



# Department of Human Services

Incorporating: Health, Community Services, Mental Health, Senior Victorians and Housing

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OUR REF: ADD/08/33472

YOUR REF:

17 September 2008

Ms Debra Goldfinch  
CEO  
Melbourne General Practice Network  
Suite 9, 233 Cardigan Street  
CARLTON 3053

Dear Ms Goldfinch

I am writing to inform you of changes to the Mental Health Regulations 1998 (the 1998 Regulations) and to request that you pass this information on to your members.

The 1998 Regulations are due to expire and will be replaced with the Mental Health Regulations 2008 (the 2008 Regulations). This is in accordance with the *Subordinate Legislation Act 1994* which requires all regulations to be automatically revoked ten years after they are made. **The 2008 Regulations will take effect from 21 September 2008.**

The Mental Health Regulations are necessary for the operation of the *Mental Health Act 1986* (the Act).

The Minister for Mental Health recently announced a formal review of the Act which is due to be completed in 2010. New Mental Health Regulations will be prepared at that time as required. For this reason only minor changes have been made in preparing the 2008 Regulations.

The changes included in the 2008 Regulations that your members should be aware of affect the:

- forms used to commence involuntary treatment
- recommendation fee for registered medical practitioners.

### **Forms – Involuntary Treatment**

The forms used to commence involuntary treatment under the Act are:

- Request for a Person to Receive Involuntary Treatment
- Recommendation for a Person to Receive Involuntary Treatment.

These forms have been updated and now make reference to the 2008 Regulations, however the substance of the forms has not changed. This means the existing forms under the 1998 Regulations can continue to be used and will be accepted.

Nevertheless medical practitioners should obtain current forms for use in their practices. The new forms can be ordered by email from [mhact@dhs.vic.gov.au](mailto:mhact@dhs.vic.gov.au)

Electronic copies of the 2008 forms will also be available shortly on the Mental Health Website <http://www.health.vic.gov.au/mentalhealth/mh-act/forms.htm>

**Recommendation fee**

Under section 127 of the Act registered medical practitioners may apply for a recommendation fee where they are unable to receive payment for initiating involuntary treatment for a patient under section 9 of the Act. This will only be relevant where a medical practitioner is unable to receive payment from any other source. Typically, this will only occur where a patient does not have a medicare number, for example a tourist.

The 2008 Regulations now provide that in such instances the recommendation fee be paid at the rate of the equivalent items in the Medicare Benefits Schedule (MBS). The fee can be claimed by invoicing the Secretary to the Department of Human Services.

The 2008 Regulations will be available shortly to view and download from the Victorian Legislation and Parliamentary Documents website: <http://www.legislation.vic.gov.au/>

For further information please email Kiera Dingle: [kiera.dingle@dhs.vic.gov.au](mailto:kiera.dingle@dhs.vic.gov.au)

Thank you for your assistance with this matter.

Yours sincerely



Gill Callister  
Executive Director  
Mental Health and Drugs Division