

BILL NO. 36-0228

Thirty-Sixth Legislature of the Virgin Islands

February 2, 2026

An act amending title 19 Virgin Islands Code by adding a chapter 39 establishing the Virgin Islands Health Data Utility, which will advance data sharing infrastructure, simplifies reporting, enhances data visualization, and improves traditional clinical data exchange, across individual practice and institutional health settings, and social service organizations

PROPOSED BY: Senators Milton E. Potter and Angel L. Bolques, Jr.,
by Request of the Governor
Co-sponsor: Ray Fonseca

1 **WHEREAS**, the creation of the Virgin Islands Health Data Utility (“HDU”) can help
2 achieve better patient outcomes, improve the overall health and well-being of the people of the
3 Virgin Islands, and reduce the cost of health care by creating a more seamless, transparent, and
4 modernized approach to sharing health information;

5 **WHEREAS**, HDUs are models with cooperative leadership, designated authority, and
6 advanced technical capabilities to combine, enhance, and exchange electronic health data
7 across care and service settings for treatment, care coordination, quality improvement, and
8 community and public health purposes;

9 **WHEREAS**, since 1996, healthcare providers and entities have been subject to the
10 Health Insurance Portability and Accountability Act, which has driven initial efforts to develop
11 a culture and infrastructure of data governance;

WHEREAS, healthcare providers and entities have an obligation to participate in health data information sharing in accordance with the provisions and frameworks outlined in the 21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program, 85 FR 25642;

WHEREAS, as a holder of personal information, Virgin Islands agencies have a responsibility to demonstrate to the public a commitment to respecting personal privacy;

WHEREAS, entities that deliver health care and critical social care services and/or generate or process healthcare claims data have a duty to share information, as allowed by law, with other healthcare entities and designated government, health, or public health agencies to ensure optimal patient and population health is achieved;

WHEREAS, the HDU will establish the Virgin Islands Health Information Exchange and any related digital infrastructure;

WHEREAS, the HDU will guide and oversee the sharing and exchange of collected clinical and social needs data and information, as allowed by local and federal law, with providers and organizations involved in the treatment and care coordination of patients and support the health goals of the Virgin Islands;

WHEREAS, the health information, and how it is used, requires appropriate governance and policy leadership and requires the establishment of a public-private partnership for the purposes of operating the territory-designated health data utility for the Virgin Islands; and

WHEREAS, establishing the Virgin Islands HDU will outline clear data governance, privacy, and security policies to facilitate the real-time sharing of health and social needs data, ensuring portability and improved healthcare coordination and outcomes; Now, Therefore,

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 19 Virgin Islands Code is amended by adding a chapter 39 that reads:

“Chapter 39. Virgin Islands Health Data Utility

§ 1001. Definitions

As used in this chapter, unless the context requires otherwise:

(1) “21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program”, 85 FR 25642, (“21st Century Cares Act ”) means the federal regulations that protect against information blocking activities and promote interoperability frameworks such as the “Trusted Exchange Framework and Common Agreement”.

(2) “Care coordination” means the management of all aspects of a patient’s care to improve health care quality.

(3) “Departments” means the Virgin Islands Department of Health, the Virgin Islands Department of Human Services, and the Office of Health Information Technology.

(4) “Designated entity” means an entity designated by the Virgin Islands Health Data Utility (“HDU”) responsible for administering the Virgin Islands Health Information Exchange.

(5) “Exchange” or “VI Health Information Exchange” or “HIE” means the authorized electronic network for the sharing of health information between healthcare professional providers or provider institutions, payors, consumers, public health agencies, the Departments, and other authorized participants.

(6) “Healthcare Provider” means a person who is licensed, certified, or otherwise authorized or permitted by the laws of the Virgin Islands to administer health care in the ordinary course of business or in the practice of a profession as defined in 42 U.S.C. 1395x(u), a provider of medical or health services as defined in 42 U.S.C. 1395x(s), and any other person or organization that furnishes, bills, or is paid for health care in the normal course of business.

(7) “Health information” means health information as defined in 45 C.F.R. §160.103 that is created or received by an authorized participant.

(8) “Health information technology” means the application of information processing, involving both computer hardware and software, that deals with the storage, retrieval, sharing, and use of health care information, data, and knowledge for communication, decision making, quality, safety, and efficiency of clinical practice.

(9) “Health Insurance Portability and Accountability Act” or “HIPAA” means the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, including amendments thereto and regulations promulgated thereunder.

(10) “Participant” means an authorized entity or person who has entered into an agreement to authorize, submit, access, and disclose health information through the HDU in accordance with all applicable laws, rules, agreements, policies, and standards.

