

1 OMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4214**

4 (By Delegates Perdue, Fleischauer, Diserio, Eldridge, Kinsey,
5 Lawrence, Marshall, Moore and Poore)

6 (Originating in the House Committee on the Judiciary)

7
8 [February 5, 2014]

9
10 A BILL to amend and reenact §27-7-1 of the Code of West Virginia,
11 1931, as amended, relating to notice to persons discharged
12 from a mental health facility.

13 *Be it enacted by the Legislature of West Virginia:*

14 That §27-7-1 of the Code of West Virginia, 1931, as amended,
15 be amended and reenacted to read as follows:

16 **ARTICLE 7. RELEASE, DISCHARGE AND READMISSION OF PATIENTS;**
17 **ESCAPEES.**

18 **§27-7-1. Discharge.**

19 (a) The chief medical officer of the mental health facility
20 shall continually review the case of each individual who is an
21 involuntary patient at the facility pursuant to article five of
22 this chapter and shall as frequently as practicable, in any event
23 at least once every three months, cause a complete psychiatric
24 examination of each patient, and whenever it is determined that the
25 conditions justifying involuntary hospitalization no longer exist

1 or that the individual can no longer benefit from hospitalization,
2 the chief medical officer shall discharge the patient, and forward
3 a copy of the patient's discharge to the clerk of the circuit court
4 or mental hygiene commissioner of the county in which the
5 involuntary hospitalization was ordered and to the circuit court or
6 mental hygiene commissioner of the county wherein the individual is
7 a resident.

8 (b) Upon discharge of a patient, and when the patient is
9 stable and considered competent by the chief medical officer of the
10 facility, an employee of the mental health facility shall offer the
11 patient assistance in identifying and designating an appropriate
12 person to serve as durable medical power of attorney for the
13 patient. The employee shall notify the patient of the advantages
14 of designating someone to serve as durable medical power of
15 attorney and provide information to the patient as needed regarding
16 obtaining assistance in executing the required documents.