WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1966

ENROLLED
SENATE BILL NO. 64

(By Mr.

PASSED February 1966

In Effect Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 2-14-66
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 shall be the executive and administrative head of the department and as such shall have the following powers and duties:

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

(2) To make rules, regulations and policies relating to and determine the administrative pattern for the administration and operation of said hospitals and the divisions of the department.

(3) To appoint the supervisors of the divisions of the department, the superintendents of the state hospitals,
and such other assistants and employees as may be necessary for the efficient operation of the department and the state hospitals.

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

(5) To transfer a patient from any state hospital to any other state hospital or clinic under his control and, by agreement with the state commissioner of public institutions, transfer a patient from a state hospital to an institution, other than correctional, under the supervision of the state commissioner of public institutions.

(6) To make periodic reports to the governor and to the Legislature on the condition of the state hospitals or on other matters within his authority, which shall include recommendations for improvement of the state hospitals and any other matters affecting the mental health of the people of the state.
The director of mental health shall have all of the authority vested in the divisions of the department as hereinafter provided.

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

Whenever it shall become necessary, the department of mental health may condemn any interest, right or privilege, land or improvement which in its opinion may be necessary, in the manner provided by law for the acquisition by this state of property for public purposes.
Sec. 5. Division of Administration; Powers and Duties

There shall be a division of administration in the department of mental health. The supervisor of this division shall be an experienced administrator with broad knowledge of accounting, purchasing and personnel practices and shall have the following powers and duties:

1. To keep the records of the department, including records transferred from the board of control.

2. To receive and disburse funds for the department as the agent of the director of the department.

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

4. To make rules and regulations governing the administration and business management of the state hospitals, formulate standard fiscal procedures, and make recommendations for improvement; to make regulations concerning any superintendent's trustee funds heretofore established by authority of section three-a, article one, chapter twenty-five of the official code of West Virginia, one thousand nine hundred thirty-one, as amended.
(5) To have the responsibility for the maintenance of the land, buildings and equipment of state hospitals.

(6) To review requisitions for supplies and equipment and cooperate with the division of purchases in development and drafting of specifications.

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

(8) To enter into contracts for the department consistent with his assigned duties.

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

(10) To perform any other duties assigned to the division by the director of the department.

Sec. 6. Division of Professional Services.—There shall be a division of professional services in the department of mental health. The supervisor of this division shall assist the director in the operation of the programs or services
of the department and shall be a qualified psychiatrist.

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

(1) To develop professional standards, provide supervision of state hospitals, analyze hospital programs and inspect individual hospitals.

(2) To assist in recruiting professional staff.

(3) To take primary responsibility for the education and training of professional and sub-professional personnel.

(4) To carry on or stimulate research activities related to medical and psychiatric facilities of the department, and render specialized assistance to hospital superintendents.

(5) To establish liaison with appropriate state agencies and with private groups interested in mental health, such as the state department of health, the board of probation and parole, the department of education, the board of governors of West Virginia University, and the West Virginia association for mental health, incorporated.

(6) To license, supervise and inspect any hospital,
center or institution, or part thereof, maintained and
operated by any political subdivision or by any person,
persons, association or corporation to provide in-patient
care and treatment for the mentally ill, or mentally re-
tarded, or both.
(7) To perform any other duties assigned to the divi-
sion by the director of the department.

Article 2. State Hospitals and Colin Anderson Center.

Section 2. Superintendents.—The superintendent of a
state hospital shall be appointed for an indefinite period.
The director of mental health may designate certain
officers or employees to receive living quarters, house-
hold furniture, board, fuel, and utilities for himself and
his family, as may be determined by the character of their
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. Seay  
Chairman House Committee

Originated in the Senate.

Takes effect  
Passage.

William T. Byrd  
Clerk of the Senate

Clerk of the House of Delegates

Howard A. Hanson  
President of the Senate

N. Nathan Tishman  
Speaker House of Delegates

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

Herbert C. Kelly  
Governor