

Office of the Health Ombudsman

Performance report July 2020



Office of the
**HEALTH
OMBUDSMAN**

Listen. Respond. Resolve.

Office of the Health Ombudsman—Performance report July 2020

Published by the Office of the Health Ombudsman September 2020



This document is licensed under a Creative Commons Attribution 3.0 Australia licence. You are free to copy, communicate and adapt the work, as long as you attribute the Office of the Health Ombudsman. To view a copy of this licence, visit www.creativecommons.org/licenses/by/3.0/au.

© Office of the Health Ombudsman 2020

For more information contact:

Office of the Health Ombudsman, PO Box 13281 George Street, Brisbane QLD 4003, email communications@oho.qld.gov.au.

An electronic version of this document is available at www.oho.qld.gov.au.

Disclaimer:

The content presented in this publication is distributed by the Office of the Health Ombudsman as an information source only. The Office of the Health Ombudsman makes no statements, representations or warranties about the accuracy, completeness or reliability of any information contained in this publication. The Office of the Health Ombudsman disclaims all responsibility and all liability (including without limitation for liability in negligence) for all expenses, losses, damages and costs you might incur as a result of the information being inaccurate or incomplete in any way, and for any reason reliance was placed on such information.

Table of contents

Introduction	4
Intake of complaints	5
Type of contacts	5
Type of complaints	5
Complaint decisions	6
Health service complaints profile	8
Main issues raised in complaints	8
Profile of complaints about health practitioners	9
Profile of complaints about health service organisations	10
Assessment	12
Assessments started and completed	12
Completed assessment timeframes	12
Assessment decisions	13
Local resolution	14
Local resolutions started and completed	14
Completed local resolutions	14
Decisions for matters that were not resolved	15
Conciliation	16
Conciliations started and closed	16
Agreement to participate in conciliation	16
Completed conciliations	17
Decisions for conciliations that were not successful	18
Open conciliation timeframes	18
Investigation	19
Investigations started and closed	19
Closed investigations	19
Investigation outcomes	20
Open investigations	21
Monitoring investigation recommendations	23
OHO recommendations monitoring	23
Open recommendations monitoring timeframes	23
Director of Proceedings	24
Matters referred to the Director of Proceedings by practitioner type	24
Matters currently with the Director of Proceedings by practitioner type	24
Outcomes of matters reviewed by Director of Proceedings	24

Immediate action	26
Show cause notices	26
Immediate registration actions	26
Interim prohibition orders	26
Monitoring practitioner compliance	27
Practitioner monitoring cases	27
Open monitoring cases	27
Australian Health Practitioner Regulation Agency	30
Notifications from Ahpra	30
Consultation on matters	30
Number of practitioners referred to Ahpra by practitioner type	33
Number of issues referred to Ahpra by practitioner type	34
Demographics of healthcare consumers	35
Gender of healthcare consumers	35
Age of healthcare consumers	35
Location of healthcare consumers	36
Location of health service providers	37

Introduction

This document reports on our performance during July 2020.

As Queensland's health service complaints agency, the Office of the Health Ombudsman (OHO) exists 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.

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

Data in this report is correct as at 7 August 2020, but is subject to change.

Intake of complaints

Type of contacts

Type of contact	Number	Percentage
Complaint	824	73.11
Enquiry	259	22.98
Information*	38	3.37
Yet to be classified	6	0.53
Total	1127	100.00

'Yet to be classified' includes contacts in which not enough information was provided for a determination to be reached—but further information is being sought, or matters that were not able to be finalised prior to the end of the reporting period. Contacts deemed 'yet to be classified' will be allocated as complaints or enquiries once additional information is received and registered as such in the next reporting period.

*The introduction of improved business processes in August 2019 resulted in the addition of 'Information' as a new contact category. The office may receive information from other government entities, for example the Queensland Police Service, relating to health service practitioners. These matters previously would have been classified as either a complaint or enquiry depending on whether further action was required by the office but are now captured as information and decisions about further action are then subsequently made.

Type of complaints

Type of complaints	Number	Percentage
Health consumer complaint	709	86.04
Mandatory notification*	37	4.49
Voluntary notification*	63	7.65
Self-notification*	5	0.61
Referral from another agency	10	1.21
Total	824	100.00

*Notifications are matters raised by health service providers which do not otherwise meet the definition of a health consumer complaint as required under the *Health Practitioner Regulation National Law (Queensland)*.

Complaint decisions

On 1 March 2020, amendments were made to the *Health Ombudsman Act 2013* enabling the office to 'Not accept' a complaint in situations where the Health Ombudsman is satisfied:

- the complaint would be more appropriately dealt with by a different person or organisation; or
- the complainant has not yet sought a resolution with the relevant health service provider and it is reasonable in the circumstances for the complainant to first do so.

