
26 the mainland United States to receive necessary medical care. Reimbursement shall be

1 provided upon presentation of documentation signed by an authorized licensed medical
2 provider.

3 **BILL SUMMARY**

4 This bill amends title 33, Virgin Islands Code, chapter 111 to establish in the Treasury
5 of the Virgin Islands a special fund designated as the Veterans Mainland Travel Revolving
6 Fund and appropriating \$250,000 annually for reimbursement for airfare for travel outside of
7 the VA Caribbean Healthcare Network for the veteran and least one member of the veteran's
8 family or other person to accompany the veteran to and from the Veterans Administration
9 Hospital on the mainland.

10 **BR23-0129/March 28, 2023/REVISED/April 21, 2023/HLF**

11 **..\..\..\AMENDS\35th Legislature\DeGRAFF, DWAYNE M\Amendment 35-1006\35-**
12 **1006 (REVISED) DRAFTED ON YELLOW.docx**