

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1966

ENROLLED

SENATE BILL NO. 81

(By Mr. *Originating in the Committee*
on the Judiciary)

PASSED February 19 1966

In Effect from Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 2-15-66

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ENROLLED

Senate Bill No. 81

(Originating in the Committee on the Judiciary)

[Passed February 10, 1966; in effect from passage.]

AN ACT to amend article three, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section five, and to amend and reenact sections two and three, article five of said chapter, relating to the furnishing of transportation for persons to be hospitalized because of mental illness and relating to the custody of mentally ill persons in emergency situations and the hospitalization of such persons.

Be it enacted by the Legislature of West Virginia:

That article three, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended,

be amended by adding thereto a new section, designated section five, and that sections two and three, article five of said chapter be amended and reenacted to read as follows:

Article 3. Mental Hygiene Commissions.

Section 5. Transportation.—Whenever an individual
2 is to be hospitalized under the provisions of article four or
3 article five of this chapter, the clerk of the county court
4 shall, upon the written request under oath of a person hav-
5 ing a proper interest in the individual's hospitalization, per-
6 mit such person to arrange for the individual's transporta-
7 tion to the hospital by such means as may be suitable for his
8 mental condition. Should no such transportation be avail-
9 able, the clerk may arrange for such, and if the mentally
10 ill person is without financial means to pay for such trans-
11 portation, the cost thereof, not to exceed the amount pre-
12 scribed by the county court of the county, may be paid
13 out of the county treasury.

Article 5. Involuntary Hospitalization.

Section 2. Hospitalization on Medical Certification;
2 **Emergency Procedure.**—Any individual may be admitted
3 to a state hospital upon:

4 (a) Written application to the state hospital by a
5 health officer or police officer stating his belief that
6 the individual, because of symptoms of mental illness,
7 may cause injury to himself or others if not immediately
8 restrained, and the grounds for such belief, and

9 (b) A certification by at least one physician that he
10 has examined the individual and is of the opinion that the
11 individual is mentally ill, and because of his illness, may
12 injure himself or others if not immediately restrained.

13 Any individual with respect to whom such certification
14 has been issued may not be admitted on the basis thereof
15 at any time after the expiration of three days from the
16 date of such examination. The superintendent of the state
17 hospital admitting the individual shall forthwith make a
18 report thereof to the director of mental health.

19 When an individual is admitted to a state hospital pur-
20 suant to the provisions of this section, the superintendent
21 thereof shall immediately give notice of the individual's
22 admission to such hospital to the following persons: His
23 or her spouse and his or her parents or parent or guardian,
24 or if there be no such spouse, parents, parent or guardian,

25 to two of the individual's next of kin. Such notice shall be
26 in writing and shall be transmitted to such person or per-
27 sons at his, her or their last known address by registered
28 or certified mail, return receipt requested.

Sec. 3. Custody for Medical Examination; Emergency

2 **Procedure.**—When any person, health officer or police
3 officer has reason to believe that an individual is mentally
4 ill and because of his illness may injure himself or others
5 if allowed to remain at liberty while awaiting an exami-
6 nation and certification by a physician, such person, health
7 officer or police officer may make application under oath
8 to the clerk of the county court, giving such information
9 and stating such facts therein as may be required, using
10 forms provided by the department of mental health, and
11 the clerk shall thereupon issue a warrant ordering the
12 individual suspected and named in such application to be
13 taken into custody and detained, but not incarcerated in
14 a jail or penal institution, for the purpose of an imme-
15 diate examination by at least one physician. If that physi-
16 cian certifies that he has examined the individual and
17 is of the opinion that the individual is mentally ill and

18 because of his illness may injure himself or others if not
19 immediately hospitalized, the physician, health officer or
20 police officer shall apply for admission and immediately
21 transport the individual to a state hospital for hospitali-
22 zation therein, or to a cooperating private psychiatric
23 facility or a psychiatric unit of a general hospital willing
24 to accept such individual for hospitalization therein. The
25 application for admission shall state the circumstances
26 under which the individual was taken into custody. If the
27 physician certifies that he has examined the individual
28 and is of the opinion that the individual is not men-
29 tally ill and is not apt to injure himself or others, such
30 individual shall be immediately released from custody
31 and detention. Any individual with respect to whom
32 such certification has been issued may not be admitted
33 on the basis thereof at any time after the expiration of
34 three days from the date of such examination. The super-
35 intendent of the state hospital or the head of the private
36 facility or hospital admitting the individual shall forth-
37 with make a report thereof to the director of mental
38 health.

39 When an individual is admitted to a state hospital or to
40 a private facility or hospital pursuant to the provisions
41 of this section, the superintendent of the state hospital or
42 the head of the private facility or hospital, as the case
43 may be, shall immediately give notice of the individual's
44 admission to such state hospital or private facility or hos-
45 pital to the following persons: His or her spouse and his
46 or her parents or parent or guardian, or if there be no
47 such spouse, parents, parent or guardian, to two of the
48 individual's next of kin. Such notice shall be in writing
49 and shall be transmitted to such person or persons at his,
50 her or their last known address by registered or certified
51 mail, return receipt requested.

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

O. Ray Parker

Chairman Senate Committee

James W. Loop

Chairman House Committee

Originated in the Senate.

Takes effect from _____ Passage.

Horace W. Myers
Clerk of the Senate

O. Blankenship
Clerk of the House of Delegates

Howard Johnson
President of the Senate

H. Lebeau White
Speaker House of Delegates

The within approved this the 15th
day of February 1966.

Archie C. Smith
Governor



OFFICE OF THE GOVERNOR
FEB 15 5 38 PM '66

PRESENTED TO THE
GOVERNOR

Date 2/15/66

Time 10:35 Am

FILED

FEB 15 7 53 PM '66

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA