

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1966

ENROLLED

Com. Sub. for
SENATE BILL NO. 64

(By Mr. Carson, Mr. President)
original sponsor)

PASSED February 8 1966

In Effect pm Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 2-14-66

64

ENROLLED
JUDICIARY
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 64

(MR. CARSON [MR. PRESIDENT] original sponsor)

[Passed February 8, 1966; in effect from passage.]

AN ACT to amend and reenact sections four, five and six, article one-a, and section two, article two, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the powers and duties of the director of mental health; the division of administration and the powers and duties of the supervisor thereof; the division of professional services; the powers and duties of the supervisor thereof; and hospital superintendents and other employees.

Be it enacted by the Legislature of West Virginia:

That sections four, five and six, article one-a, and section two, article two, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Article 1a. Department of Mental Health.

Section 4. Powers and Duties of Director.—The director

2 shall be the executive and administrative head of the de-
3 partment and as such shall have the following powers and
4 duties:

5 (1) To supervise and coordinate the administration
6 and operation of the state hospitals named in article two
7 of this chapter and any other state hospitals, centers or
8 institutions hereafter created for the care and treatment
9 of the mentally ill or mentally retarded or both.

10 (2) To make rules, regulations and policies relating to
11 and determine the administrative pattern for the adminis-
12 tration and operation of said hospitals and the divisions
13 of the department.

14 (3) To appoint the supervisors of the divisions of the
15 department, the superintendents of the state hospitals,

16 and such other assistants and employees as may be neces-
17 sary for the efficient operation of the department and the
18 state hospitals.

19 (4) To delegate to any of his appointees, assistants or
20 employees all powers and duties vested in the director in-
21 cluding the power to execute contracts and agreements
22 in the name of the department as provided in this article,
23 but the director shall be responsible for the acts of such
24 appointees, assistants and employees.

25 (5) To transfer a patient from any state hospital to any
26 other state hospital or clinic under his control and, by
27 agreement with the state commissioner of public institu-
28 tions, transfer a patient from a state hospital to an institu-
29 tion, other than correctional, under the supervision of the
30 state commissioner of public institutions.

31 (6) To make periodic reports to the governor and to
32 the Legislature on the condition of the state hospitals or
33 on other matters within his authority, which shall include
34 recommendations for improvement of the state hospitals
35 and any other matters affecting the mental health of the
36 people of the state.

37 The director of mental health shall have all of the au-
38 thority vested in the divisions of the department as here-
39 inafter provided.

40 The director is hereby authorized and empowered to
41 accept and use for the benefit of a state hospital or hos-
42 pitals, or for any other mental health purpose specified in
43 this chapter, any gift or devise of any property or thing
44 which lawfully may be given. If such a gift or devise is
45 for a specific purpose or for a particular state hospital or
46 hospitals, it shall be used as specified. Any gift or devise
47 of any property or thing which lawfully may be given
48 and whatever profit may arise from its use or investment
49 shall be deposited in a special revenue fund with the state
50 treasurer, and shall be used only as specified by the
51 donor or donors.

52 Whenever it shall become necessary, the department
53 of mental health may condemn any interest, right or
54 privilege, land or improvement which in its opinion may
55 be necessary, in the manner provided by law for the ac-
56 quisition by this state of property for public purposes.

Sec. 5. Division of Administration; Powers and Duties

2 **of Supervisor.**—There shall be a division of administra-
3 tion in the department of mental health. The supervisor
4 of this division shall be an experienced administrator with
5 broad knowledge of accounting, purchasing and personnel
6 practices and shall have the following 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 as the agent of the director of the department.

11 (3) To assemble and analyze departmental budget esti-
12 mates, review requests for transfer of funds, and main-
13 tain departmental appropriation and fiscal records.

14 (4) To make rules and regulations governing the ad-
15 ministration and business management of the state hos-
16 pitals, formulate standard fiscal procedures, and make
17 recommendations for improvement; to make regulations
18 concerning any superintendent's trustee funds heretofore
19 established by authority of section three-a, article one,
20 chapter twenty-five of the official code of West Virginia,
21 one thousand nine hundred thirty-one, as amended.

22 (5) To have the responsibility for the maintenance of
23 the land, buildings and equipment of state hospitals.

24 (6) To review requisitions for supplies and equipment
25 and cooperate with the division of purchases in develop-
26 ment and drafting of specifications.

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

29 (8) To enter into contracts for the department con-
30 sistent with his assigned duties.

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

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

Sec. 6. Division of Professional Services.—There shall

2 be a division of professional services in the department of
3 mental health. The supervisor of this division shall assist
4 the director in the operation of the programs or services

5 of the department and shall be a qualified psychiatrist.

6 The supervisor of this division shall have the following
7 powers and duties:

8 (1) To develop professional standards, provide super-
9 vision of state hospitals, analyze hospital programs and
10 inspect individual hospitals.

11 (2) To assist in recruiting professional staff.

12 (3) To take primary responsibility for the education
13 and training of professional and sub-professional person-
14 nel.

15 (4) To carry on or stimulate research activities related
16 to medical and psychiatric facilities of the department,
17 and render specialized assistance to hospital superinten-
18 dents.

19 (5) To establish liaison with appropriate state agencies
20 and with private groups interested in mental health, such
21 as the state department of health, the board of probation
22 and parole, the department of education, the board of
23 governors of West Virginia University, and the West Vir-
24 ginia association for mental health, incorporated.

25 (6) To license, supervise and inspect any hospital,

26 center or institution, or part thereof, maintained and
27 operated by any political subdivision or by any person,
28 persons, association or corporation to provide in-patient
29 care and treatment for the mentally ill, or mentally re-
30 tarded, or both.

31 (7) To perform any other duties assigned to the divi-
32 sion by the director of the department.

Article 2. State Hospitals and Colin Anderson Center.

Section 2. Superintendents.—The superintendent of a
2 state hospital shall be appointed for an indefinite period.

3 The director of mental health may designate certain
4 officers or employees to receive living quarters, house-
5 hold furniture, board, fuel, and utilities for himself and
6 his family, as may be determined by the character of their
7 respective duties.

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

O. Roy Parker

Chairman Senate Committee

James W. Hoop

Chairman House Committee

Originated in the Senate.

Takes effect

from

Passage.

J. Howard Meyer

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

Howard E. Carson

President of the Senate

A. Laban White

Speaker House of Delegates

The within *approved* this the *14th*
day of *February*, 1966.

Hulitt C. Smith

Governor

FEB 14 8 49 PM '66
OFFICE OF THE GOVERNOR



PRESENTED TO THE
GOVERNOR

FILED

Date 2/14/66
Time 10:50 AM

FEB 14 11 09 PM '66

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

RDB