

A Bill for an Act relating to the Online Mental Health Hub Bill 2021.

To be enacted by the YMCA Victoria Youth Parliament;

## **Online Mental Health Hub Bill 2021**

A Bill for an Act to establish an online mental health hub for free use by all Victorians. The Royal Commission into Victoria's Mental Health System found that Victoria's mental health system had "catastrophically failed to meet expectations and was woefully underprepared for current and future challenges"<sup>1</sup>. Many of these issues stem from inadequate opportunities for Victorians to lead and actively participate in their own care. Accessing support has been shown to be complex, confusing, time-consuming, and costly.

This Bill addresses some of these pressing issues by establishing the Support, Assessment, Referral, Information, and Advice (SARIA) Mental Health Hub. SARIA provides a range of services that address critical gaps in Victoria's mental health system. This includes mental health and wellbeing advice, referral services, and a system for patient information storage and sharing. High quality accessible digital services, like those proposed to be provided by SARIA are essential to promoting mental health and wellbeing among all Victorians now and into the future.

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<sup>1</sup> State of Victoria 2021, *Royal Commission into Victoria's Mental Health System*, Final Report, Volume 1, pp. ix, para. 6

## **PART I—Preliminary**

### **Clause 1 Purpose**

The main purposes of this Act are—

- (a) to provide a centralised hub of information related to mental health conditions and services;
- (b) to provide a referral service which links Victorian users to health professionals;
- (c) to store patient information related to mental health, which is accessible by authorised users, as outlined in Clause 5.

### **Clause 2 Commencement**

This Bill shall commence upon receiving assent from the Youth Governor of Victoria.

### **Clause 3 Definitions**

In this Bill, we define the following to mean—

- (a) **user** means any individual in Victoria who accesses the Support, Assessment, Referral, Information, and Advice Mental Health Hub;
- (b) **patient information** means any data stored on the Support, Assessment, Referral, Information, and Advice Mental Health Hub which is attributed to, in relation to, or about a user;
- (c) **health professionals** means qualified individuals that hold the relevant qualifications to serve as general practitioners, psychiatrists or psychologists in Victoria;
- (d) **referrals** means the act of referring a user for consultation, review, or further action with other health professionals;
- (e) **cultural needs** means any culturally specific requirements as requested by the user that must be met when referring users to further services;
- (f) **social needs** means any social requirements as requested by the user that must be met when referring users to further services that would otherwise restrict them from accessing specific referred services;
- (g) **financial needs** means any financial considerations that need to be taken into account when giving a user a referral that may limit their ability to access certain referred services.

## **Part II—Establishment**

### **Clause 4      Establishing the SARIA mental health hub**

- 4.1      The Support, Assessment, Referral, Information and Advice Mental Hub (SARIA Mental Health Hub) shall be established to oversee the following—
- (a)      online mental health assessments by trained professionals;
  - (b)      online tools for referrals used by users and clinicians;
  - (c)      a centralised system to store patient information;
  - (d)      the provision of links to other mental health resources;
  - (e)      the provision of research-backed information on mental health.
- 4.2      The SARIA Mental Health Hub shall employ—
- (a)      management and head office roles;
  - (b)      qualified health professionals.

### **Clause 5      Patient information and accessibility**

- 5.1      Patient information on the individual shall include—
- (a)      past hospitalisations;
  - (b)      information of prescribed medication and prescription history.
- 5.2      Patient information stored by the SARIA Mental Health Hub shall be accessible to the following parties—
- (a)      the user to whom the data is directly relevant—
    - (i)      users shall have to provide valid credentials to access their information;
  - (b)      qualified professionals in the health sector—
    - (i)      professionals shall require permission from the user whose data they are accessing;
    - (ii)      professionals shall not require permission when accessing the data of users who are deemed incapable of consenting, including those under the age of 18;
  - (c)      police and authorities—
    - (i)      police and authorities shall require a valid warrant to access patient information.
- 5.3      The SARIA Mental Health Hub shall inform the user if their patient information is viewed or modified.
- 5.4      The SARIA Mental Health Hub shall not delete or destroy patient information.

