# Office of the Health Ombudsman

Performance report August 2016



#### Office of the Health Ombudsman—Performance report August 2016

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## **Table of contents**

Introduction	4
Number of contacts	Ļ
Type of complaints	5
Decisions	•
Number of decisions made	6
Decisions made within seven days	6
Health service complaints profile	7
Main issues raised in complaints	7
Number and type of complaints by health practitioner	3
Number and type of complaints by health service organisation	Ç
Assessment	10
Assessments started and completed	10
Completed assessment timeframes	10
Assessment decisions	11
Local resolution	12
Local resolutions started and completed	12
Completed local resolution timeframes	12
Local resolution outcomes	12
Decisions for matters that were not resolved	13
Conciliation	14
Conciliations started and closed	14
Agreement to participate in conciliation	14
Completed conciliation timeframes	15
Completed conciliation outcomes	15
Decisions for conciliations that were not successful	16
Open conciliation timeframes	16
Investigation	17
Investigations started and closed	17
Closed investigation timeframes	17
Closed investigation outcome	18
Open investigation timeframes	18
Open investigation categories	19
Immediate action	20
Show cause notices	20
Immediate registration action	20
Prohibition orders	20

Australian Health Practitioner Regulation Agency	21
Notifications from AHPRA	21
Number of practitioners referred to AHPRA by practitioner type	21
Number of issues referred to AHPRA by practitioner type	22
Demographics	23
Gender	23
Age	23
Location of healthcare consumers	24
Location of health service providers	25

#### Introduction

This document reports on our performance during August 2016.

As Queensland's health service complaints agency, the Office of the Health Ombudsman (OHO) aims to protect the health and safety of the public by assessing, investigating and resolving complaints made about health services provided in Queensland.

Our vision is to be the cornerstone of a transparent, accountable and fair system for effectively and quickly dealing with complaints and other healthcare matters in Queensland. Our performance reports—which we update and publish monthly, quarterly and yearly—are a testament to this.

The office is committed to ensuring that all decisions are well-informed, fair, impartial and timely.

Data in this report are correct as at 12 September 2016, but are subject to change.

### **Number of contacts**

Type of contact	Number	Percentage
Complaint	584	58.11
Enquiry	403	40.10
Yet to be classified	18	1.79
Total	1005	100.00

This data is based on contacts with the OHO during the month. Matters that are 'yet to be classified' are contacts in which not enough information was provided initially to allow for a determination and additional information is being sought, or are matters that came in just before the end of the reporting period and were still being processed.

The number of complaint contacts will not equal the number of decisions made in the table below.

Contacts 'yet to be classified' at the time of running this report will continue to be allocated as complaints (and enquiries) as additional information is received. However, decisions on these complaints will be registered in the next reporting period.

#### **Type of complaints**

Type of complaints	Number	Percentage
Health consumer complaint	484	82.88
Mandatory notification*	54	9.25
Voluntary notification*	32	5.48
Self-notification*	11	1.88
Referral**	3	0.51
Total	584	100.00

<sup>\*</sup>Notifications are made by health service providers, as required in the Health Practitioner Regulation National Law (Queensland).

<sup>\*\*</sup>Referrals are matters referred by government and non-government agencies to the OHO.

#### **Decisions**

#### Number of decisions made

Number of decisions made	Number	Percentage
Accepted	411	58.88
Not accepted	135	19.34
Decision pending	152	21.78
Total	698	100.00

<sup>&#</sup>x27;Decision pending' relates to matters where more information is required before deciding whether to accept or not accept a complaint, or because a matter came in just before the end of the reporting period and is still to be processed.

#### **Decisions made within seven days**

The office made 546 decisions in August, the third highest number of monthly decisions made in the two years the office has been operating, continuing the trend of high numbers in 2016. Despite this, 62.82 per cent (343) of these decisions were made within seven calendar days. The last two months have seen a solid improvement in the percentage of decisions being made in seven calendar.

Of the 546 decisions made, 411 (75 per cent) were to accept the complaint, which is the second highest number of accept decisions made since the office opened in July 2014.

