

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

HOUSE BILL No. 47

(By Mr. S. Walker)



PASSED February 6 1947

In Effect Thirty Days from Passage

47

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-*
2 *ords; Division of Patients into Classes.*—The board of
3 control shall have authority, in consultation with the
4 superintendents of the mental hospitals, to prepare, pre-
5 scribe, and have printed forms to be used in committing
6 patients to any of such hospitals.

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

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

15 In order to make provision in cases of scarcity of room
16 the board of control shall have the authority to divide into
17 classes patients to be admitted thereto, so that admission

18 shall be according to the relative need of patients for
19 medical care and treatment in a hospital; and for the same
20 reason, to cause to be returned to their relatives, or to
21 the counties whence they came, patients who are harm-
22 less and incurable, including dotards, feeble-minded, im-
23 beciles and idiots.

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

Section 2. *Examination Upon Admission; Return to*
2 *County.*—When any person is admitted to a state hospital,
3 he shall be carefully examined by the superintendent
4 and one other physician thereof, who are hereby con-
5 stituted the examining board of such institution. Such
6 examination shall be made as soon after such person is
7 received in the hospital as may be prudent; and if, from
8 such examination (or from a subsequent examination,
9 if the first one be not satisfactory to the examining board),
10 such person is found to be insane and a proper person
11 to be received therein, he shall be registered as an inmate
12 of such hospital, and receive maintenance, treatment and
13 care therein; but if he is not a proper person to be re-

14 ceived in such hospital, or if, in the opinion of the exam-
15 ining board, such person be not insane, the superinten-
16 dent shall cause him to be returned by an attendant to
17 the sheriff of the county from which he was received.
18 On receiving any such person it shall be the duty of the
19 sheriff immediately to notify the clerk of the county
20 court thereof; and it shall be the duty of the mental
21 hygiene commission of such county promptly to con-
22 sider and dispose of such case.

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

Sec. 3-a. *Admission on Certificate of One Physician.*—

2 Any person alleged to be mentally ill or mentally defec-
3 tive may, if no objection is made by such person or others
4 on his behalf, be admitted to an institution upon presen-
5 tation to the superintendent of a verified application ac-
6 companied by a physicians' certificate dated not more
7 than ten days before the date of admission.

8 The application shall contain a brief statement of the
9 facts upon which the allegation of mental illness or men-
10 tal defectiveness is based, and such other facts or infor-
11 mation as may be required by the board of control. The
12 application may be made by a near relative of a person
13 alleged to be mentally ill or mentally defective, or by a
14 health officer.

15 The certificate may be made by any physician licensed
16 to practice medicine in this state who is not a relative by
17 blood or marriage of the person alleged to be mentally
18 ill or mentally defective or of the person seeking his ad-
19 mission, and who has no direct or indirect interest in or
20 connection with the institution to which application
21 has been made. The physician shall state in the certifi-

22 cate that he has within twenty-four hours of the date of
23 the certificate examined the person alleged to be mentally
24 ill or mentally defective and that in his opinion such
25 person is mentally ill or mentally defective and in need
26 of institutional care. The certificate shall also contain
27 a brief summary of the facts and circumstances upon
28 which the physician bases his opinion.

29 A patient admitted as provided in this section, or a
30 relative acting on his behalf, may at any time give to the
31 superintendent a written notice requesting his discharge.
32 The superintendent shall within fifteen days after re-
33 ceipt of this notice grant the request unless in the mean-
34 time the patient has been committed as provided in article
35 three of this chapter.

Sec. 3-b. *Admission on Certificate of Health Officer.*—

2 Any person alleged to be mentally ill or mentally defec-
3 tive may, if no objection is made by such person or others
4 on his behalf, be admitted to an institution for a period
5 not to exceed thirty days upon presentation to the super-
6 intendent of the certificate of a health officer employed
7 by the state or by one of its political subdivisions, re-

8 questing the admission of such person. In addition to
9 such other information as may be required by the board
10 of control, the certificate shall contain a statement that,
11 on the basis of a personal examination made within
12 twenty-four hours of the date of the certificate, it is the
13 opinion of the health officer that the person for whom
14 admission is sought is mentally ill or mentally defective
15 and in need of institutional care.

16 Every person admitted as provided in this section shall
17 be discharged within thirty days after his admission un-
18 less in the meantime he has been admitted as provided
19 in one of the two preceding sections or committed as pro-
20 vided in article three of this chapter.

 Sec. 3-c. *Report of Admissions; Registration by the*
2 *Board of Control.*—The superintendent of each state men-
3 tal institution shall, within ten days after the admission of
4 any patient, report the admission to the board of control
5 together with any other information the board of control
6 may require. A copy of said report shall be sent to the
7 state health commissioner. He shall make a similar report
8 of the discharge or death of any patient.

9 From such reports and other sources the board shall
10 prepare and keep current a register of persons in this
11 state who are suffering from mental illness.

