

Mental Health Act 2016 Implementation Newsletter

No. 3 – 15 April 2016

Guide to the Act

Welcome to our third edition.

As we indicated in our last edition, the Implementation Team has now prepared “A Guide to the Mental Health Act 2016”.

The Guide is a comprehensive document for persons that are looking for a detailed understanding of the Act. References to provisions of the Act are included in the Guide to assist readers locate the provisions.

The Guide is published on our [webpage](#). Please have a read and tell us what you think.



What else is news?

Our distribution list is growing daily and we continue to receive good feedback and requests for more information. Please keep engaged!

We have a lot to do to implement the new Act and we want to make it as easy as possible for you to understand and contribute to this work.

We will shortly be publishing factsheets to assist consumers, carers, clinicians and others to understand aspects of the Act which are of direct relevance to them. We aim to have our first factsheets published on our webpage later this month.



A message from Assoc. Prof John Allan, Chief Psychiatrist



Planning for the implementation of the Mental Health Act 2016 is now well underway in the Mental Health, Alcohol and Other Drugs Branch.

You may be thinking – when should I start taking all of this seriously? The answer is – NOW!

There are a lot of very important improvements under the Act. It will require a lot of reading, discussion and planning for these improvements to be implemented properly.

For those in authorised mental health services involved in implementing the new Act, it is important that you think now about how it will affect you in practice.

What training and information do I need?

What business practices do I need to change?

Who do I need to talk about the changes?

How do I involve consumers and support persons in planning for the changes?

It is also very important that everyone provides feedback at these early stages. You should read the documents we are providing as they become available, and raise any concerns with us. We are particularly interested to hear about potential issues that might arise at an operational level once the Act commences.



Mental Health Act Implementation Committee Update

The Mental Health Act Implementation Committee met again on 6 April 2016 to discuss progress against the 12 implementation work streams. The Committee noted that most of the key implementation activities are on track and was pleased to endorse the publication of the Guide mentioned above.

The Implementation Committee reiterated the need for on-site information sessions to be held in authorised mental health services in the near future. The Implementation Team will be in touch with the AMHS contacts to arrange this shortly.

Working Group Update

In our first edition, we listed the 12 work streams which have been established to guide implementation. A number of these work streams have working groups, which meet regularly to progress their topic area. An update on four of these working groups follows. Updates on other streams will be included in future editions.

Work Stream 3: Independent Patient Rights Advisers

The Working Group has endorsed a standard role description for Hospital and Health Services to use in the recruitment of Independent Patient Rights Advisers, and a role description for the State-wide Co-ordinator who will be employed within the Department.

Advice will be provided mid-year to authorised mental health services on the steps to be followed to recruit Independent Patient Rights Advisers, whether in the Hospital and Health Service or a non-government organisation.

The Group is also drafting a *Chief Psychiatrist Policy on the Appointment and Functions of Independent Patient Rights Advisers* and a Guide to Patient Rights under the Act.

Work stream 4: Advance Health Directives and Enduring Powers of Attorney

This Working Group is developing an *Advance Health Directives and Nominated Support Persons Form* to assist people to record their consent, wishes and preferences for their future mental health care. The Form will allow an individual, when they are well, to:

- document their consent, views and wishes about mental health care, for times when the individual does not have capacity to consent to treatment
- appoint one or more attorneys to act as substitute decision makers, for times when the individual does not have capacity to consent to treatment
- appoint one or more nominated support persons, to exercise particular rights under the Act if the individual becomes an involuntary patient.

The Group is also drafting a Guide to assist people to understand and complete the Form and a brochure on Advance Health Directives and Nominated Support Persons.

Work Stream 5: Examination Authorities

Readers will be aware that 'examination authorities' will replace the justices examination orders under the current Act.

The Working Group for examination authorities has now finished its work.

The Working Group has developed:

- a flow chart which summarises the examination authority process
- a fact sheet which describes the examination authority process and outlines the powers a doctor and authorised mental health practitioner may exercise in relation to an examination authority, and
- an approved form, the *Application for Examination Authority*, which must be submitted to the Mental Health Review Tribunal. The Tribunal hears the application and decides whether an examination authority should be issued.

This material will be included in the education and training program for the Act. The implementation of the examination authority arrangements will require important changes in business practices in authorised mental health services.

Work Stream 6: Emergency Examination Authorities

Readers will be aware that 'emergency examination authorities' will replace the emergency examination orders under the current Act. The provisions for emergency examination authorities are located in Chapter 4A of the *Public Health Act 2005* and will have wider application to persons at risk of harm from a major disturbance in mental capacity, due to an illness, disability, injury, intoxication or other reason.

The Emergency Examination Authorities Working Group has developed the bulk of the materials required to explain and enact this implementation area. The Group has produced:

- tailored materials for police, ambulance and emergency departments, which describe the provisions which allow ambulance officers and police officers to transport a person with a major disturbance in mental capacity to a public sector health service facility, authorised mental health service or another place in emergency circumstances, and
- a draft approved form, the *Emergency Examination Authority*, which must be completed by particular individuals (police, ambulance officer, health service employees, doctors or health practitioners) when a person is transported under the provisions.

The Queensland Police Service and the Queensland Ambulance Service will arrange training in the new provisions within their respective organisations. The dissemination of information to emergency departments will take place through the Queensland Emergency Department Strategic Advisory Panel in Qld Health.



Spotlight! ***eLearning Package***

We are finalising arrangements with an experienced provider to develop an eLearning Package on the Mental Health Act 2016. The package will deliver modularised, online training for authorised doctors, authorised psychiatrists and authorised mental health practitioners.

The package will include assessment steps, to ensure practitioners can demonstrate the competencies required to be an authorised practitioner.

The package will be self-paced, available at all times on the internet and hosted on the Department's Learning Management System.

We are working towards the package being developed by August, to enable training and assessment to be finalised before the anticipated commencement of the Act in November.

We have also asked the provider to identify opportunities for future development, including developing modularised online information on the Act for consumers, carers and support persons.

Feedback please!

What would you like to be included in future editions of the eNewsletter or on the [web-site](#)?

Feel free to contact the Team with any questions at MHA.Review@health.qld.gov.au