(11) “Patient” means a person who has received or is receiving health services from a healthcare professional.

(12) “Payor” means a person who makes payments for health services, including but not limited to an insurance company, self-insured employer, government program, or other purchaser that makes such payments.

§ 1002. Establishment and governance

(a) The Virgin Islands Health Data Utility is established as a special purpose, independent, and autonomous public benefit, non-profit corporation and instrumentality of the Government of the Virgin Islands. The HDU is governed by a board of directors consisting of the following 12 members:

- (1) the Director of the Office of Health Information Technology, who shall serve as the chairperson of the board;

1 (2) the Commissioners of the Virgin Islands Department of Health and the Virgin
2 Islands Department of Human Services or their designee;

3 (3) The Chief Executive Officers of Governor Juan F. Luis Hospital and Medical
4 Center and the Chief Executive Officer of Roy L Schneider Hospital and Regional
5 Medical Center, or their designee;

6 (4) the Director of the Bureau of Information Technology, or designee;

7 (5) the Executive Directors of the Frederiksted Health Care and the St. Thomas
8 East End Medical Center, or their designee;

9 (6) the chairperson of the Virgin Islands Board of Medical Examiners, or
10 designee;

11 (7) the Executive Director of the largest independent Preferred Provider
12 Organization (“PPO”) in the Virgin Islands, or the designee, which PPO must have the
13 most subscribers at the time of initial appointment to the Board and must be reassessed
14 biennially, for re-appointment; and

15 (8) two persons appointed by the Governor of the Virgin Islands with the advice
16 and consent of the Legislature of the Virgin Islands, one from the St. Thomas/St. John
17 district and the other from the St. Croix district, who shall serve a three-year term and
18 continue to serve until the appointment and confirmation of his successor.

19 (b) Appointed members may be reappointed and may not work for or be affiliated with
20 any entities, organizations, or agencies of the HDU. If an appointed member becomes employed
21 or affiliated with a member agency during the member’s term, the member shall provide notice
22 to the chair of the board not later than three days after the employment or affiliation and
23 immediately thereafter resign from the board.

(c) A quorum consists of a majority of the then-sitting members. Any one or more members of the board may participate in meetings of the board by means of a conference telephone, video, or similar communications equipment, allowing all members participating in the meeting to hear each other at the same time and allowing for the verification of the identity of each member. Actions of the board are taken by a majority vote of the members present unless the by-laws require a unanimous vote of all the members. The board shall elect other officers as the members consider necessary. All members must be reimbursed for necessary travel expenses when the member must travel from the island of his residence to attend an official meeting.

(d) The board may establish an advisory board comprised of additional non-voting members. The advisory board shall provide subject matter expertise, guidance, and support to the board. Members of the advisory board are selected by the board by simple majority and serve for a two-year term. The advisory board shall meet as required and participate in discussions but has no voting rights on matters before the board. The board of directors shall review the activities of the advisory board annually to ensure alignment with the HDU's goals and objectives.

(e) The board of directors shall hire a certified public accountant to conduct an annual audit of the HDU accounts.

§ 1003. Contractual obligations, tax exemptions; judicial process, and powers of the HUD

(a) The debts, obligations, contracts, bonds, receipts, expenditures, accounts, funds, facilities, and property of the HDU are those of the HDU and not those of the Government of the Virgin Islands or any office, bureau, department, agency, commission, branch, agent, office or employee of the Government. The HDU has the same fiscal year as the Government.

(b) No Virgin Islands laws, rules, or orders governing administrative procedures or personnel apply to the HDU, its activities, board members, officers, or employees, except as otherwise provided for in this chapter.

(c) The Employees' Retirement System and the Government Insurance Fund; Unemployment Compensation and Social Security Coverage are applicable to the HDU as follows:

(1) All officials and employees of the HDU are covered by and subject to the Employees Retirement System of the Virgin Islands and the Workmen's Compensation Act. The HDU shall contribute to the Retirement System of the Government of the Virgin Islands its share of the cost of the retirement of the officials and employees on the basis of semiannual billings as determined by the Division of Personnel of the Government of the Virgin Islands, and the contribution of officials and employees for retirement shall be deducted from the salaries in the same manner as in the case of regular employees of the Government of the Virgin Islands and shall be paid semiannually to the Retirement Fund of the Government of the Virgin Islands. The HDU shall also contribute to the Government Insurance Fund, based on the annual billings as determined by the Commissioner of Finance for the benefit payments made from such fund on account of the HDU's employees. The annual billings must also include a statement of the fair portion of the cost of the Government Insurance Fund, which the HDU shall pay into the Treasury of the Virgin Islands as miscellaneous receipts.

