

person appearing to be in need of care and treatment in a mental hospital is known to be in a State, or whenever thereafter such a person's residence or legal domicile in a State is ascertained, the Secretary shall, if the person is then under his care (whether directly or pursuant to a contract or other arrangement under section 322 or 324 of this title), endeavor to arrange with the proper authorities of such State, or of a political subdivision thereof, for the assumption of responsibility for the care and treatment of such person by such authorities and shall, upon the making of such arrangement in writing, transfer and release such person to such authorities. In the event the State of the residence or legal domicile of an eligible person cannot be ascertained, or the Secretary is unable to arrange with the proper authorities of such State, or of a political subdivision thereof, for the assumption of responsibility for his care and treatment, the Secretary may, if he determines that the best interests of such person will be served thereby, transfer and release the eligible person to a relative who agrees in writing to assume responsibility for such person after having been fully informed as to his condition.

(Pub. L. 86-571, §3, July 5, 1960, 74 Stat. 308.)

§ 324. Care and treatment of eligible persons until transfer and release

(a) Place of hospitalization

Until the transfer and release of an eligible person pursuant to section 323 of this title, the Secretary is authorized to provide care and treatment for such person at any Federal hospital within or (pursuant to agreement) outside of the Department, or (under contract or other arrangements made without regard to section 6101 of title 41) at any other public or private hospital in any State and, for such purposes, to transfer such person to any such hospital from a place of temporary care provided pursuant to section 322 of this title. In determining the place of such hospitalization, the Secretary shall give due weight to the best interests of the patient.

(b) Ineligible persons

The authority of the Secretary to provide hospitalization for any person under this section shall not apply to any person for whose medical care and treatment any agency of the United States is responsible.

(Pub. L. 86-571, §4, July 5, 1960, 74 Stat. 309; Pub. L. 98-621, §10(r), Nov. 8, 1984, 98 Stat. 3381.)

Editorial Notes

CODIFICATION

In subsec. (a), "section 6101 of title 41" substituted for "section 3709 of the Revised Statutes, as amended" on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-621 substituted "any" for "Saint Elizabeth Hospital, at any other" after "for such person" in first sentence.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-621 effective Oct. 1, 1987, see section 12(b) of Pub. L. 98-621 set out as an Effective Date note under section 225 of this title.

§ 325. Examination of persons admitted

(a) Time and frequency of examination; discharge

Any person admitted to any hospital pursuant to section 322 or section 324 of this title shall, as soon as practicable, but in no event more than five days after the day of such admission, be examined by qualified members of the medical staff of the hospital and, unless found to be in need of hospitalization by reason of mental illness, shall be discharged. Any person found upon such examination to be in need of such hospitalization shall thereafter, as frequently as practicable but not less often than every six months, be reexamined and shall, whenever it is determined that the conditions justifying such hospitalization no longer obtain, be discharged or, if found to be in the best interests of the patient, be conditionally released.

(b) Notice to legal guardian, etc.

Whenever any person is admitted to a hospital pursuant to this chapter, his legal guardian, spouse, or next of kin shall, if known, be immediately notified.

(Pub. L. 86-571, §5, July 5, 1960, 74 Stat. 309.)

§ 326. Release of patient

(a) Request; determination of right to retain; retention after request

If a person who is a patient hospitalized under section 322 or 324 of this title, or his legal guardian, spouse, or adult next of kin, requests the release of such patient, the right of the Secretary, or the head of the hospital, to detain him for care and treatment shall be determined in accordance with such laws governing the detention, for care and treatment, of persons alleged to be mentally ill as may be in force and applicable generally in the State in which such hospital is located, but in no event shall the patient be detained more than forty-eight hours (excluding any period of time falling on a Sunday or legal holiday) after the receipt of such request unless within such time (1) judicial proceedings for such hospitalization are commenced or (2) a judicial extension of such time is obtained, for a period of not more than five days, for the commencement of such proceedings.

(b) Transfer to another hospital

The Secretary is authorized at any time, when he deems it to be in the interest of the person or of the institution affected, to transfer any person hospitalized under section 324 of this title from one hospital to another, and to that end any judicial commitment of any person so hospitalized may be to the Secretary.

(Pub. L. 86-571, §6, July 5, 1960, 74 Stat. 309.)

§ 327. Notification to committing court of discharge or conditional release

In the case of any person hospitalized under section 324 of this title who has been judicially