WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

HOUSE BILL No. 47

(By Mrs. Walker)

PASSED February 6, 1947

In Effect Thirty Days from Passage
ENROLLED

House Bill No. 47
(By Mr. Speaker, Mr. Amos)

[Passed February 10, 1947; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article two, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, to amend article four thereof by amending and reenacting sections two and three and by adding four new sections to be designated sections three-a, three-b, three-c and eleven, and to amend and reenact sections one, two and three, article five thereof, all relating to mentally ill persons and mental defectives.

Be it enacted by the Legislature of West Virginia:

That section five, article two, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, that article four thereof be amended by amending and reenacting sections two and three, and by adding four new sections to be designated sec-
tions three-a, three-b, three-c and eleven, and that sections 
one, two and three, article five thereof be amended and re- 
enacted, to read as follows:

Article 2. State Hospitals.

Section 5. Forms for Committing Patients; Other Rec- 
ords; Division of Patients into Classes.—The board of 
control shall have authority, in consultation with the 
superintendents of the mental hospitals, to prepare, pre- 
scribe, and have printed forms to be used in committing 
patients to any of such hospitals.

For each patient there shall be kept a case record with 
such complete information as to aid in qualifying all state 
mental hospitals for the training of internes and nurses 
with a specialty in mental illnesses.

Whenever a patient is transferred from one state men- 
tal hospital to another, his complete record shall be for- 
warded to the hospital to which the patient is being 
transferred.

In order to make provision in cases of scarcity of room 
the board of control shall have the authority to divide into 
classes patients to be admitted thereto, so that admission
shall be according to the relative need of patients for medical care and treatment in a hospital; and for the same reason, to cause to be returned to their relatives, or to the counties whence they came, patients who are harmless and incurable, including dotards, feeble-minded, imbeciles and idiots.

Article 4. Patients in Hospitals; Restoration to Sanity and Discharge.

Section 2. Examination Upon Admission; Return to County.—When any person is admitted to a state hospital, he shall be carefully examined by the superintendent and one other physician thereof, who are hereby constituted the examining board of such institution. Such examination shall be made as soon after such person is received in the hospital as may be prudent; and if, from such examination (or from a subsequent examination, if the first one be not satisfactory to the examining board), such person is found to be insane and a proper person to be received therein, he shall be registered as an inmate of such hospital, and receive maintenance, treatment and care therein; but if he is not a proper person to be re-
ceived in such hospital, or if, in the opinion of the exam-
inizing board, such person be not insane, the superinten-
dent shall cause him to be returned by an attendant to
the sheriff of the county from which he was received.
On receiving any such person it shall be the duty of the
sheriff immediately to notify the clerk of the county
court thereof; and it shall be the duty of the mental
hygiene commission of such county promptly to con-
sider and dispose of such case.

Sec. 3. Voluntary Admission.—Any person over twen-
ty-one years of age who desires the benefit of institutional
treatment as a voluntary patient may be admitted to
one of the state mental hospitals on his own written
application, subject to rules and regulations prescribed
by the board of control. A voluntary patient may at any
time request his discharge by giving to the superintendent
notice in writing of his desire to leave. The superinten-
dent shall within fifteen days after receipt of this notice
grant the request unless in the meantime the patient has
been committed as provided in article three of this chap-
ter.
Sec. 3-a. Admission on Certificate of One Physician.—

Any person alleged to be mentally ill or mentally defective may, if no objection is made by such person or others on his behalf, be admitted to an institution upon presentation to the superintendent of a verified application accompanied by a physicians' certificate dated not more than ten days before the date of admission.

The application shall contain a brief statement of the facts upon which the allegation of mental illness or mental defectiveness is based, and such other facts or information as may be required by the board of control. The application may be made by a near relative of a person alleged to be mentally ill or mentally defective, or by a health officer.

The certificate may be made by any physician licensed to practice medicine in this state who is not a relative by blood or marriage of the person alleged to be mentally ill or mentally defective or of the person seeking his admission, and who has no direct or indirect interest in or connection with the institution to which application has been made. The physician shall state in the certifi-
cate that he has within twenty-four hours of the date of
the certificate examined the person alleged to be mentally
ill or mentally defective and that in his opinion such
person is mentally ill or mentally defective and in need
of institutional care. The certificate shall also contain
a brief summary of the facts and circumstances upon
which the physician bases his opinion.
A patient admitted as provided in this section, or a
relative acting on his behalf, may at any time give to the
superintendent a written notice requesting his discharge.
The superintendent shall within fifteen days after re-
ceipt of this notice grant the request unless in the mean-
time the patient has been committed as provided in article
three of this chapter.

Sec. 3-b. Admission on Certificate of Health Officer.—
Any person alleged to be mentally ill or mentally defec-
tive may, if no objection is made by such person or others
on his behalf, be admitted to an institution for a period
not to exceed thirty days upon presentation to the super-
intendent of the certificate of a health officer employed
by the state or by one of its political subdivisions, re-
questing the admission of such person. In addition to such other information as may be required by the board of control, the certificate shall contain a statement that, on the basis of a personal examination made within twenty-four hours of the date of the certificate, it is the opinion of the health officer that the person for whom admission is sought is mentally ill or mentally defective and in need of institutional care.

