

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 742

BY SENATORS HELTON AND DEEDS

[Passed March 14, 2026; in effect 90 days from
passage (June 12, 2026)]

1 AN ACT to amend and reenact §27-5-2a of the Code of West Virginia, 1931, as amended, relating
2 to modifying the requirements for involuntary hospitalization; permitting authorized staff
3 physician to determine whether a person requires a 72-hour involuntary hospitalization
4 without first contacting a list of enumerated individuals; and increasing the deadline for
5 filing a mental hygiene petition from 24 to 72 hours from the time of involuntary
6 hospitalization.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. INVOLUNTARY HOSPITALIZATION.

§27-5-2a. Process for involuntary hospitalization.

1 (a) As used in this section:

2 "Addiction" has the same meaning as the term is defined in §27-1-11 of this code;

3 "Authorized staff physician" means a physician, authorized pursuant to the provisions of
4 §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code, who is a bona fide member of the hospital's
5 medical staff;

6 "Hospital" means a facility licensed pursuant to the provisions of §16B-3-1 *et seq.* of this
7 code, and any acute care facility operated by the state government that primarily provides
8 inpatient diagnostic, treatment, or rehabilitative services to injured, disabled, or sick individuals
9 under the supervision of physicians; and

10 "Psychiatric emergency" means an incident during which an individual loses control and
11 behaves in a manner that poses substantial likelihood of physical harm to himself, herself, or
12 others.

13 (b)(1) An authorized staff physician may order the involuntary hospitalization of a patient
14 or an individual who is present at, or presented at, a hospital emergency department in need of
15 treatment, if the authorized staff physician believes, following an examination of the individual,
16 that the individual is addicted or is mentally ill and, because of his or her addiction or mental
17 illness, is likely to cause serious harm to himself, herself, or to others if allowed to remain at liberty.

18 The authorized staff physician shall sign a statement attesting to his or her decision that the
19 patient presents a harm to himself, herself, or others and needs to be held involuntarily for up to
20 72 hours. The West Virginia Supreme Court of Appeals is requested to generate a form for the
21 statement to be signed by the authorized staff physician or other person authorized by the hospital
22 and provided to the individual.

23 (2) If, in the opinion of the authorized staff physician, the patient requires involuntary
24 treatment longer than 72 hours, then no later than 72 hours after the involuntary hospitalization
25 pursuant to this section, the authorized staff physician or designated employee shall file a mental
26 hygiene petition certifying that the patient is addicted or is mentally ill and, because of the
27 addiction or mental illness, is likely to cause serious harm to himself, herself, or to other individuals
28 if allowed to remain at liberty. The authorized staff physician shall also certify the same in the
29 individual's health records. Upon receipt of this filing, the mental hygiene commissioner, a
30 magistrate, or a circuit judge shall conduct a hearing pursuant to §27-5-2 of this code.

31 (3) An individual who is involuntarily hospitalized pursuant to this section shall be released
32 from the hospital no later than 72 hours, unless further detained under the applicable provisions
33 of this article.

34 (c) An individual may receive treatment:

35 (1) During a period of involuntary hospitalization authorized by this section;

36 (2) Upon his or her consent; or

37 (3) In the event of a medical or psychiatric emergency.

38 The hospital or authorized staff physician shall exercise due diligence in determining the
39 individual's existing medical needs and provide treatment the individual requires, including
40 previously prescribed medications.

41 (d) Each hospital or authorized staff physician which provides services under this section
42 shall be paid for the services at the same rate the hospital or authorized staff physician negotiates
43 with the patient's insurer. If the patient is uninsured, the hospital or authorized staff physician may

44 file a claim for payment with the West Virginia Legislative Claims Commission in accordance with
45 §14-2-1 *et seq.* of this code.

46 (e) Authorized staff physicians and hospitals and their employees carrying out duties or
47 rendering professional opinions as provided in this section are free from liability for their actions,
48 if the actions are performed in good faith, within the scope of their professional duties, and in a
49 manner consistent with the standard of care.

50 (f) The West Virginia Supreme Court of Appeals is requested to:

51 (1) Provide each hospital with a list of names, contact information, and on-call information
52 of the mental hygiene commissioners, magistrates, and circuit judges to address mental hygiene
53 petitions in the county where the hospital is located; and

54 (2) Update the list regularly.

55 (g) If a mental hygiene commissioner, county magistrate, or circuit judge does not respond
56 to a request within 24 hours, a report shall be filed to the West Virginia Supreme Court of Appeals.

57 (h) An action taken against an individual pursuant to this section may not be construed to
58 be an adjudication of the individual, and action taken pursuant to this section may not be
59 construed to satisfy the requirements of §61-7-7(a)(4) of this code.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect 90 days from passage.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2026.

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Governor