

1   **H. B. 2032**

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(By Delegates Staggers, Moye and Manypenny)  
[Introduced January 12, 2011; referred to the  
Committee on Health and Human Resources then the  
Judiciary.]

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

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

11 (b) The chief medical officer of the mental health facility,  
12 upon discharge of an individual diagnosed with schizophrenic  
13 reality disorder, shall offer the patient an opportunity at the  
14 appropriate time, when the patient is stable and on medication and  
15 is considered by the chief medical officer to be competent,  
16 assistance in identifying and designating an appropriate person to  
17 serve as durable medical power of attorney for the patient. The  
18 chief medical officer shall notify the person of the advantages of  
19 avoiding the involuntary commitment process by designating someone  
20 to have a durable medical power of attorney and provide information  
21 as needed to the person regarding obtaining assistance in executing  
22 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.