Decision made within seven days of receiving a complaint	Number	Percentage
Yes	343	62.82
No	203	37.82
Total	546	100.00

## **Health service complaints profile**

### Main issues raised in complaints

Issue	Number	Percentage		
Access	8	2.23		
Code of conduct for healthcare workers	0	0.00		
Communication/information	49	13.69		
Consent	8	2.23		
Discharge/transfer arrangements	18	5.03		
Environment/management of facilities	7	1.96		
Enquiry service	0	0.00		
Fees/cost	3	0.84		
Grievance processes	7	1.96		
Medical records	17	4.75		
Medication	32	8.94		
Professional conduct	22	6.15		
Professional health	3	0.84		
Professional performance	184	51.40		
Reports/certificates	0	0.00		
Treatment	0	0.00		
Total	358	100.00		

These figures are based on complaints that completed the assessment process during the month. Basing figures on completed assessments produces accurate reporting of the type(s) of issues identified as all relevant details of a matter have been identified at the time an assessment is completed. Please note, there can be multiple issues identified within a single complaint.

### Number and type of complaints by health practitioner

Practitioner type	Access	Code of conduct for healthcare workers	Communication and information	Consent	Discharge/ transfer arrangements	Environment/ management of facility	Enquiry service	Fees and costs	Grievance process	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/ certificates	Treatment	Total
Alternative care	-	-	-	1	-	-	-	-	-	-	-	3	1	1	-	-	6
Chinese medicine	-	-	-	=	-	-	-	-	-	-	-	-	-	-	-	-	-
Chiropractor	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	2
Dentistry	-	-	-	-	-	-	-	-	-	-	-	1	-	3	-	-	4
Emergency care	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
General medical	-	-	4	-	-	-	-	1	1	7	9	2	1	23	-	-	48
Medical radiation	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Medical specialty	-	-	2	-	-	-	-	-	-	1	1	-	-	3	-	-	7
Nursing	-	-	1	-	-	-	-	-	-	2	2	1	-	2	-	-	8
Occupational therapy	-	-	-	=	-	-	-	-	-	-	-	-	-	-	-	-	-
Optometry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Osteopathy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other	-	-	4	-	1	-	-	-	-	1	-	5	-	5	-	-	16
Pathology	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmacy	1	-	-	-	-	-	-	-	-	-	1	2	1	-	-	-	5
Physiotherapy	-	-	-	-	-	-	-	-	-	-	-	1	-	1	-	-	2
Podiatry	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Psychology	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Speech pathology	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Surgical	-	-	4	1	-	-	-	-	-	-	2	1	-	9	-	-	17
Not yet known	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	1	-	15	2	1	-	-	1	1	11	15	18	3	50	-	-	118

These figures are based on complaints that completed the assessment process during the month. Basing figures on completed assessments produces accurate reporting of the type(s) of issues identified as all relevant details of a matter have been identified at the time an assessment is completed. Please note, there can be multiple issues identified within a single complaint.

### Number and type of complaints by health service organisation

Organisation type	Access	Code of conduct for healthcare workers	t Communication and information	Consent	Discharge/ transfer arrangements	Environment/ management of facility	Enquiry service	Fees and costs	Grievance process	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/ certificates	Treatment	Total
Aged care facility	-	-	-	-	-	2	-	-	-	-	1	-	-	4	-	-	7
Allied health service	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Ambulance service	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Community health service	-	-	-	-	-	-	-	-	-	-	-	1	-	3	-	-	4
Correctional facility	1	-	1	-	-	1	-	-	-	-	4	-	-	16	-	-	23
Dental service	1	-	-	-	-	-	-	-	-	-	-	-	-	5	-	-	6
Hospital and Health Service	-	-	2	-	-	1	-	-	-	-	-	-	-	2	-	-	5
Laboratory service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Licensed private hospital	-	-	-	-	1	1	-	1	-	1	1	-	-	6	-	-	11
Medical centre	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Mental health service	-	-	3	-	1	-	-	-	-	-	1	2	-	5	-	-	12
Nursing service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other government department	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other support service	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	3
Pharmaceutical service	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	-	3
Public health service	-	-	2	-	4	-	-	-	1	-	-	-	-	6	-	-	13
Public hospital	4	-	26	6	11	2	-	1	5	5	6	1	-	81	-	-	148
Residential care service	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Specialised health service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Not yet known	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	1
Total	7	-	34	6	17	7	-	2	6	6	17	4	-	134	-	-	240

