WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED
SENATE BILL NO. 25

(By Mr. [Signature])

PASSED March 1, 1967

In Effect Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-9-67
ENROLLED

Senate Bill No. 25
(By Mr. McCourt)

[Passed March 1, 1967; in effect from passage.]

AN ACT to amend and reenact section one, article eight, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to maintenance of mentally ill or mentally retarded patients in state mental hospitals.

Be it enacted by the Legislature of West Virginia:

That section one, article eight, 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 8. MAINTENANCE OF MENTALLY ILL OR MENTALLY RETARDED PATIENTS.

§27-8-1. Maintenance of patients; reimbursement.

The cost of the maintenance of patients admitted to
the state hospitals shall be paid out of funds appropriated for the respective state hospitals, but the state hospitals, through the director of mental health, shall have a right of reimbursement for all or any part of such maintenance from each patient or from the committee or guardian of the estate of the patient, or the estate of the patient if deceased, or if that be insufficient, then from the patient's husband or wife, or if the patient be an emancipated child, the father and mother, or any of them. If such a relative so liable does not reside in this state and has no estate or debts due him within the state by means of which the liability can be enforced against him, the other relatives shall be liable as provided by this section. In exercising this right of reimbursement, the director of mental health may, whenever it is deemed just and expedient to do so, exonerate any person chargeable with such maintenance from the payment thereof in whole or in part, if the director finds that such person is unable to pay or that payment would work an undue hardship on him or on those dependent upon him.
There shall be no discrimination on the part of the state hospital as to food, care, protection, treatment or rehabilitation, between patients who pay for their maintenance and those who are unable to do so.

It shall be the responsibility of the director of mental health to determine the ability of the patient or of his relatives to pay for his maintenance: Provided, That any such determination shall be in writing and shall be considered an “order” under the provisions of chapter twenty-nine-a of the code of West Virginia, as amended: And provided further, That any such determination shall be subject to review upon application of any such patient, relative or personal representative in the manner provided in chapter twenty-nine-a of the code of West Virginia, as amended.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompkins
Chairman Senate Committee

Clayton Daugherty
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Hanna Meyers
Clerk of the Senate

C.A. Blankenship
Clerk of the House of Delegates

James R. Cannon
President of the Senate

W.E. Hagan White
Speaker House of Delegates

The within is approved this the 8th day of March, 1967.

Nelnet E. Smith
Governor
PRESENTED TO THE GOVERNOR

Date 3-7-67
Time 2:550 m.