

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

SENATE BILL NO. 1521

(By Mr. )

PASSED  1957

In Effect  Passage



ENROLLED
Senate Bill No. 182

(By MR. BEAN, MR. PRESIDENT)

[Passed March 6, 1957; in effect ninety days from passage.]

AN ACT to amend chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article one-a, and by adding to article three a new section, designated section four, and by amending and reenacting sections one, two, three, four and five, article two; section one, article four; section four, article five; sections three and five, article seven; sections one, two and three, article eight; section one, article nine; and sections two and four, article ten thereof, establishing a department of mental health, prescribing the powers and duties thereof, and

providing for the transfer of records and personnel to said department from the West Virginia board of control.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article one-a, and by adding to article three a new section, designated section four, and by amending and reenacting sections one, two, three, four and five, article two; section one, article four; section four, article five; sections three and five, article seven; sections one, two and three, article eight; section one, article nine; and sections two and four, article ten thereof, all to read as follows:

Article 1A. Department of Mental Health.

Section 1. *Statement of Policy.*—The purpose of this
2 article is to improve the administration of the mental in-
3 stitutions in this state, raise the standards of treatment of
4 the mentally ill in those institutions, encourage the further
5 development of outpatient and diagnostic clinics, establish
6 better research and training programs, and promote the
7 development of mental health.

Sec. 2. *Creation of Department; Control of Certain In-*

stitutions.—There shall be a state department of mental health, to be known as the department of mental health. It shall be a corporation and, as such, shall have a seal and may contract and be contracted with. It shall consist of a director of mental health, supervisors of divisions of the department, and such other employees as are needed to carry out its functions. The department shall supervise and control Spencer state hospital, Lakin state hospital, Huntington state hospital, Barboursville state hospital, Weston state hospital, West Virginia training school, and any other school, and any other state mental institution hereafter created.

Sec. 3. Appointment of Director; Term of Office; Qualifications.—The governor shall appoint the director of the department of mental health by and with the consent of the senate; he shall be known as the director of mental health. Before entering upon the duties of his office, the director shall take and subscribe the oath of office prescribed by section five, article four of the Constitution of this state, the certificate whereof shall be filed in the office of the secretary of state, and he shall give bond in

10 the penalty of ten thousand dollars, conditioned as re-
11 quired by law. The director may be removed only for
12 misconduct in office or other serious cause. The director
13 shall be appointed for a term of five years and shall be
14 eligible for reappointment. The director shall be a qualified
15 psychiatrist with both clinical and administrative ex-
16 perience. Preference shall be given to candidates who are
17 diplomates of the American board of psychiatry and
18 neurology and to candidates certified by the committee
19 on the certification of mental hospital administrators. The
20 salary of the director shall be twenty thousand dollars
21 a year, and in addition thereto he shall be reimbursed
22 for all necessary travel expenses incurred in the perfor-
23 mance of his duties.

Sec. 4. *Powers and Duties of Director.*—The director
2 shall appoint the superintendents of the institutions named
3 in section two hereof, and of any other state mental in-
4 stitutions hereafter created, shall supervise and coordinate
5 their medical and fiscal administration, and may establish
6 uniform policies for those institutions. He may transfer
7 a patient from any state mental institution to any other

8 institution or clinic under his control. By agreement be-
9 tween the director of mental health and the board of con-
10 trol, a patient at a state mental institution may be trans-
11 ferred to an institution, other than correctional, under the
12 supervision of the board of control. The director of mental
13 health shall have all the authority vested in the divisions
14 of the department, as hereinafter provided, and shall
15 appoint the supervisors of those divisions. He may pre-
16 scribe rules and regulations to carry out his authority. He
17 may accept and invest any gift of personalty for the bene-
18 fit of a state mental institution or institutions or for any
19 other mental health purpose. Any income therefrom shall
20 be paid into the state treasury and expended therefrom
21 for the purpose intended by the donor. The director shall
22 make periodic reports to the governor and to the legisla-
23 ture on the condition of the state mental institutions and
24 on other matters within his authority and shall include
25 recommendations for improvement of the state mental
26 institutions and any other matters affecting the mental
27 health of the people of the state.

28 Whenever it shall become necessary, the director may

29 condemn any interest, right or privilege, land or improve-
30 ment which in its opinion may be necessary, in the man-
31 ner provided by law for the acquisition by this state of
32 property for public purposes. The state shall be under
33 no obligation to accept and pay for any property con-
34 demned and shall in no event pay for the same except
35 from the funds provided, and in any proceeding to con-
36 demn, such orders shall be made by the court having
37 jurisdiction of the suit, action or proceedings as may be
38 just to the state and to the owners of property to be
39 condemned, and a bond or other security may be re-
40 quired by the court securing such owners against any
41 loss or damage to be sustained by reason of the failure of
42 the state to accept and pay for the property, but such
43 bond or security shall impose no liability or debt on or of
44 the state as contemplated by the provisions of the con-
45 stitution of the state in relation to state debt.

Sec. 5. *Division of Administration.*—There shall be a
2 division of administration in the department of mental
3 health. The supervisor of this division shall assist the di-
4 rector of the department in performing his general ad-

5 ministrative duties, and shall also have the following
6 powers and duties:

7 (1) To keep the records of the department, including
8 records transferred from the board of control.

9 (2) To receive and disburse funds for the department.

10 (3) To assemble and analyze departmental budget
11 estimates, review requests for transfer of funds, and
12 maintain departmental appropriation and fiscal records.

13 (4) To make rules and regulations governing the ad-
14 ministration and business management of the institutions
15 named in section two hereof, formulate standard fiscal
16 procedures, and make recommendations for improve-
17 ment; to make regulations concerning any superintend-
18 ent's trustee fund heretofore established by authority of
19 section three-a, article one, chapter twenty-five of the
20 official code.

21 (5) To have the responsibility for the maintenance of
22 the land and buildings of said mental institutions.

23 (6) To review requisitions for supplies and equipment,
24 and cooperate with the department of purchases in de-
25 velopment and drafting of specifications.

26 (7) To handle the personnel records of the department
27 and to process payrolls.

28 (8) To enter into contracts for the department.

29 (9) To develop a civil service system, based on merit
30 and including job classification and standardization, for
31 the professional employees of the department and of the
32 institutions and for any other employees thereof who are
33 not made subject to such a system by other provisions of
34 law.

35 (10) To perform any other duties assigned to the di-
36 vision by the director of the department.

Sec. 6. Division of Professional Services; Liaison with

2 *Other State Agencies.*—There shall be a division of pro-
3 fessional services in the department of mental health.

4 The supervisor of this division shall act primarily in a con-
5 sultant capacity and shall make recommendations as to
6 professional aspects of institutional management, but
7 shall not exercise direct supervision of the institutions.

8 The supervisor shall have the following powers and duties:

9 (1) To carry on or stimulate research activities related to
10 medical and psychiatric facilities of the department, and

11 render specialized assistance to hospital superintendents.

12 (2) To develop professional standards, analyze hos-
13 pital programs, and inspect individual hospitals.

14 (3) To assist in recruiting professional staff.

15 (4) To take primary responsibility for the education
16 and training of professional and subprofessional personnel.

17 (5) To establish liaison with appropriate state agen-
18 cies and with private groups interested in mental health,
19 such as the state department of health, the board of con-
20 trol, the board of probation and parole, the department of
21 education, the board of governors of West Virginia uni-
22 versity, and the West Virginia association for mental
23 health, inc.

24 (6) To license, supervise, and inspect mental institu-
25 tions other than state mental institutions, including a sec-
26 tion of any general hospital which has facilities for the
27 involuntary confinement of mental patients.

28 (7) To perform any other duties assigned to the di-
29 vision by the director of the department.