**Clause 6 Information systems for information collection, use, and sharing**

- 6.1 The SARIA Mental Health Hub shall develop and implement patient information systems.
- 6.2 The information systems shall include a Mental Health and Wellbeing Record, titled 'M-Record'—
  - (a) the M-Record shall enable the public, community and inpatient mental health and wellbeing services to create and store digital records of users, including—
    - (i) contact information;
    - (ii) bookings;
    - (iii) clinical notes;
    - (iv) services provided;
    - (v) medical prescriptions;
  - (b) M-Record shall replace the current Client Management Interface/Operational Data Store system.
- 6.3 The information systems shall include a mental health information and sharing data exchange, titled 'M-Exchange'—
  - (a) M-Exchange shall enable the sharing of—
    - (i) patient information in M-Record;
    - (ii) information in MyHealth Record;
    - (iii) digital hospital records;
    - (iv) other major information systems with all services involved in a user's treatment;
  - (b) Only permitted services shall be able to access information through M-Exchange—
    - (i) Users shall authorise services' access to M-Exchange through an opt-in process;
    - (ii) M-Exchange shall collect, store and share aggregated, de-identified user data;
    - (iii) Services that may be authorised to access patient information is limited to the user's treatment, care and support team.
- 6.4 The information systems shall include a Patient Portal, titled 'M-Portal'—
  - (a) M-Portal shall include allow users to access their information stored in M-Record and M-Exchange;
  - (b) M-Portal shall feature the opt-in function to authorise services' access to patient information through M-Exchange;
  - (c) M-Portal shall include measures to be accessible and inclusive for users, including—
    - (i) a user-friendly interface;
    - (ii) multiple supported languages;

- (d) M-Portal shall not eliminate users' access to non-digital records and authorisation mechanisms;
- (e) Where the release of information to a patient is deemed unsafe or inappropriate, M-Portal shall have the capacity to delay the information release.

**Clause 7 Identification**

- 7.1 Users and health professionals shall be required to verify their identity in order to access the SARIA Mental Health Hub.
- 7.2 Users shall be required to supply the following identification documentation—
  - (a) one primary document—
    - (i) original birth certificate;
    - (ii) Australian passport;
  - (b) And one secondary document—
    - (i) valid Australian driver's license, learners permit or provisional license;
    - (ii) photo identification issued by an educational institution;
    - (iii) Medicare card;
    - (iv) Centrelink card;
  - (c) or, two tertiary documents, if no secondary documents are supplied—
    - (i) credit card, debit card or EFTPOS card issued by an Australian bank;
    - (ii) Australian marriage certificate;
    - (iii) utilities bills;
    - (iv) Australian bank or credit card statements;
    - (v) evidence of Victorian residence.

**Clause 8 Process of referrals**

- 8.1 Qualified health professionals and users shall work in conjunction to use referrals through the SARIA Mental Health Hub—
  - (a) Users shall be referred to services according to their needs by their qualified health professionals;
  - (b) Users shall access and action their referrals by—
    - (i) accessing the online referral tool within the SARIA Mental Health Hub;
    - (ii) either accepting or rejecting referrals within the referral tool;
    - (iii) upon acceptance of the referral, following the required process;
    - (iv) upon rejection of referral, have the choice to discuss this with health professionals.

- 8.2 Users shall receive relevant referrals according to their individual needs, including—
- (a) mental health needs;
  - (b) cultural needs;
  - (c) social needs;
  - (d) financial needs;
  - (e) preferences regarding clinical or non-clinical support.
- 8.3 Users shall be referred to a range of services within their local area, such as—
- (a) support groups;
  - (b) therapists;
  - (c) other relevant services.
- 8.4 Qualified health professionals shall employ the use of referrals—
- (a) when a specialised type of care may be required;
  - (b) at a user's request, in conjunction with the opinion of their health professionals.
- 8.5 Users shall be referred to the above specified services, either by—
- (a) being automatically integrated into a service's system;
  - (b) making direct contact with a service's personnel.