

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1967

**ENROLLED**

SENATE BILL NO. 25

(By Mr. Mc Court)

PASSED March 1, 1967

In Effect from Passage

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

# 25

**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

2 the state hospitals shall be paid out of funds appropriated  
3 for the respective state hospitals, but the state hospitals,  
4 through the director of mental health, shall have a right  
5 of reimbursement for all or any part of such maintenance  
6 from each patient or from the committee or guardian of  
7 the estate of the patient, or the estate of the patient  
8 if deceased, or if that be insufficient, then from the  
9 patient's husband or wife, or if the patient be an une-  
10 mancipated child, the father and mother, or any of them.  
11 If such a relative so liable does not reside in this state  
12 and has no estate or debts due him within the state by  
13 means of which the liability can be enforced against  
14 him, the other relatives shall be liable as provided by this  
15 section. In exercising this right of reimbursement, the  
16 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  
19 in whole or in part, if the director finds that such person  
20 is unable to pay or that payment would work an undue  
21 hardship on him or on those dependent upon him.

22 There shall be no discrimination on the part of the state  
23 hospital 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 It shall be the responsibility of the director of mental  
27 health to determine the ability of the patient or of his  
28 relatives to pay for his maintenance: *Provided*, That any  
29 such determination shall be in writing and shall be con-  
30 sidered an "order" under the provisions of chapter twenty-  
31 nine-a of the code of West Virginia, as amended: *And*  
32 *provided further*, That any such determination shall be  
33 subject to review upon application of any such patient,  
34 relative or personal representative in the manner pro-  
35 vided in chapter twenty-nine-a of the code of West Vir-  
36 ginia, as amended.

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

*William Tompos*  
Chairman Senate Committee

*Clayton Davidson*  
Chairman House Committee

Originated in the Senate.

To take effect from passage.

*Howard Meyers*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Howard Roberson*  
President of the Senate

*H. Lekan White*  
Speaker House of Delegates

The within *approval* this the *8*  
day of *March*, 1967.

*Hubert C. Smith*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3-7-67

at 2:55 P.M.