Sec. 7. *Division of Community Services.*—There shall be

2 a division of community services in the department of

3 mental health. This division shall administer funds made
4 available to the state of West Virginia and any political
5 subdivision thereof under the national mental health act
6 (act of July 3, 1946, chapter 538). The supervisor of this
7 division shall also have the following powers and duties:

8 (1) To supervise the operation of out-patient psychiat-
9 ric clinics for adults and children and to develop new
10 clinics. Traveling clinics may be established for rural
11 areas, to be operated directly by the division or under its
12 supervision.

13 (2) To develop a comprehensive and practical program
14 of mental health education of the public, especially at the
15 local level.

16 (3) To work with county mental hygiene commissions.

17 (4) To perform any other duties assigned to the di-
18 vision by the supervisor of the department.

*Sec. 8. Superintendents of Mental Institutions to Pay
2 Money Due the State to State Treasury Through Depart-
3 ment of Mental Health; Appropriations; Deficiency; How
4 Met.—All moneys and funds belonging to the state which
5 shall come into the possession or under the control of the*

6 superintendent or other officer of a state mental institu-
7 tion or other facility under the control of the department
8 of mental health shall be paid to the director of mental
9 health monthly, on or before the tenth day of the month
10 following the month in which such moneys or funds were
11 received, under such rules and regulations as the director
12 shall prescribe. The director shall pay such moneys and
13 funds into the state treasury immediately in the manner
14 provided in article two, chapter twelve of this code.

15 All moneys appropriated for the department of mental
16 health and the state mental institutions may be expended
17 on proper requisitions issued by the director of mental
18 health or his duly authorized agent. Whenever the ap-
19 propriations by the Legislature for the mental institu-
20 tions are insufficient to pay the expenses of conducting
21 such institutions, the director of mental health shall
22 certify the deficiency to the governor. The certificate
23 shall state the name of the institution and the items and
24 amount in detail needed, and the governor may direct
25 payment of the same or any part thereof out of any ap-
26 propriation available for that purpose.

Sec. 9. *Transfer of Control, Records and Property from*

2 *the Board of Control to the Department of Mental Health.*

3 —The control of the financial, business and all other af-
4 fairs of such state mental institutions is hereby transfer-
5 red from the state board of control to the department of
6 mental health, and, as its chief executive officer the di-
7 rector shall, in respect to the control, management and
8 property of such institutions, have the same rights and
9 powers and shall perform the same duties and functions
10 as were heretofore exercised or performed by the state
11 board of control. The title to all property of such state
12 mental institutions is hereby transferred to and vested
13 in the department of mental health.

Sec. 10. *Transfer of Records from Department of Health*

2 *to Division of Community Services.*—The state depart-
3 ment of health shall transfer to the division of community
4 services of the department of mental health all of the
5 records of the bureau of mental health and all records
6 pertaining to the state mental institutions. Persons em-
7 ployed by the state department of health in that bureau
8 may also be transferred to this division. All persons now

9 employed by the various guidance clinics in the state shall
10 be under the supervision of this division.

Sec. 11. *Director May Establish a Program for Alco-*
2 *holics.*—The director of mental health may establish a
3 special program for the care and treatment of alcoholics,
4 to the extent to which the appropriation for the depart-
5 ment makes such a program possible. The program may
6 include establishment of clinics for diagnosis, treatment,
7 care, and guidance of alcoholics, including one or more
8 pilot outpatient clinics in populous areas of the state. The
9 director may arrange and provide for temporary hos-
10 pitalization of alcoholics who, upon the department's
11 diagnosis and pursuant to its rules and regulations, are
12 in need of such hospitalization. The department may in-
13 form and educate the public as well as interested groups
14 and persons concerning alcoholism and its prevention and
15 treatment and may participate in national, state and local
16 meetings and programs concerned with alcoholism. The
17 department may conduct or participate in research on the
18 causes, prevention and treatment of alcoholism and on
19 the effectiveness of the program of the department. The

20 director may enter into lease, rental, or similar agree-
21 ments for suitable clinic or hospital facilities; utilize,
22 through contracts or otherwise, the available services and
23 assistance of any person, groups, organizations or institu-
24 tions in the development and promotion of the depart-
25 ment's program; and enter into contracts for research and
26 educational services relating to alcoholism. The director
27 may receive funds from any governmental source and
28 private gifts for the development and operation of the
29 program.

