



**THE UNITED STATES VIRGIN ISLANDS**

OFFICE OF THE GOVERNOR  
GOVERNMENT HOUSE

Charlotte Amalie, V.I. 00802  
340-774-0001

**ORDER  
BY THE GOVERNOR OF THE  
VIRGIN ISLANDS OF THE UNITED STATES  
DECLARING A STATE OF EMERGENCY IN THE  
UNITED STATES VIRGIN ISLANDS  
DUE TO THE NEED TO PROTECT THE WELFARE, SAFETY AND  
PUBLIC HEALTH OF THE PEOPLE OF THE VIRGIN ISLANDS DUE TO A  
SHORTAGE OF PSYCIATRIC PHYSICIANS IN THE TERRITORY TO  
ADDRESS MENTAL HEALTH ISSUES**

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**WHEREAS**, V.I. CODE ANN tit. 23, §1005 authorizes the Governor to declare a state of emergency on account of an emergency or major disaster in order to save lives and protect public property, public health and safety;

**WHEREAS**, V.I. CODE ANN tit. 23, §1005 also confers upon the Governor the power to suspend the provisions of any statute during any state of emergency;

**WHEREAS**, V.I. CODE ANN tit. 23, §1005 confers upon the Governor the power to take any other action he deems necessary;

**WHEREAS**, The Governor, pursuant to Section 11 Revised Organic Act of 1954, as amended, has general supervision and control over the Virgin Islands Department of Health, Virgin Islands Government Hospitals and Health Facilities to do all that is necessary for the orderly and faithful execution of the laws pertaining to the operation of the medical and health facilities in each respective district;

**WHEREAS**, there is a strong policy basis to facilitate immediate emergency delivery of acute and chronic mental health services throughout the entire Territory of the US Virgin Islands;

**WHEREAS**, Due to the severe shortage of psychiatric physicians in the territory of the US Virgin Islands, it has become evident that immediate interim emergency measures must be taken to facilitate the operation of the Mental Health Divisions in the Virgin Islands Department of Health, Schneider Regional Medical Center, and the Governor Juan F. Luis Hospital and Medical Center;

**WHEREAS**, the emergency measure is required in light of the dire need for psychiatric physicians in the Virgin Islands Territory;

**WHEREAS**, currently, there are only three budgeted psychiatrist positions with the Department of Health Mental Health Division of which all are currently vacant. Additionally, both Schneider Regional Medical Center and Juan Luis Medical Center are budgeted for one psychiatrist each.

**WHEREAS**, V.I. CODE ANN tit. §706a provides that:

No retiree of the federal government, the Government of the United States Virgin Islands, or of the private sector shall be employed by the Government of the Virgin Islands on a contractual basis the compensation of which exceeds the highest rate of salary received by that employee before retirement and in any case such rate of compensation shall not exceed \$ 55,000 per year;

**WHEREAS**, V.I. CODE ANN tit. §706 in part states:

(c) Any member receiving a service retirement annuity who reenters the service of the government may continue to receive his annuity while in receipt of salary from the Government, either by appointment or on a contractual basis, for a period of time not to exceed a total of 600 hours in any one-year period not to exceed two years;

**WHEREAS**, due to mandates set forth above in V.I. CODE ANN tit. 3 § 706, there exists limitation on the hiring and compensation of retired contractual employees and prevents the hiring of former retired psychiatrists in the territory; this in turn creates an additional hardship in recruitment and retention of former retired psychiatrists for this critical specialty need in the USVI;

**WHEREAS**, currently, the two Virgin Islands hospitals and the Department of Health have also been met with other logistical impediments in attempting to recruit for the psychiatric positions due to the low compensation of psychiatric physicians in the territory. The end results have been the lack of available local or off-island applicants; and

**WHEREAS**, additionally, the US Virgin Islands have restrictions on the collective bargaining compensation for psychologists and psychological clinical support staff, further hindering the mental health hiring process in the territory.

**NOW THEREFORE**, I, Kenneth E. Mapp, Governor of the Virgin Islands of the United States and by the authority vested in me as Governor of the Virgin Islands of the United States by the Revised Organic Act of 1954, as amended, and the laws of the United States Virgin Islands, specifically V.I. CODE ANN tit. 23 §1005; hereby DECLARE and ORDER as follows:

**SECTION 1. Declaration; Suspension of V.I. CODE ANN. tit. 3 § 706 and the request for deployment of United States Public Health Service Commissioned Corps (PHSCC)**

- a. A State of Emergency is hereby DECLARED to exist due to exigency need for psychiatric physicians in the Mental Health Divisions of the Virgin Islands Department of Health, Schneider Regional Medical Center, and the Governor Juan F. Luis Hospital.
- b. The provision of V.I. CODE ANN. tit. 3, §706(a) is hereby SUSPENDED as it relates to the limitation on hiring compensation of retired contractual psychiatric physician employees.
- c. The provision of V.I. CODE ANN. tit. 3, §706 is hereby SUSPENDED as it relates to the authority of the Virgin Islands Government hospitals and health facilities to hire retired psychiatric doctors on limited work hours and limited payment.
- d. The three (3) current entities shall hire the retired psychiatrists with no restriction of work hours and payment as per and without the need of satisfying the requirements of V.I. CODE ANN. tit.3, §706 and shall have the authority to:
  - (i) hire/rehire/renew former psychiatric physicians and any other psychiatric medical personnel to work at Department of Health, Schneider Regional Medical Center and Juan F. Luis Hospital and Medical Center; and
  - (ii) access the necessary emergency appropriated funds and other funds to hire for mental health care delivery consistent with the current existing needs in the Virgin Islands communities;
  - (iii) hire on a temporary basis other psychiatric physician care providers from other jurisdictions for the sole and limited purpose of addressing the current emergency need;
- e. The collective bargaining compensation restrictions are hereby SUSPENDED as it relates to the hiring of psychologists and psychological clinical support staff in the US Virgin Islands;
- f. Additionally, pursuant to Section 319 of the Public Service Act 42 US § 247d, the US Virgin Islands hereby request, through the United States Secretary of Health Human Services (HHS) for the immediate deployment of the United States Public Health Service Commissioned Corps (PHSCC) or through other Federal Deployment Programs to assist in providing acute and chronic mental health services in the Virgin Islands Department of Health, Schneider Regional Medical Center, and the Governor Juan F. Luis Hospital until the need is satisfied.

**SECTION 2. Effective Date; Expiration**

- a. This Order shall take immediate effect.
- b. Unless sooner modified, this Order shall automatically and without further Order expire on the earliest occurrence of the following events:

- (i) Following the confirmation by the three entities that there are enough providers of psychiatric care in the Territory; or
- (ii) Thirty (30) days following the effective date unless renewed by the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Government of the Virgin Islands to be affixed at Charlotte Amalie, St. Thomas, Virgin Islands, this day of 23<sup>rd</sup> September, A.D., 2016.



A handwritten signature in black ink, appearing to read 'K. Mapp', written over a horizontal line.

Kenneth E. Mapp  
Governor

ATTEST:

A handwritten signature in blue ink, appearing to read 'O. Potter', written over a horizontal line.

Osbert E. Potter  
Lieutenant Governor