(2) For purposes of unemployment compensation, the HDU is an employing unit as defined in title 24 Virgin Islands Code, section 302(q)(1), and the HDU shall make payments to the Unemployment Insurance Subfund and the Unemployment Insurance

Administration Subfund in lieu of contributions in the same manner provided for the Government of the Virgin Islands under title 24 Virgin Islands Code, section 308(d).

(3) For purposes of Social Security coverage, the HDU is an employing unit following signature of an agreement between the Government of the Virgin Islands and the Social Security Administration; and the HDU shall make appropriate payroll deductions on the part of employees as well as on its own behalf as employer, and the deductions must be paid to the Social Security Administration in accordance with existing procedures and in a manner identical with other covered agencies of the Government of the Virgin Islands.

(d) All property of the HDU, including funds, are exempt from judicial process, including without limitation, attachment, levy, execution and sale by virtue of an execution, and no judgment may be alien or charge upon its property or funds; but this subsection does not apply to or limit the right of obligees of the HDU to foreclose or otherwise enforce any mortgage or other security of the HDU or to pursue any remedies for the enforcement of any lien or pledge given by the HDU upon its revenues, or to the right of the federal government to pursue any rights conferred upon it by federal law, any contract, or the provisions of this chapter.

(e) Property acquired by the HDU or held for corporate purposes is public property held by the HDU and must only be used for essential public and governmental purposes in furtherance of this chapter. The HDU and the property of the HDU are exempt from all taxes and special assessments of the Government of the Virgin Islands or of any taxing authority or other agency.

(f) The HDU may not engage in any business activities other than those provided in this chapter. The HDU may:

1 (1) adopt, amend, repeal, and enforce bylaws, rules, regulations, policies, and
2 procedures as it determines appropriate to the governing of its affairs and the conduct of
3 its business and that are not inconsistent with this chapter;

4 (2) sue and be sued in its own name and has a legal existence separate from the
5 Government;

6 (3) adopt, alter, and use a corporate seal, which must be judicially noticed, but
7 the absence of the seal on a contract or other documents does not affect its validity;

8 (4) elect, select, retain, appoint, employ, or terminate officers, agents, and
9 employees, as the HDU considers advisable, to operate and manage the affairs of the
10 HDU and to define their duties and fix, adjust, and define their salaries;

11 (5) select, retain, and employ professionals, contractors, and agents that are
12 necessary or appropriate to enable or assist the HDU in carrying out the purposes of the
13 HDU;

14 (6) acquire, hold, or pledge contract rights, general intangibles, revenues,
15 moneys, and accounts as may be proper or expedient to carry out the purposes of the
16 HDU, and to assign, convey, sell, transfer, lease or otherwise dispose of such property;

17 (7) make, execute, and perform contracts, commitments, agreements, indentures,
18 instruments, and ancillary agreements, as approved by its board of directors and as
19 necessary or appropriate to accomplish the purposes of the HDU;

20 (8) indemnify or ensure members of the board of directors and officers of the
21 corporation as it determines appropriate;

22 (9) do all things necessary or appropriate to enforce its rights and require other
23 parties to fulfill their obligations; and

(10) do all things necessary or appropriate to carry out its purposes and exercise the powers expressly given and granted in this chapter.

§ 1004. Virgin Island Health Information Exchange - principles - technical infrastructure and required participants

(a) The HDU shall administer the Virgin Islands Health Information Exchange and related digital infrastructure through its offices or through a designated entity. The HDU, through the VI Health Information Exchange, shall:

(1) aggregate, from all healthcare and participating entities, health information broadly needed to support public health and the operation and the interoperability of the medical assistance program (Medicaid) in the Virgin Islands and the data sources identified in this section;

(2) collect, analyze, and provide access to health data for purposes of informing the Government of the Virgin Islands, the Legislature of the Virgin Islands, healthcare providers, the Office of Health Information Technology, the Department of Health, the Department of Human Services, the GESC Health Insurance Board of Trustees, patients, communities, and healthcare entities as to the cost of, access to, and quality of health care in the Virgin Islands;

(3) act as the facilitator of health data for registry submissions, electronic laboratory reporting, immunization reporting, and syndromic surveillance from an electronic health record, in collaboration and coordination with the Department of Health; and

(4) enable any authorized healthcare provider or healthcare entity to access information available within the HDU to evaluate and monitor the care and treatment of a patient in accordance with the privacy and security provisions set forth in the federal

1 Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 and as
2 set forth under Title IV of the 21st Century Cures Act TEFCA.