Article 2. State Hospitals and Training School.

Section 1. *Locations; Continuation; Management.*—The
2 state hospitals for the mentally ill heretofore established
3 at Weston, Spencer, Huntington, Barboursville, Lakin
4 and St. Marys shall be continued and known respectively
5 as the Weston state hospital, Spencer state hospital, Hun-
6 tington state hospital, Barboursville state hospital, Lakin
7 state hospital and the West Virginia training school. Said
8 hospitals shall be managed, directed and controlled by
9 the department of mental health as provided in article
10 one-a of this chapter.

Sec. 2. *Superintendents.*—The superintendent of an institution named in section one, or institution hereafter created, shall be appointed for an indefinite period. The superintendent of a mental hospital shall be a qualified psychiatrist with some experience in a mental hospital. Preference shall be given to diplomates of the American board of psychiatry and neurology and to persons who are certified by the committee on the certification of mental hospital administrators. The superintendent of the West Virginia training school shall be a person qualified to supervise an institution for mentally retarded and emotionally disturbed children and adults.

The superintendent, subject to merit system regulations, shall have the power to appoint all assistants and employees required for the management of his institution; but the number of such assistants and employees, and their compensation, shall first be fixed by the director of mental health.

The superintendent shall be furnished living quarters, household furniture, board, fuel and lights for himself and his family. The director of mental health may desig-

22 nate other officers to receive these emoluments, as de-
23 termined by the character of their duties.

Sec. 3. *Rules as to Patients.*—The director of mental
2 health shall have authority to make rules, not contrary to
3 law, regulating the admission of patients to the said in-
4 stitutions, the care, maintenance and treatment of patients
5 therein, and the release, trial visit and discharge of pa-
6 tients therefrom.

Sec. 4. *Forms For Committing Patients; Other records.*
2 —The director of mental health shall have authority to
3 prepare, prescribe and have printed forms to be used for
4 commitment to and discharge from the said institutions.

Sec. 5. *Reports by Superintendents; Registration by*
2 *Department of Mental Health.* —The superintendent of
3 each state mental institution shall furnish to the director
4 of mental health such information as he may require con-
5 cerning admissions, discharges, deaths and other matters.
6 From this and other information available to the director
7 of mental health, he shall keep such records as are neces-
8 sary to enable him to have current information concern-
9 ing the extent of mental illness in the state. The names of

10 individuals shall be accessible to anyone except by per-
11 mission of the director of mental health, or by order of
12 judge of a court of record.

Article 3. Mental Hygiene Commissions

Section 4. Director of Mental Health May Make Rules.—

2 The director of mental health shall have authority to
3 make rules, not contrary to law, regulating the procedure
4 of mental hygiene commissions. The director may publish
5 and distribute a handbook for the members of such com-
6 missions.

Article 4. Voluntary Hospitalization.

*Section 1. Admissions.—*Any person, a resident of this

2 state, who desires the benefit of institutional treatment,
3 may be admitted to one of the state mental hospitals on
4 his own application. Such admissions shall be subject to
5 the rules of the department of mental health.

Article 5. Involuntary Hospitalization.

