

HEALTH

HE301

MENTAL HEALTH ACT 1962

MENTAL HEALTH (TREATMENT FEES) REGULATIONS 1992

Made by His Excellency the Lieutenant-Governor and Administrator in Executive Council.

Citation

1. These regulations may be cited as the *Mental Health (Treatment Fees) Regulations 1992*.

Interpretation

2. In these regulations, unless the contrary intention appears —

“acute care treatment” means treatment that is classified as acute care treatment under regulation 4 (2);

“approved hospital” means an approved hospital listed in Part 1 of Schedule 1;

“compensable treatment” means treatment that is classified as compensable treatment under regulation 4 (1);

“facility” means a facility listed in Part 2 of Schedule 1;

“respite care treatment” means treatment that is classified as respite care treatment under regulation 4 (2);

“special care treatment” means treatment that is classified as special care treatment under regulation 4 (2);

“supervisory care treatment” means treatment that is classified as supervisory care treatment under regulation 4 (2).

Application

3. These regulations only apply to, and in relation to, treatment received —

- (a) at an approved hospital listed in Part 1 of Schedule 1; or
- (b) at a facility listed in Part 2 of Schedule 1.

Classification of treatment

4. (1) For the purpose of assessing what, if any, fee is payable by a person who receives treatment at an approved hospital or facility, the psychiatrist or medical practitioner (as the case may be) at the hospital or facility who is immediately responsible for the treatment of that person shall classify the treatment as either —

(a) **compensable treatment**, where in the opinion of the psychiatrist or medical practitioner, the treatment is —

(i) in respect of an injury, illness or disease for which the person is entitled to recover the cost of treatment under the *Workers' Compensation and Rehabilitation Act 1981* or the *Motor Vehicle (Third Party Insurance) Act 1943*;

(ii) of a person to whom the *Defence Act 1903* of the Commonwealth applies; or

(iii) in respect of an injury, illness or disease suffered by a person while in the service of a ship and for which the person is entitled to be reimbursed by the owner of the ship for the cost of the treatment;

or

(b) **other treatment**, where in the opinion of the psychiatrist or medical practitioner, the treatment does not fall within the ambit of paragraph (a).

(2) Where treatment is classified by a psychiatrist or medical practitioner as **other treatment** under subregulation (1), that treatment shall then be further classified by the psychiatrist or medical practitioner as either —

(a) **acute care treatment**, where in the opinion of the psychiatrist or medical practitioner, the treatment is at such a level as is required to treat a person who suffers from an acute stage of mental illness or who requires intensive rehabilitation;

(b) **special care treatment**, where in the opinion of the psychiatrist or medical practitioner, the treatment is not at the level required to treat a person who suffers from an acute stage of mental illness or who requires intensive rehabilitation but still involves constant care and supervision of the person;

- (c) **supervisory care treatment**, where in the opinion of the psychiatrist or medical practitioner, the treatment only involves a moderate level of care and supervision of the person; or
- (d) **respite care treatment**, where in the opinion of the psychiatrist or medical practitioner, the level of treatment is minimal and the person is only attending the facility as a respite measure.

Fees payable for compensable treatment

5. A person who receives compensable treatment is liable to pay the relevant fee specified in Schedule 2 for that treatment.

No fees payable for acute care treatment

6. A person who receives acute care treatment is not liable to pay any fee under these regulations for that treatment.

Fees payable for special and supervisory care treatment

7. A person who receives —

- (a) special care treatment; or
- (b) supervisory care treatment,

is liable to pay the relevant fee specified in Schedule 2 for that treatment.

Fees payable for respite care treatment

8. A person who receives respite care treatment —

- (a) is not liable to pay any fee for the first 28 days of respite care treatment received in any financial year; and
- (b) is liable to pay the relevant fee specified in Schedule 2 for any respite care treatment additional to that specified in paragraph (a) received during any financial year.

Recovery of fees

9. A fee that is payable under these regulations shall be a debt due to the Crown and may be recovered from the person who is liable or from the estate of that person in any court of competent jurisdiction.

Fees not payable in special circumstances

10. (1) The superintendent in charge of an approved hospital or the psychiatrist in charge of a facility may reduce, waive or refund any fee payable under these regulations for treatment received by a person at the hospital or facility (as the case may be) if the superintendent or psychiatrist is satisfied that payment of the fee would cause the person undue hardship.

(2) A fee that is payable for compensable treatment shall not be reduced, waived or refunded under subregulation (1).

SCHEDULE 1

[Reg.3]

PART 1**APPROVED HOSPITALS IN RELATION TO WHICH THESE
REGULATIONS APPLY**

1. Graylands Hospital, Brockway Road, Mount Claremont.
2. Heathcote Hospital, Duncraig Road, Applecross.
3. Lemnos Hospital, Stubbs Terrace, Shenton Park.
4. The east wing of Swan Lodge, Eveline Road, Middle Swan, comprising buildings and places known as La Salle Hospital.

PART 2**OTHER FACILITIES IN RELATION TO WHICH THESE
REGULATIONS APPLY**

1. Whitby Falls Hostel, South Western Highway, Mundijong.
2. Armadale Lodge, Albany Highway, Armadale.
3. Bentley Lodge, Mill Street, Bentley.
4. Eden Hill Cluster Homes, Freeland Square, Eden Hill.
5. Moss Street Lodge, 33 Moss Street, East Fremantle.
6. Osborne Lodge, Osborne Place, Stirling.
7. Selby Lodge, Lemnos Street, Shenton Park.
8. Swan Lodge, Eveline Road, Middle Swan.

SCHEDULE 2

[Regs. 5, 7 and 8 (b)]

FEES PAYABLE FOR TREATMENT

Class of treatment	Fee per day or part of a day
	\$
Compensable treatment —	
(a) at an approved hospital	212.00
(b) at any other facility	197.00
Special care treatment	23.05
Supervisory care treatment	19.75
Respite care treatment	19.75

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.