

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3465

By Delegates Heckert and Foggin

[Introduced February 14, 2023; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §27-5-1b of the Code of West Virginia, 1931, as amended, relating to
2 an involuntary commitment pilot program.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. INVOLUNTARY HOSPITALIZATION.

§27-5-1b. Pilot projects and other initiatives.

1 (a) *Duties of the Department of Health and Human Resources.* — The Secretary shall, in
2 collaboration with designees of the Supreme Court of Appeals, the Sheriff’s Association, the
3 Prosecuting Attorney’s Association, the Public Defender Services, the Behavioral Health
4 Providers Association, Disability Rights of West Virginia, and a designee of the Dangerousness
5 Assessment Advisory Board, undertake an evaluation of the utilization of alternative transportation
6 providers and the development of standards that define the role, scope, regulation, and training
7 necessary for the safe and effective utilization of alternative transportation providers and shall
8 further identify potential financial sources for the payment of alternative transportation providers.
9 Recommendations regarding such evaluation shall be submitted to the President of the Senate
10 and the Speaker of the House of Delegates on or before ~~July 31, 2022~~ December 1, 2023. The
11 Legislature requests the Supreme Court of Appeals cooperate with the listed parties and
12 undertake this evaluation.

13 (b) *Civil Involuntary Commitment Audits.* — The secretary shall establish a process to
14 conduct retrospective quarterly audits of applications and licensed examiner forms prepared by
15 certifiers for the involuntary civil commitment of persons as provided in §27-5-1 *et seq.* of this
16 code. The process shall determine whether the licensed examiner forms prepared by certifiers are
17 clinically justified and consistent with the requirements of this code and, if not, develop corrective
18 actions to redress identified issues. The Legislature requests the Supreme Court of Appeals
19 participate in this process with the secretary. The process and the findings thereof shall be
20 confidential, not subject to subpoena, and not subject to the provisions of §6-9A-1 *et seq.* and
21 §29B-1-1 *et seq.* of this code.

22 (i) *Duties of the Mental Health Center for Purposes of Evaluation for Commitment.* — Each
23 mental health center shall make available as necessary a qualified and competent licensed
24 person to conduct prompt evaluations of persons for commitment in accordance with §27-5-1 *et*
25 *seq.* of this code. Evaluations shall be conducted in person, unless an in-person evaluation would
26 create a substantial delay to the resolution of the matter, and then the evaluation may be
27 conducted by videoconference. Each mental health center that performs these evaluations shall
28 exercise reasonable diligence in performing the evaluations and communicating with the state
29 hospital to provide all reasonable and necessary information to facilitate a prompt and orderly
30 admission to the state hospital of any person who is or is likely to be involuntarily committed to
31 such hospital. Each mental health center that performs these evaluations shall explain the
32 involuntary commitment process to the applicant and the person proposed to be committed and
33 further identify appropriate alternative forms of potential treatment, loss of liberty if committed, and
34 the likely risks and benefits of commitment.

35 (k) Notwithstanding any provision of this code to the contrary, the Supreme Court of
36 Appeals, mental health facilities, law enforcement, and the Department of Health and Human
37 Resources may participate in pilot projects in Cabell, Berkeley, Wood, and Ohio Counties to
38 implement an involuntary commitment process. Further, notwithstanding any provision of this
39 code to the contrary, no alternative transportation provider may be utilized until standards are
40 developed and implemented that define the role, scope, regulation, and training necessary for an
41 alternative transportation provider as provided in subsection (a) of this section.

NOTE: The purpose of this bill is to modify the involuntary commitment pilot program by changing a date and adding another county.

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