

COMMITTEE ON GOVERNMENT OPERATIONS,
CONSUMER AFFAIRS, ENERGY, ENVIRONMENT,
AND PLANNING

01/17/2020-HELD
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BILL NO. 33-0103

Thirty-Third Legislature of the Virgin Islands

July 9, 2019

An Act amending the following provisions of the Virgin Islands Code: (1) title 3, chapter 25, subchapter VI, by adding a new section 583d providing for maternity, paternity, and adoption leave for government employees; (2) title 19, part I, chapter 7, by adding new sections 154, 155, and 156 providing for learning evaluation of children, postpartum care and minimum standards of health care for incarcerated women and men; (3) title 19, part IV, chapter 37, subchapter II, section 831(a), by establishing a new procedure for obtaining an initial birth certificate; (4) title 17, chapter 11, section 130 and title 17, chapter 9, subchapter I, section 87, by prohibiting the use of corporal punishment; and (5) title 17, chapter 9, subchapter I, by adding a new section 86a providing for paid time off from work so that parents may visit their children's schools; and providing that certain health care facilities hire discharge planners not later than January 2020

PROPOSED BY: Senator Janelle K. Sarauw
Co-sponsor: Myron D. Jackson

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

2 **SECTION 1.** Title 3, chapter 25, subchapter VI of the Virgin Islands Code is
3 amended by adding a new section 583d to read as follows:

4 “§ 583d. **Maternity, paternity and adoption leave**

5 (a) All employees of the Government of the Virgin Islands, including employees
6 of the legislative and judicial branches, all autonomous or semi-autonomous agencies and

1 instrumentalities of the Government of the Virgin Islands, and any other governmental
2 entity that participates in the Government Employees Retirement System, are entitled to
3 six weeks paid leave and six weeks unpaid leave upon the adoption of a child, five years
4 old or younger, from an adoption agency or for the birth of a child that has been procured
5 through a surrogacy arrangement, or for the birth of a child to an employee. If both parents
6 are employees of the Government, then each parent is entitled to six weeks paid leave and
7 six weeks unpaid leave.

8 (b) If a surgical procedure is performed during labor, and the employee's physician
9 has certified that the employee needs more than 12 weeks off before returning to work, the
10 employee may use whatever accrued leave that employee has earned to remain on leave
11 until the physician certifies that the employee may return to work.

12 (c) Employees are not entitled to leave pursuant to this section, if the adoption of
13 the child was attained by an order of a court.

14 **SECTION 2.** Title 19, part I, chapter 7 of the Virgin Islands Code is amended by
15 adding new sections 154, 155, 156 to read as follows:

16 **“§ 154. Psychological and learning evaluation of children**

17 (a) Pediatric practitioners in private practice, those employed by not for profit
18 corporations affiliated with the Government of the Virgin Islands, and those employed by
19 health facilities as defined in 19 V.I.C. § 241(g), shall, at least biennially, perform a
20 mandatory behavioral health screening during general pediatric wellness examinations of
21 children between the ages of three and 18.

22 (b) The behavioral screening must include an evaluation of the child's
23 development, learning ability, and general emotional and social wellbeing. The assessment
24 may be conducted through standardized parent report forms and through interviews with

1 the child, or upon consultation with a licensed psychologist. If the results of the testing
2 show that there is a significant deficiency in any of the tested areas, the pediatric
3 practitioner may refer the child to a psychologist or to an expert for a comprehensive
4 evaluation in the area of deficiency.

5 (c) In conducting the behavioral screening, the practitioner may utilize either the
6 Ages and Stages Questionnaire, the Child Behavior Checklist, or the Behavior Assessment
7 System for Children, Third Edition (BASC-3).

8 **§ 155. Postpartum care**

9
10 After the birth of a child, before discharging the mother from a health care facility as
11 defined in 19 V.I.C. § 241(g), the health care facility shall cause the mother to be screened
12 by a medical doctor or licensed behavioral health practitioner for postpartum depression.
13 If it is determined that the mother is suffering from postpartum depression, or will likely
14 suffer from postpartum depression, the mother must be referred to the Department of
15 Health, Division of Mental Health for further evaluation and treatment.

16 **§ 156. Healthcare for incarcerated women and men**

17 (a) For inmates incarcerated for 12 months or more, the Virgin Islands Bureau of
18 Corrections, Health Services Division, working with the Department of Health or other
19 available local health services providers, shall provide breast examinations, to include
20 manual examinations and mammograms, and pap smears for women and prostate
21 examinations for men 40 years or older. These examinations shall be performed in
22 accordance with the standards and recommendations published by National Commission
23 of Correctional Health Care (“the NCCHC”) and United States Preventative Service Task
24 Force (“the USPSTF”). Laboratory testing, to include blood and urine tests and general

1 wellness examinations, shall be conducted annually, or as recommended by a licensed
2 physician.

3 (b) All testing conducted pursuant to the NCCHC or USPSTF guidelines or those
4 of the Virgin Islands Bureau of Corrections, Health Services Division may be conducted
5 more frequently than recommended, if there is a medical necessity to do so, as determined
6 by a licensed physician.”