These figures are based on complaints that completed the assessment process during the month. Basing figures on completed assessments produces accurate reporting of the type(s) of issues identified as all relevant details of a matter have been identified at the time an assessment is completed. Please note, there can be multiple issues identified within a single complaint.

#### **Assessment**

#### **Assessments started and completed**

Assessments this month	Number
Assessments started	205
Assessments completed	189

#### **Completed assessment timeframes**

Due to the complex nature of assessing complaints and the need to have all necessary information to make well-informed and impartial decisions, matters can run over legislated timeframes. Delays can also occur in receiving information from parties or in sourcing independent clinical advice.

Of the 39 assessment matters completed within 60 days, 21 were approved for extension. While the OHO strives to complete assessments within legislated timeframes, it is important to ensure there is a balance between timeliness and the quality of decisions.

Assessment timeframes	Number	Percentage
Completed within 30 days	76	40.21
Completed within 60 days*	39	20.63
Completed in more than 60 days	74	39.15
Total	189	100.00

<sup>\*</sup>Assessments are able to be completed within 60 days when granted an extension of 30 days as a result of legislated requirements being met.

#### **Assessment decisions**

Type of relevant action	Number	Percentage	
Local resolution	9	4.71	
Conciliation	12	6.28	
Investigation	3	1.57	
Referred to AHPRA and the national boards	30	15.71	
Referral to another entity	30	15.71	
Immediate registration action*	0	0.00	
Interim prohibition order*	0	0.00	
No further action	107	56.02	
Total	191	100.00	

Total assessment decisions will not equal the total number of assessments (in previous tables) as a single assessment can result in multiple relevant actions.

The figures for the type of relevant action decided in the assessment stage may not correspond with totals for respective relevant actions (e.g. local resolution, conciliation, investigation etc.) due to the time between a decision being made and an action being taken crossing over different reporting periods.

\*Immediate action assessment decision figures may not align with the immediate action figures later in the report due to immediate action decisions being made outside of the assessment process.

#### Local resolution

#### Local resolutions started and completed

Local resolutions this month	Number
Local resolutions started	136
Local resolutions completed	140

The number of local resolutions started in the month may not directly match the number of assessment decisions to undertake local resolution due to the time between a decision being made and an action taken crossing over different reporting periods.

#### **Completed local resolution timeframes**

In local resolution, delays sometimes occur in sourcing information from parties or due to the complexity of the matter which can result in matters being completed outside of legislated timeframes. Of the 12 local resolution matters completed within 60 days, 10 were approved for extension. Two matters took more than 60 days to complete due to delays locating and sharing information with parties.

Local resolution timeframes	Number	Percentage
Completed within 30 days	128	91.43
Completed within 60 days*	12	8.57
Completed in more than 60 days	0	0.00
Total	140	100.00

<sup>\*</sup>Local resolutions are able to be completed within 60 days when granted an extension of 30 days as a result of legislated requirements being met.

#### **Local resolution outcomes**

Local resolution outcomes	Number	Percentage
Resolved	119	85.00
Not resolved	21	15.00
Complaint withdrawn*	0	0.00
Total	140	100.00

<sup>\*</sup>Complainants can choose to withdraw their complaint at any stage during local resolution.

## **Decisions for matters that were not resolved**

Type of relevant action	Number	Percentage
Assessment	0	0.00
Conciliation	0	0.00
Investigation	0	0.00
Referred to AHPRA and the national boards	0	0.00
Referral to another entity	0	0.00
Immediate action	0	0.00
No further action	21	100.00
Total	21	100.00

#### Conciliation

#### Conciliations started and closed

Conciliations this month	Number
Conciliations open at the start of the month	66
Conciliations started	14
Conciliations closed	20

The number of conciliations started in the reporting period may not match the number of decisions to refer for conciliation noted in other areas of the report due to the time between a decision being made and an action taken crossing over different reporting periods.