3 (b) The HUD shall administer the VI Health Information Exchange guided, at a
4 minimum, by the following principles:

5 (1) protect the privacy of consumers and the security and confidentiality of all
6 health information;

7 (2) promote standardization, interoperability, access and equity;

8 (3) increase the accuracy, completeness, and uniformity of data;

9 (4) preserve the choice of the patient to have the patient's health information
10 available through the network; and

11 (5) provide education to the public and provider communities about the value
12 and benefits of the health data exchange.

13 (c) The VI Health Information Exchange shall provide mechanisms that:

14 (1) facilitates and supports secure electronic exchange of health information
15 between participants;

16 (2) allows participants without any electronic health records system to participate
17 in the network;

18 (3) has a disaster recovery process that allows access to health information when
19 an entity experiences a disaster, ransomware, cyber-attack, or other emergent scenario;
20 and

21 (4) allows an individual to opt out of the HIE, consistent with HIPAA and other
22 applicable federal requirements. Such policy shall not apply to mandatory public health
23 reporting requirements, or any other reporting required by law.

24 (d) A participant in the VI Health Information Exchange must:

(1) connect to the VI Health Information Exchange in a manner consistent with applicable federal and Virgin Islands privacy laws; and

(2) respond to requests for information from the HDU as defined by the use cases approved by the board and authorized under federal and Virgin Islands privacy laws, in the format required under the regulations adopted by the board.

(e) An entity or person authorized by the HDU to become a participant may enter into an agreement to authorize, submit, access, and disclose health information through the HDU in accordance with all applicable laws, rules, agreements, policies, and standards.

(f) The HDU and the Departments may combine information submitted to the VI Health Information Exchange with other data to facilitate:

(1) a Virgin Islands health improvement program;

(2) mitigation of a public health emergency;

(3) improvement of patient safety;

(4) enhanced care coordination and delivery; or

(5) reduction in costs to provide care.

(g) This section does not:

(1) require an entity to collect clinical information or obtain any authorizations, not otherwise required by federal or Virgin Islands law, relating to information to be sent or received through the Virgin Islands Health Information Exchange;

(2) prohibit an entity from directly receiving or sending information to providers or subscribers outside of the Virgin Islands Health Information Exchange; or

(3) prohibit an entity from connecting and interoperating with the Virgin Islands Health Information Exchange in a manner and scope beyond that required.

§ 1005. Patient consent

(a) Consistent with HIPAA and other applicable federal requirements, a patient may opt-out of the HIE. However, this option does not apply to mandatory public health reporting requirements, or any other reporting required by law.

(b) Consent from a patient to release information obtained by an entity to a provider applies to information transmitted through the Virgin Islands Health Information Exchange or by other means.

§ 1006. Implementing regulations

The HDU shall adopt regulations that:

(1) implement the connectivity to the Virgin Islands Health Information Exchange;

(2) specify the scope of information to be exchanged or sent;

(3) provide for a uniform, gradual implementation of the exchange of clinical information;

(4) promote and safeguard the interests of the Medicaid Enterprise, as specified by the Centers for Medicare and Medicaid (“CMS”), ensuring that all associated parties are adhering to the CMS award requirements, guidelines, and timelines, which focus on and prioritize the Medicaid Enterprise as outlined in award documents and agreements;

(5) promote technology standards and formats that conform to those specified by the Office of the National Coordinator for Health Information Technology; and

(6) advance data sharing through infrastructure for the aggregation and integration of multiple data sets in ways that expand analytics, quality reporting, data visualization, and other services beyond traditional clinical data exchange across the boundaries of individual practice and institutional health settings to a broader range of stakeholders, including payers, public health and government agencies, hospitals, laboratories, health plans, and social service organizations.

1 **§ 1007. Funding the HDU**

2 (a) The HDU may:

3 (1) cooperate, receive grants-in-aid, and enter into agreements with any agency
4 of the federal government, the Government of the Virgin Islands, or with any agency of
5 another state to obtain assistance in the implementation of its operation;

6 (2) accept and receive grants, gifts, and pledges of funds for the support of the
7 HDU's responsibilities and the management of the Virgin Islands Health Information
8 Exchange; and

9 (3) charge a nominal fee to participants for the use and participation in the Virgin
10 Islands Health Information Exchange and related digital infrastructure, in accordance
11 with a CMS cost allocation plan and availability of Virgin Islands subsidy funding, but
12 no participant fees may be charged until the HDU governing board approves a
13 sustainability plan.”