7 **SECTION 3.** Title 19, part IV, chapter 37, subchapter II, section 831 of the Virgin
8 Islands Code is amended as follows:

9 (a) In subsection (a):

10 (1) In paragraph (1), by inserting at the end of the paragraph “and, when
11 applicable, a voluntary acknowledgment of paternity form”;

12 (2) In paragraph (2), by inserting “other than at a health care facility under
13 the jurisdiction of the Virgin Islands Government Hospital and Health Facilities
14 Corporation” after “case”;

15 (3) By redesignating paragraphs (2) and (3), appropriately, and inserting a
16 new paragraph (2) that reads:

17 “(2) When a birth occurs in a health care facility under the jurisdiction
18 of the Virgin Islands Government Hospital and Health Facilities Corporation,
19 the health care facility shall, not more than 24 hours after the birth, give the
20 parents a birth certificate application and a voluntary acknowledgment
21 paternity form. The discharge planner shall file the birth certificate application
22 and voluntary acknowledgement of paternity form as required under paragraph
23 (1) in this section.”

24 (b) By adding a new subsection (d) to read as follows:

1 “(d) For purposes of this section, “discharge planner” means a person
2 employed at a health care facility under the jurisdiction of the Virgin Islands
3 Government Hospital and Health Facilities Corporation responsible for forwarding
4 birth certificate applications to the local registrar; coordinating patient discharge
5 evaluations; providing discharge summaries to a patient’s insurance provider;
6 preparing a comprehensive discharge plans for patients, to include where the patient
7 will live after discharge, how the patient will be transported there, and the patient’s
8 further course of treatment, if any. The discharge plans are to be discussed with the
9 patient, the patient’s family, and the health facility’s professional staff. After the
10 patient’s discharge, the discharge planner shall continue to assist the former patient
11 with any questions regarding the former patient’s discharge evaluation, conditions of
12 the recommended care facility, and provide new referrals, if necessary.”

13 **SECTION 4.** Title 17 of the Virgin Islands Code is amended as follows:

14 (a) In chapter 11, section 130 by adding at the end of the section “, but corporal
15 punishment is strictly prohibited”; and

16 (b) By repealing section 87 of chapter 9, subchapter I in its entirety.

17 **SECTION 5.** Title 17, chapter 9, subchapter I of the Virgin Islands Code is amended
18 by adding a new section 86a that reads as follows:

19 **“§ 86a. Parents and students school participation**

20 (a) Notwithstanding any law to the contrary, parents or legal guardians who are
21 full-time employees of the Government of the Virgin Island, the instrumentalities, and
22 autonomous and semi-autonomous agencies of the Government of the Virgin Islands, full-
23 time employees of beneficiaries under the Industrial Development Program, and
24 employees of employers who receive benefits under Act No. 4740, whose children attend

1 a public, private, or parochial school in grades kindergarten through 12, are entitled to two
2 hours, per month, per child, off from their jobs, without loss of pay or any other benefit, to
3 allow the parent or legal guardian to visit with their children, teachers, counselors, or other
4 school officials at school.

5 (b) To be eligible to receive time off from work without loss of pay, not more than
6 48 hours after the school visit, parents or legal guardians shall submit proof to their
7 employer that the time off was taken in accordance with the criteria set forth in subsection
8 (a) of this section. Failure to submit the proof shall be sufficient cause for the employer to
9 not pay the parent or legal guardian for the time not worked.

10 (c) The time off described in subsection (a) of this section is applicable during
11 each school's academic school year and during each school's official school hours."

12 **SECTION 6.** Not later than January 30, 2020, each health care facility under the
13 jurisdiction of the Virgin Islands Government Hospital and Health Facilities Corporation
14 that is equipped as a birthing facility shall hire a discharge planner at a salary to be
15 determined by the Commissioner of Health.

16 **Bill Summary**

17 Section 1 of this Bill provides for the implementation of six weeks of paid and six
18 weeks of unpaid paternity, maternity or adoption leave for employees of the Government
19 of the Virgin Islands, its instrumentalities, and semi-autonomous and autonomous
20 agencies, and other governmental entities participating in the Government Employees'
21 Retirement System.

22 Section 2 provides for behavioral assessments of children from ages 3 through 18;
23 provides for postpartum screening before mothers of a newborn babies are discharged from

1 a health care facility; and provides for minimum standards of health care for incarcerated
2 women and men.

3 Section 3 provides for a new procedure for obtaining an initial birth certificate.

4 Section 4 prohibits the use of corporal punishment in public schools.

5 Section 5 provides that employees of the Government of the Virgin Islands or its
6 instrumentalities, or semi-autonomous or autonomous agencies, or employees of a business
7 that receives IDC benefits, or employees of an employer who receives benefits under Act
8 No. 4740 are entitled to two hours, per month, per child, off from work with pay to allow
9 the parents or legal guardians to visit their children's school. Parents or legal guardians
10 must provide proof to their employer that they visited the school not more than 48 hours
11 after the visit.

12 Section 6 provides that not later than January 2020, each health care facility with
13 birthing facilities shall hire a discharge planner.

14 **BR19-0088/June 28, 2019/SLR/Reviewed by EEM**