'Conciliations started' includes all matters—including matters where agreement to participate has or has not been reached or the decision is pending—that entered the conciliation workflow during the reporting period following the OHO assessing them as being suitable for conciliation. Similarly, 'conciliations closed' are all matters that were closed during the reporting period, whether due to parties not agreeing to participate or the matter being closed after completing the conciliation process. Closed conciliations differ from completed conciliations below, as completed conciliations only include matters where both parties agreed to participate and the conciliation process was completed.

#### Agreement to participate in conciliation

Agreement to participate in conciliation	Number
Party/ies agreed to conciliation	11
Party/ies did not agree to conciliation	9
Decision pending at end of month	12

Once the decision is made to attempt conciliation, both parties must agree to participate in the process. If either one, or both, of the parties do not agree, the conciliation process does not commence and the matter is closed.

Decisions pending includes matters where parties are still deciding whether to participate in conciliation at the end of the reporting period. It also includes matters that have been referred to another relevant action, where conciliation may not commence until this relevant action has been finalised.

### **Completed conciliation timeframes**

Conciliations completed	Number	Percentage
Less than 3 months	0	0.00
3–6 months	7	63.64
6–9 months	3	27.27
9–12 months	1	9.09
More than 12 months	0	0.00
Total	11	100.00

The data above relates to matters where parties agreed to participate in conciliation and the conciliation process was completed within the specified timeframes. Completed conciliations differ from closed conciliations (in the table above) as they only relate to matters where parties agreed to participate and the conciliation process was completed.

#### **Completed conciliation outcomes**

Conciliation outcomes	Number	Percentage
Successful	9	80.00
Not successful	2	20.00
Ended by Health Ombudsman	0	0.00
Total	11	100.00

The data above relates to matters where parties agreed to participate in conciliation. After agreeing, the conciliation process was completed with the matter either being successful or not successful—or in rare instances, the Health Ombudsman ending it. Completed conciliations differ from closed conciliations—in the first conciliation data table above—as completed conciliations only relate to matters where parties agreed to participate and the conciliation process was completed.

### Decisions for conciliations that were not successful

Type of relevant action	Number	Percentage
Local resolution	0	0.00
Investigation	0	0.00
Referred to AHPRA and the national boards	0	0.00
Referral to another entity	0	0.00
Immediate action	0	0.00
No further action	2	100.00
Total	2	100.00

### **Open conciliation timeframes**

Conciliations open	Number	Percentage
Less than 3 months	43	71.67
3–6 months	6	10.00
6–9 months	5	8.33
9–12 months	4	6.67
More than 12 months	2	3.33
Total	60	100.00

Matters can be referred simultaneously to conciliation and another relevant action. Conciliation may not commence until after the other relevant action has been finalised.

There are currently 11 matters in the table above on hold until the outcome of another process is finalised (e.g. the process of another agency such as AHPRA). This includes 1 matter that has been open for less than 3 months, 1 that has been open for 3–6 months, 3 that have been open for 6–9 months, 4 that have been open for 9–12 months, and 2 that have been open for more than 12 months.

## Investigation

#### Investigations started and closed

Investigations this month	Number
Investigations open at the beginning of the month	368
Investigations started	20
Investigations closed	23
Investigations paused*	77
Investigations re-commenced**	2

The number of investigations started in the reporting period may not match the number of assessment decisions to undertake investigation due to the time between a decision being made and an action taken crossing over different reporting periods, or due to investigations being started via other processes (e.g. own-motion investigation).

\*Certain matters may be referred to an external agency, such as the Queensland Police Service while criminal proceedings take place, or to the coroner if it relates to reportable deaths (under s92 of the *Health Ombudsman Act 2013*). From an OHO perspective, these matters are not closed but effectively paused within the OHO's complaints management system as in these circumstances it is not appropriate for the OHO to conduct any investigations that may impede on an external agency's processes. As a result, investigation of these matters will be put on hold until the external agency finalises its processes.