14 **SECTION 2.** (a) Not later than 90 days after the enactment of this act, all health
15 facilities, healthcare providers, pharmacies, and federally qualified health centers in the Virgin
16 Islands shall enter into a participation agreement with the Virgin Islands Health Data Utility to
17 participate in the Virgin Islands Health Information Exchange. The executed Participation
18 Agreement must include milestones for bi-directional connectivity and is evidence of and
19 establishes the participation of the signatories.

20 (b) Not later than 90 days after the enactment of this act, all payors in the Virgin Islands
21 shall enter into an agreement with the Virgin Islands Health Data Utility to participate in and
22 establish bi-directional connectivity with the Virgin Islands Health Information Exchange. The
23 executed Participation Agreement is evidence of and establishes the participation of the
24 signatories.

SECTION 3. The sum of \$300,000, or so much of that sum as is necessary, is appropriated in the fiscal year ending September 30, 2026, from the funding allocated to the Government of the Virgin Islands in the American Rescue Plan Act of 2021 to the Virgin Islands Health Data Utility for implementation of Virgin Islands Health Information Exchange.

SECTION 4. (a) Not later than 30 days after the enactment of this act, the Virgin Islands Department of Human Services shall assign to the Virgin Islands Health Data Utility the Health Information Exchange Professional Services Contract executed with CRISP SHARED SERVICES, INC. to assist with the implementation of Virgin Islands Health Information Exchange technology and services within the Virgin Islands healthcare ecosystem.

(b) Not later than 60 days after the enactment of this act, the Department of Human Services shall transfer to the Virgin Islands Health Data Utility all funds, grants, or monies received as funding to support and pay for the professional services contract with CRISP SHARED SERVICES, INC.

(c) Not later than 30 days after the Department of Human Services receives any funds, grants, or monies for health information exchange services, the Department of Human Services shall transfer those monies to the Virgin Islands Health Data Utility.

SECTION 5. Title 33 Virgin Islands Code is amended as follows:

(a) chapter 3, section 58:

(1) In subsection (b) by striking “\$2.00” and inserting “\$2.50”;

(2) By striking subsection (f) and inserting a new subsection (f) that reads:

“(f) Each fiscal year the Department of Finance shall disburse the proceeds from the emergency surcharge as follows:

(1) Virgin Islands Police Department Crisis Intervention Fund

20%;

- (2) Department of Health Behavioral Challenges 24%;
- (3) Virgin Islands Fire Emergency Medical Services 8%;
- (4) Governor Juan F. Luis Hospital and Medical Center 12%;
- (5) Roy L. Schneider Hospital and Medical Center 12%;
- (6) VI Bureau of Correction Behavioral Health 4%;
- (7) Virgin Islands Health Data Utility 20%”

(b) chapter 111, section 3099 as follows:

(1) in subsection (d) by inserting “, the Executive Director of the Virgin Islands Health Data Utility” after “VITEMA”; and inserting “and for the operation and obligations of the Utility Data Utility” after “response services”; and

(2) in subsection (e) by inserting “, the Executive Director of the Virgin Islands Health Data Utility” after “VITEMA”.

BILL SUMMARY

This bill provides for the establishment of the Virgin Islands Health Data Utility (HDU) as a special purpose, independent, and autonomous public benefit corporation and governmental instrumentality of the Government of the Virgin Islands, as a not-for-profit corporation. The bill also provides that the HDU is governed by a 12-member board and sets for the membership of the board and its powers. The HDU shall establish and manage the Virgin Islands Health Information Exchange, which will collect and compile data to create a history of a patient’s health and current presentation to build a comprehensive strategy for disease testing, response, and health outcomes and identifying trends. The bill also provides:

- (1) that the VI Health Information Exchange shall adopt regulations and provides for the funding;

1 (2) that healthcare providers, and insurance providers must become participants
2 in VI Health Information Exchange and comply with local and federal disclosure laws;

3 (3) for a \$300,000 appropriation to the HUD for the implementation of the VI
4 Health Information Exchange;

5 (4) for the re-assignment of the CRISP SHARED SERVICES, INC. contract
6 from Virgin Islands Department of Human Services to the HUD to be used for the Virgin
7 Islands Health Information Exchange for the implementation of technology and services
8 within the Virgin Islands healthcare ecosystem, and for the future transfer of funds that
9 the Department of Human Services receives for health information exchange services;
10 and

11 (5) for the amendment of title 33 Virgin Islands Code, subtitle 3, chapter 111,
12 section 58 to include the Virgin Islands Health Data Utility as an entity to receive funds
13 under the emergency services surcharge and to section 3099 to include the Virgin Islands
14 Health Data Utility as an entity to received funds from the Emergency Services Fund.

15 **BR25-0631/January 21, 2026/SLR**

16 **G36-010**