12 The name of a person so registered shall not be made
13 public nor shall the register be accessible to anyone ex-
14 cept by order of the board of control or by order of the
15 judge of a court of record.

Sec. 11. *Examination and Treatment of Prisoners in*
2 *Penitentiary.*—The director of probation and parole shall
3 have the authority to cause the transfer of any prisoner
4 in any state penitentiary to any state mental institution
5 for examination and observation. Upon request of the
6 director the transfer shall be made by the warden of any
7 penitentiary. The superintendent of the institution shall
8 receive the prisoner and shall keep him in custody within
9 the institution. After examination and a proper period
10 of observation, the superintendent shall submit to the
11 director a report concerning the mental condition of the
12 prisoner, together with recommendations as to the advisa-
13 bility of care and treatment in a mental institution. If no
14 treatment is recommended, the prisoner shall be returned

15 to such penitentiary. If treatment is recommended, the
16 director shall apply for commitment of the prisoner as
17 provided in article three of this chapter.

Article 5. Maintenance of Certain Insane Persons.

Section 1. *Maintenance of Patients; Reimbursement.*—

2 The cost of the maintenance of patients admitted to the
3 state mental institutions shall be paid out of funds appro-
4 priated for the respective institutions, but the institution,
5 through the board of control, shall have a right of reim-
6 bursement for all or any part of such maintenance, in no
7 case to exceed two dollars per day, from each patient or
8 from the committee or guardian of the estate of the
9 patient, or if that be insufficient, then from the patient's
10 husband, wife, children, father and mother, or any of
11 them. If a relative so liable does not reside in this state
12 and has no estate or debts due him within the state by
13 means of which the liability can be enforced against him,
14 the other relatives shall be liable as provided by this
15 section. In exercising this right of reimbursement the
16 board of control may, whenever it is deemed just and
17 expedient to do so, exonerate any person chargeable with

18 such maintenance from the payment thereof in whole or
19 in part, if it finds that he is unable to pay or that payment
20 would work an undue hardship on him or on those de-
21 pendent upon him.

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

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

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

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

7 any, collected by the institution and the sum of fifty
8 dollars.

9 At every levy term of each county court it shall esti-
10 mate for and levy a sufficient amount to meet all such
11 expenses. The superintendent of such hospital, on or
12 before the tenth day of January of each year, shall certify
13 to the auditor a list of all the patients in the hospital dur-
14 ing the whole or any part of the preceding year for which
15 the counties are to pay, showing on such list under the
16 name of the county, the number from each county and
17 the length of time he was in said hospital during the year,
18 and showing the amount due from each county for each
19 patient, and the total amount due from each county for
20 the year. As soon as such list is received by the auditor
21 he shall charge to each county the amount appearing to
22 be due from the certificates of the superintendent. Within
23 ten days after the receipt of such certificate the auditor
24 shall make out a copy thereof for each county and certify
25 the same to the county court thereof, which list shall
26 show the name of each patient in such hospital from the
27 county during the year, the length of time he was in such

28 hospital during the year, the amount charged for each
29 patient, and the total amount charged on account of all
30 such patients from the county; and such total amount
31 shall constitute a debt against the county due the state.
32 Whenever there is in the state treasury a sum of money
33 due any county from any source, the same shall be at
34 once applied on the debt aforesaid against the county,
35 and the fact of such application of such fund shall be
36 reported by the auditor to the county court of the county,
37 which report shall be a receipt for the amount therein
38 named.

Sec. 3. *Care of Patients in Boarding Homes.*—The board
2 of control may, upon the recommendation of the super-
3 intendent of the institution, provide care in a suitable
4 boarding home for any patient in a state mental institu-
5 tion, if the condition of the patient is such that his and the
6 public welfare will not be prejudiced thereby. A patient
7 in a boarding home shall be deemed to be a patient of the
8 institution from which he was removed and shall, on the
9 approval of the superintendent, be placed under the
10 supervision of a psychiatric social worker employed by

11 the institution. All patients in such homes shall be visited
12 at least once every three months, and if upon the visita-
13 tion they are found to be abused, neglected or improperly
14 cared for, they shall be returned to the institution or
15 placed in a better boarding home. The cost of the board-
16 ing home care shall be paid by the institution from
17 which he was removed.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. McCreer

Chairman Senate Committee

R. L. Matthews

Chairman House Committee

Originated in the *House of Delegates*

Takes effect *ninety days from* passage.

Thomas Huges

Clerk of the Senate

J. Ashp

Clerk of the House of Delegates

Amato M. S. Jones

President of the Senate

John C. Amos

Speaker House of Delegates

The within *Approves* this the *13th*

day of *Feb*, 1947.

Clarence M. Mason

Governor.



Filed in the Office of the Secretary of State

at West Virginia

FEB 14 1947

WM. S. O'BRIEN,

SECRETARY OF STATE