### **Closed investigation timeframes**

Investigations closed	Number	Percentage
Less than 3 months	1	4.35
3–6 months	5	21.74
6–9 months	2	8.70
9–12 months	0	0.00
More than 12 months	15	65.22
Total	23	100.00

<sup>\*\*</sup>These are matters that have been re-commenced by the OHO following an external agency completing their processes.

## **Closed investigation outcome**

Closed investigation outcome	Number
Recommended for referral to Director of Proceedings	1
Report	3
Referred to AHPRA	11
Referred to another agency*	0
No further action	8

## **Open investigation timeframes**

Investigations open	Number	Percentage
Less than 3 months	53	14.44
3–6 months	48	13.08
6–9 months	17	4.63
9–12 months	33	8.99
More than 12 months*	139	37.87
Total active investigations	290	N/A
Paused matters**	77	20.98
Total (including paused matters)	367	100.00

<sup>\*</sup> All investigations that have been open for more than 12 months are published on the investigations register on the OHO website (www.oho.qld.gov.au).

<sup>\*\*</sup> Paused matters are matters which are currently being dealt with by an external agency and cannot be progressed by the OHO.

## **Open investigation categories**

Type of investigation	Number
Health service complaint	219
Systemic issue	39
Another matter*	32

This does not include the 77 paused matters currently with an external agency.

<sup>\*</sup>Matters that are brought to the Health Ombudsman's attention by means other than through a health service complaint or notification.

#### Immediate action

The Health Ombudsman can take immediate action against both registered and unregistered health practitioners if the Health Ombudsman reasonably believes the practitioner poses a serious risk to the health and safety of the public.

#### Show cause notices

Three show cause notices were issued in August.

As outlined in the *Health Ombudsman Act 2013*, upon receipt of a show cause notice, a health service provider is invited to make a submission within a stated period of time. The Health Ombudsman will then consider the submission before deciding whether to take immediate action against the provider.

#### Immediate registration action

The Health Ombudsman took immediate registration action against four registered health practitioners in August. This action included:

- one medical practitioner was suspended for issues relating to conduct
- one medical practitioner had conditions imposed for issues relating to conduct
- one registered nurse had conditions imposed for issues relating to conduct
- one student nurse had conditions imposed for issues relating to conduct.

The Health Ombudsman can take immediate registration action if a registered health practitioner's health, conduct or performance means they pose a serious risk to people and immediate action is necessary to protect public health and safety.

The Health Ombudsman can temporarily suspend or impose conditions on the registration of registered health practitioners.

#### **Prohibition orders**

The Health Ombudsman issued two interim prohibition orders in August to:

- one chiropractor, who was prohibited for issues relating to conduct and performance
- one enrolled nurse, who was prohibited for issues relating to conduct.

The details for current prohibition orders can be found on the OHO website (<u>www.oho.qld.gov.au</u>) on the prohibition order register.

The Health Ombudsman can issue an interim prohibition order if an unregistered health practitioner's health, conduct or performance means they pose a serious risk to people and immediate action is necessary to protect public health and safety.

An interim prohibition order can *prohibit* or *restrict* a health practitioner from providing any health service, or a specific health service. The Health Ombudsman can also enforce a prohibition order or an interim prohibition order issued in another state or territory where that interstate prohibition order corresponds—or substantially corresponds—to the type of prohibition order that can be made in Queensland.

## **Australian Health Practitioner Regulation Agency**

#### **Notifications from AHPRA**

No new notifications (s193 of the Act) relating to possible serious matters were received during the month. No referral requests were made to the Health Ombudsman.