*Section 4. Disposition of Mentally Ill Persons.—*If

2 upon completion of the hearing and consideration of the
3 record, the commission finds that the proposed patient (1)
4 is mentally ill, and (2) because of his illness is likely to

5 injure himself or others if allowed to remain at liberty, or
6 (3) is in need of custody, care or treatment in a mental
7 hospital and because of his illness lacks sufficient insight
8 or capacity to make responsible decisions with respect to
9 his hospitalization, and (4) is a resident of the county in
10 which the hearing is held, it shall order his hospitalization
11 for an indeterminate period or for a temporary observa-
12 tion period not exceeding six months; otherwise, it shall
13 dismiss the proceeding. An order for an indeterminate
14 period relieves the patient of legal capacity. If the order
15 is for a temporary period, the commission may at any
16 time prior to the expiration of such period, on the basis of
17 a report by the head of the hospital and such further in-
18 quiry as it may deem appropriate, order indeterminate
19 hospitalization of the patient or dismissal of the proceed-
20 ing. If the commission orders hospitalization of the patient,
21 it will notify the county health officer, who may make a
22 study of the patient's family and environment and report
23 his findings to the superintendent of the hospital receiving
24 the patient.

25 In lieu of ordering the patient to a mental hospital, the

26 commission may order him delivered to some relative or
27 friend who will agree to take care of him, and take from
28 such relative or friend a bond in the penalty of at least
29 five hundred dollars, with sufficient security to be approv-
30 ed by the commission, payable to the state of West Vir-
31 ginia, with condition to restrain and take proper care of
32 such person until the further order of the commission.
33 But if the person found to be a mentally ill person is not
34 dangerous to himself or to others, or is found harmless,
35 he may be delivered to any relative or friend who will
36 agree to take proper care of him without such bond if,
37 in the judgment of the commission, the same may be
38 proper.

39 If the person found to be mentally ill by the commission
40 is a resident of another county of this state, a transcript
41 of the evidence adduced at the hearing of such person,
42 properly certified by the clerk of the county court, shall
43 forthwith be forwarded to the clerk of the county court
44 of the county of which such person is a resident, who shall
45 immediately present such transcript to the mental hy-
46 giene commission of said county. Such commission shall

47 give full faith and credit to the evidence contained in
48 such transcript, and, if satisfied that such person is men-
49 tally ill, shall order the person to be committed to one
50 of the state hospitals for the mentally ill, as though the
51 person had been brought before it in the first instance.
52 This order shall be transmitted forthwith to the county
53 clerk of the county in which the hearing was held, who
54 shall execute said order promptly. All expenses incurred
55 in this proceeding, as well as for the hospitalization of
56 the mentally ill person, shall be borne by the county of
57 which he is a resident.

58 If the person found to be mentally ill by the commis-
59 sion is a resident of another state, this information shall
60 be forthwith given to the director of mental health, who
61 shall make appropriate arrangements for his transfer to
62 his native state, except as qualified by the interstate com-
63 pact of mental health.

**Article 7. Release, Discharge and Readmission of Patients;
Escapes.**

Section 3. *Released as Unimproved.*—The superinten-
2 dent of an institution may release a patient as unimproved

3 when the patient's family or friends, or committee or
4 guardian, or other responsible persons, request his re-
5 lease and are willing and able to take proper care of said
6 patient outside the hospital, taking from such relative,
7 friend, committee, guardian or responsible person a bond
8 in the penalty of at least five hundred dollars, with suf-
9 ficient security to be approved by the superintendent, pay-
10 able to the state of West Virginia, conditioned to restrain
11 and take proper care of such patient until the further order
12 of the superintendent. Reports shall be made by those in
13 charge of said patient at least once every six months to
14 the superintendent of the hospital. No discharge shall be
15 given to said patient until he has returned to the hospital
16 for examination by the superintendent and staff thereof
17 and it has been determined that he is no longer mentally
18 ill.

19 Where such discharges or releases are granted as in-
20 dicated in sections one, two and three above, the superin-
21 tendent of the hospital shall report the same to the direc-
22 tor of mental health and to the county clerk of the county
23 of which the patient is a resident.

