

1 **H. B. 4214**

2
3 (By Delegates Perdue, Fleischauer, Diserio,
4 Eldridge, Kinsey, Lawrence, Marshall,
5 Moore and Poore)

6 [Introduced January 17, 2014; referred to the
7 Committee on Health and Human Resources then the
8 Judiciary.]
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 with
12 schizophrenic reality disorder of benefits of designating a
13 durable medical power of attorney.

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

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

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

19 **§27-7-1. Discharge.**

20 (a) The chief medical officer of the mental health facility
21 shall continually review the case of each individual who is an
22 involuntary patient at the facility pursuant to article five of
23 this chapter and shall as frequently as practicable, in any event
24 at least once every three months, cause a complete psychiatric

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

10 (b) The chief medical officer of the mental health facility,
11 upon discharge of an individual diagnosed with schizophrenic
12 reality disorder, shall offer the patient an opportunity at the
13 appropriate time, when the patient is stable and on medication and
14 is considered by the chief medical officer to be competent,
15 assistance in identifying and designating an appropriate person to
16 serve as durable medical power of attorney for the patient. The
17 chief medical officer shall notify the person of the advantages of
18 avoiding the involuntary commitment process by designating someone
19 to have a durable medical power of attorney and provide information
20 as needed to the person regarding obtaining assistance in executing
21 the required documents.

NOTE: The purpose of this bill is to encourage and assist persons diagnosed with schizophrenic reality disorder in designating a durable medical power of attorney to assist the

patient in avoiding future involuntary commitments when the person becomes unstable.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.