Every person admitted as provided in this section shall be discharged within thirty days after his admission unless in the meantime he has been admitted as provided in one of the two preceding sections or committed as provided in article three of this chapter.

Sec. 3-c. Report of Admissions; Registration by the Board of Control.—The superintendent of each state mental institution shall, within ten days after the admission of any patient, report the admission to the board of control together with any other information the board of control may require. A copy of said report shall be sent to the state health commissioner. He shall make a similar report of the discharge or death of any patient.
From such reports and other sources the board shall prepare and keep current a register of persons in this state who are suffering from mental illness.

The name of a person so registered shall not be made public nor shall the register be accessible to anyone except by order of the board of control or by order of the judge of a court of record.

Sec. 11. Examination and Treatment of Prisoners in Penitentiary.—The director of probation and parole shall have the authority to cause the transfer of any prisoner in any state penitentiary to any state mental institution for examination and observation. Upon request of the director the transfer shall be made by the warden of any penitentiary. The superintendent of the institution shall receive the prisoner and shall keep him in custody within the institution. After examination and a proper period of observation, the superintendent shall submit to the director a report concerning the mental condition of the prisoner, together with recommendations as to the advisability of care and treatment in a mental institution. If no treatment is recommended, the prisoner shall be returned
to such penitentiary. If treatment is recommended, the
director shall apply for commitment of the prisoner as
provided in article three of this chapter.


Section 1. Maintenance of Patients; Reimbursement.—

2 The cost of the maintenance of patients admitted to the
state mental institutions shall be paid out of funds appro-
priated for the respective institutions, but the institution,
through the board of control, shall have a right of reim-
bursement for all or any part of such maintenance, in no
case to exceed two dollars per day, from each patient or
from the committee or guardian of the estate of the
patient, or if that be insufficient, then from the patient's
husband, wife, children, father and mother, or any of
them. If a relative so liable does not reside in this state
and has no estate or debts due him within the state by
means of which the liability can be enforced against him,
the other relatives shall be liable as provided by this
section. In exercising this right of reimbursement the
board of control may, whenever it is deemed just and
expedient to do so, exonerate any person chargeable with
such maintenance from the payment thereof in whole or
in part, if it finds that he is unable to pay or that payment
would work an undue hardship on him or on those de-
pendent upon him.

There shall be no discrimination on the part of the
institution as to food, care, protection, treatment or re-
habilitation, between patients who pay for their mainte-
nance and those who are unable to do so.

The provisions in this section apply only to the state
mental hospitals proper, and not to the clinics attached
thereto.

It shall be the responsibility of the board of control to
determine the ability of the patient or of his relatives to
pay for his maintenance.

Sec. 2. When and How Counties to Pay.—If the state
mental institution is unable to collect a minimum of fifty
dollars per annum toward the maintenance of a patient,
the county of which the patient is a resident shall an-
nually pay into the state treasury for credit to the appro-
priate institution the difference between the amount, if
any, collected by the institution and the sum of fifty
dollars.

At every levy term of each county court it shall esti-
mate for and levy a sufficient amount to meet all such
expenses. The superintendent of such hospital, on or
before the tenth day of January of each year, shall certify
to the auditor a list of all the patients in the hospital dur-
ing the whole or any part of the preceding year for which
the counties are to pay, showing on such list under the
name of the county, the number from each county and
the length of time he was in said hospital during the year,
and showing the amount due from each county for each
patient, and the total amount due from each county for
the year. As soon as such list is received by the auditor
he shall charge to each county the amount appearing to
be due from the certificates of the superintendent. Within
ten days after the receipt of such certificate the auditor
shall make out a copy thereof for each county and certify
the same to the county court thereof, which list shall
show the name of each patient in such hospital from the
county during the year, the length of time he was in such
hospita during the year, the amount charged for each
patient, and the total amount charged on account of all
such patients from the county; and such total amount
shall constitute a debt against the county due the state.
Whenever there is in the state treasury a sum of money
due any county from any source, the same shall be at
once applied on the debt aforesaid against the county,
and the fact of such application of such fund shall be
reported by the auditor to the county court of the county,
which report shall be a receipt for the amount therein
named.

Sec. 3. Care of Patients in Boarding Homes.—The board
of control may, upon the recommendation of the super-
intendent of the institution, provide care in a suitable
boarding home for any patient in a state mental institu-
tion, if the condition of the patient is such that his and the
public welfare will not be prejudiced thereby. A patient
in a boarding home shall be deemed to be a patient of the
institution from which he was removed and shall, on the
approval of the superintendent, be placed under the
supervision of a psychiatric social worker employed by
the institution. All patients in such homes shall be visited at least once every three months, and if upon the visitation they are found to be abused, neglected or improperly cared for, they shall be returned to the institution or placed in a better boarding home. The cost of the boarding home care shall be paid by the institution from which he was removed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]
Chairman Senate Committee

[Signatures]
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 13th day of Feb., 1947.

[Signature]
Governor.