Sec. 5. *Return of Escapees; Veterans.*—If any person
2 confined in a state hospital escapes therefrom, the super-
3 intendent thereof shall issue a notice, giving the name and
4 description of the person escaping, and requesting his ap-
5 prehension and return to the hospital, and may offer such
6 reward for the return of such person as the director of
7 mental health may authorize. The superintendent may
8 issue a warrant directed to the sheriff of the county, com-
9 manding him to arrest and carry such escaped person back
10 to the hospital, which warrant the sheriff may execute in
11 any part of the state. If such person flee to another state,
12 the superintendent shall notify the director of mental
13 health, and he shall take such action as he may deem
14 proper for the return of such person to the hospital.

15 If any veteran duly committed to a veterans hospital or
16 other veterans institution, either within or without the
17 state, escape or elope therefrom and any person make
18 complaint, under oath, to the clerk of the county court
19 of the county from which such veteran was so committed,
20 giving such information and stating such facts therein as
21 may be required, or if any veteran duly committed to a

22 veterans hospital or other veterans institution, either
23 within or without the state, escape or elope therefrom
24 and the superintendent or chief officer of such hospital
25 or institution issue notice to the clerk of the county court
26 of the county from which such veteran was so committed,
27 giving the name and description of such veteran and re-
28 questing his apprehension and return to such hospital or
29 institution, the clerk, upon receipt of such complaint or
30 of such notice, may issue a warrant directed to the sheriff
31 of the county commanding him to arrest and carry such
32 veteran back to such hospital or institution, which war-
33 rant the sheriff may execute in any part of the state.

34 The sheriff or other person making any arrest under
35 this section shall be paid such compensation as is provided
36 for like services in other cases, and such additional com-
37 pensation in any case as the director of mental health may
38 think reasonable and just.

39 The foregoing provisions shall likewise apply to any
40 veteran released from a veterans hospital or other veterans
41 institution, either within or without the state, on trial

42 visit or on parole whose conduct becomes such as to war-
43 rant his return to such hospital or institution.

Article 8. Maintenance of Mentally Ill Patients.

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 ap-
4 propriated for the respective institutions, but the insti-
5 tutions, through the director of mental health, shall have
6 a right of reimbursement for all or any part of such main-
7 tenance, in no case to exceed five dollars per day, from
8 each patient or from the committee or guardian of the
9 estate of the patient, or if that be insufficient, then from
10 the patient's husband, wife, children, father and mother,
11 or any of them. If a relative so liable does not reside in
12 this state and has no estate or debts due him within the
13 state by means of which the liability can be enforced
14 against him, the other relatives shall be liable as provided
15 by this section. In exercising this right of reimbursement
16 the director of mental health may, whenever it is deemed
17 just and expedient to do so, exonerate any person charge-
18 able with such maintenance from the payment thereof in

19 whole or in part, if the director finds that such person is un-
20 able to pay or that payment would work an undue hardship
21 on him or on those dependent upon him.

22 There shall be no discrimination on the part of the in-
23 stitution as to food, care, protection, treatment or rehabili-
24 tation, between patients who pay for their maintenance
25 and those who are unable to do so.

26 The provisions of 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 director of mental
30 health to determine the ability of the patient or of his
31 relatives to 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 one
3 hundred dollars per annum toward the maintenance of a
4 patient, whether on a voluntary or involuntary status,
5 the county of which the patient is a resident shall an-
6 nually pay into the state treasury for credit to the appro-
7 priate institution the difference between the amount, if

8 any, collected by the institution and the sum of one hun-
9 dred dollars.

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

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

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

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

Article 9. Private Hospitals.