### Number of practitioners referred to AHPRA by practitioner type

Practitioner type	Number
Aboriginal and Torres Strait Islander health	0
Chinese medicine	0
Chiropractic	7
Dental	14
Medical	90
Medical student	0
Medical radiation	2
Nursing and midwifery	28
Nursing student	0
Occupational therapy	1
Optometry	0
Osteopathy	0
Pharmacy	5
Physiotherapy	1
Podiatry	0
Psychology	4
Unregistered practitioner	0
Total	152

## Number of issues referred to AHPRA by practitioner type

Registered practitioner type	Access	Code of conduct for healthcare workers	Communication and information	Consent	Discharge/ transfer arrangements	Environment/ management of facility	Enquiry service	Fees and costs	Grievance process	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/ certificates	Treatment	Total
Aboriginal and Torres Strait Islander health	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Chinese medicine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Chiropractic	-	-	-	-	-	-	-	-	-	-	-	6	-	3	-	-	9
Dental	-	-	1	1	-	-	-	-	-	-	-	1	2	17	-	-	22
Medical	-	-	20	7	-	-	-	-	-	10	21	16	10	79	3	-	166
Medical student	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical radiation	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	2
Nursing and midwifery	-	-	9	-	-	-	-	-	-	5	5	7	12	16	-	-	54
Nursing student	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	1
Occupational therapy	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Optometry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Osteopathy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmacy	-	-	1	-	-	-	-	-	-	-	2	1	3	-	-	-	7
Physiotherapy	-	-	-	-	-	-	-	-	-	1	-	-	-	1	-	-	2
Podiatry	-	-	-	-	-	-	-	-	-	-	-	-		-	-	-	-
Psychology	-	-	-	-	-	-	-	-	-	-	-	2	1	1	-	-	4
Unregistered practitioner	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	31	8	-	-	-	-	-	16	28	36	29	117	3	-	268

The figures above represent the number of issues referred to AHPRA, not the number of practitioners. The referral of a single practitioner may include multiple issues relating to that practitioner, with each issue requiring its own action.

## **Demographics**

The following demographic data is based on matters that have completed the assessment process. Basing figures on completed assessments produces accurate reporting as all relevant details of a matter have been identified.

Unless otherwise specified, data is based on healthcare consumers, not the complainant, as the complainant in a matter may not be the consumer of the health service. Matters where the healthcare consumer is an organisation are not included in these figures.

#### Gender

Gender	Number	Percentage
Female	108	58.70
Male	71	38.59
Unknown	5	2.72
Total	184	100.00

#### Age

Age	Number	Percentage
Less than 18	10	5.43
18–24 years	9	4.89
25–34 years	30	16.30
35–44 years	30	16.30
45–54 years	30	16.30
55–64 years	24	13.04
65–74 years	17	9.24
More than 75 years	25	13.59
Unknown*	9	4.89

<sup>\*</sup>Not recorded or not provided for a particular matter.

### **Location of healthcare consumers**

Location of healthcare consumers	Number	Percentage
Brisbane	75	40.76
Central West	0	0.00
Darling Downs	9	4.89
Far North	9	4.89
Fitzroy	7	3.80
Gold Coast	16	8.70
Mackay	8	4.35
North West	0	0.00
Northern	11	5.98
South West	1	0.54
Sunshine Coast	12	6.52
West Moreton	3	1.63
Wide Bay-Burnett	14	7.61
Outside Queensland	6	3.26
Unknown	13	7.07

The above data is based on health consumer location.

### Location of health service providers

Location of health service providers	Number	Percentage
Brisbane	96	46.60
Central West	0	0.00
Darling Downs	14	6.80
Far North	8	3.88
Fitzroy	7	3.40
Gold Coast	20	9.71
Mackay	5	2.43
North West	2	0.97
Northern	11	5.34
South West	1	0.49
Sunshine Coast	13	6.31
West Moreton	2	0.97
Wide Bay-Burnett	13	6.31
Outside Queensland*	1	0.49
Unknown	13	6.31

The above data is based on health service provider location.

<sup>\*</sup>Health service provider location is taken from the primary address of the provider recorded in the OHO complaints management system. Complaints can be made about health service providers from other states who have provided health services in Queensland. This could include locums travelling to Queensland from interstate or providers who previously lived in Queensland providing services but have since moved interstate—as the OHO can deal with complaints up to two years old.