Section 1. *Permit from Director of Mental Health;*
2 *Regulations.*—No private hospital for the care and treat-
3 ment of mentally ill persons for compensation shall be
4 established unless a permit therefor shall be first obtained
5 from the director of mental health. The term “private
6 hospital” includes any hospital or clinic other than a state
7 mental institution, whether operated solely as a mental
8 hospital or clinic or as a section of any general hospital
9 which has facilities for the involuntary confinement of
10 mental patients. The application for such permit shall be
11 accompanied by a plan of the premises to be occupied, and
12 such other data and facts as the director may require.
13 He may make such terms and regulations in regard to the

14 conduct of such hospital as he may think proper and
15 necessary. He, or any person authorized by him, shall
16 have full authority to investigate and inspect such private
17 hospital; and the director of mental health may revoke
18 the permit of any such hospital for good cause after
19 reasonable notice to the superintendent or other person
20 in charge thereof.

Article 10. West Virginia Training School.

Section 2. *Proceedings for Commitment.*—Mental de-
2 fectives shall be admitted to said school in the following
3 manner:

4 (a) The county mental hygiene commission shall have
5 jurisdiction of all applications for commitment of persons
6 to said school. Any relative of a person affected may
7 make application, by complaint under oath, to have the
8 person adjudged a mental defective; but when the rela-
9 tives of a mentally defective person either neglect or re-
10 fuse to place such person in said school, or in some private
11 institution of like nature, and shall permit him or her to
12 go at large, then any reputable citizen of the county may,
13 by complaint under oath, make application to the mental

14 hygiene commission for such commitment; and such com-
15 plaint shall not be subject to exception for defects of
16 form. When application is filed for commitment of an
17 alleged mentally defective person, the commission shall
18 appoint two physicians to examine such person and de-
19 termine whether or not he is mentally defective. Both
20 these physicians shall be selected as being the most
21 capable physicians available because of knowledge of and
22 training in psychiatry, and neither of them shall be
23 related in any wise to the person sought to be com-
24 mitted.

25 (b) Where any court of the state has on trial before
26 it a prisoner for an offense, and the judge shall have cause
27 to believe that the prisoner is mentally defective, he may
28 appoint two physicians as aforesaid to examine the pris-
29 oner, to ascertain whether or not he is in reality mentally
30 defective; and if such physician shall pronounce the pris-
31 oner to be mentally defective, the judge may commit him
32 to said school.

33 In either of the cases named above, the physicians mak-
34 ing the examination shall be required to make a complete

35 and thorough examination, both mental and physical, and
36 shall be required to make to the commission or court
37 appointing them a certificate as to their findings in the
38 matter. This certificate shall be in the form prescribed
39 by the director of mental health, and shall be made in
40 duplicate, one copy of the same being sent with the
41 patient when committed to the school, and the other copy
42 being filed with the commission or court committing such
43 person; and it shall be the duty of the superintendent of
44 said school to refuse admission of any person unless he
45 or she shall present a copy of such certificate.

46 The commission or court, by order, shall designate some
47 reputable person to convey such mentally defective per-
48 son to the school and to protect such person until such
49 time as he or she can be conveyed to the institution.
50 When any female is taken to the school, a female at-
51 tendant shall be provided.

52 All expenses connected with the commitment of a per-
53 son hereunder and conveying of such mentally defective
54 person to the school shall be borne by the county of
55 which such person is a resident.

Sec. 4. *Discharge or Parole of Inmates.*—When, in the
2 judgment of the superintendent of the school, a patient
3 or inmate thereof shall, under the treatment and training
4 given therein, improve mentally and physically to such
5 an extent as to no longer constitute a menace to himself
6 or herself or others, the superintendent shall have the
7 right, and it shall be his duty, to discharge or parole such
8 person, under such rules and regulations as the director
9 of mental health may prescribe.

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

E. H. McCourt
Chairman Senate Committee

W. C. Hutcheson, Jr.
Chairman House Committee

Originated in the Senate.

Takes effect sixty days from passage.

J. Howard Meyer
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Ralph J. Bean
President of the Senate

W. C. Fleming
Speaker House of Delegates

The within approved this the 15th
day of March, 1957.

Beir H. Henderwood
Governor



Filed In the Office of the Secretary of State
of West Virginia MAR 15 1957

D. PITT O'BRIEN
SECRETARY OF STATE