As a result of these changes, the table "Accepted vs Not Accepted" has been replaced with the table "Decisions made" included below.

Cases previously categorised as "Not Accepted" are now reported under the category of "Accepted and no further action taken" and relate to the number of decisions to take no further action under s 44 of the Act. This change is to definition only, and no alterations have been made to how these cases are managed by the office.

Decision timeframes—within seven days

Decision made within seven days of receiving a complaint	Number	Percentage
Yes	750	96.15
No	30	3.85
Total	780	100.00

Decisions made

Number of decisions made	Number	Percentage
Accepted and further relevant action taken	446	57.18
Accepted and no further action taken*	150	19.23
Not accepted under s35A**	184	23.59
Total	780	100.00

*These decisions relate to matters in which the Health Ombudsman has decided to take no further action under section 44 of the *Health Ombudsman Act 2013*. Prior to 1 March 2020, this category was reported as "Not Accepted".

**Matters may not be accepted under s35A of the Act where the matter would be more appropriately dealt with by an entity other than the health ombudsman or where the complainant has not yet sought a resolution with the health service provider.

An additional 26 matters were determined to fall outside the jurisdiction of the Act.

Accepted decision outcomes

Type of relevant action taken	Number	Percentage
Assessment	105	22.68
Local resolution	56	12.10
Conciliation	0	0.00
Investigation	1	0.22
Referral to Ahpra and the national boards	197	42.55
Referral to another entity	104	22.46
Referral to legal services	0	0.00
Total	463	100.00

Accepted decisions may result in multiple issues and/or practitioners being identified, each requiring its own action. The data in the above table includes all identified issues/practitioners requiring action that were identified in the accepted complaints where further relevant action was taken (noted in category 'Accepted and further relevant action taken' included the previous 'Decisions made' table).

Health service complaints profile

Main issues raised in complaints

Issue	Number	Percentage
Access	127	9.95
Code of conduct for healthcare workers	14	1.10
Communication/information	136	10.65
Consent	30	2.35
Discharge/transfer arrangements	15	1.17
Environment/management of facilities	56	4.39
Fees/cost	41	3.21
Grievance processes	40	3.13
<i>Health Ombudsman Act 2013 offence</i>	0	0.00
Medical records	42	3.29
Medication	173	13.55
Professional conduct	149	11.67
Professional health	38	2.98
Professional performance	384	30.07
Reports/certificates	32	2.51
Research/teaching/assessment	0	0.00
Total	1277	100.00

These figures are based on issues recorded during the reporting period. A single complaint can contain multiple issues. Reporting on all issues identified in complaints allows comprehensive monitoring of trends, which can in turn inform a range of health complaint management system functions, such as education and information provision.

Profile of complaints about health practitioners

Practitioner type	Number of practitioners identified in complaints*	Number and type of issues** identified in complaints about health practitioners																Total issues identified
		Access	Code of conduct for healthcare workers	Communication and information	Consent	Discharge/transfer arrangements	Environment/management of facility	Fees and costs	Grievance process	Health Ombudsman Act 2013 Offence	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/certificates	Research/Teaching/Assessment	
Aboriginal and Torres Strait Islander health practitioner	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Chinese medicine practitioner	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Chiropractor	3	-	-	-	-	-	-	-	-	-	-	-	3	1	-	-	-	4
Dental practitioner	31	-	-	2	-	-	-	4	3	-	1	-	8	1	22	-	-	41
Medical practitioner	233	5	-	38	9	-	5	12	2	-	14	44	39	11	114	15	-	308
Medical radiation practitioner	2	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	-	2
Midwife	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Nurse	73	-	-	3	-	-	2	-	1	-	4	10	48	20	17	-	-	105
Occupational therapist	2	-	-	1	-	-	-	-	-	-	-	-	-	-	1	-	-	2
Optometrist	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	1
Osteopath	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Paramedic	2	-	-	-	-	-	-	-	-	-	-	-	2	1	-	-	-	3
Pharmacist	7	-	-	4	-	-	1	-	-	-	1	2	3	-	2	-	-	13
Physiotherapist	5	-	-	1	-	-	-	-	-	-	-	-	4	-	1	1	-	7
Podiatrist	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Psychologist	28	-	-	7	2	-	1	2	-	-	4	-	10	4	9	3	-	42
Student practitioner	3	-	1	-	-	-	-	-	-	-	-	-	2	-	-	-	-	3
Unregistered practitioner	14	-	9	1	-	-	-	-	-	-	-	-	6	-	-	1	-	17
Unknown practitioner	31	1	-	4	1	-	-	-	-	-	-	5	5	-	15	2	-	33
Total	436	6	11	61	12	0	9	18	6	0	24	61	132	38	181	24	0	583

* The figures reported in this column are a count of the number of health practitioners identified in complaints during the reporting period. A single complaint may identify more than one health practitioner and/or health service organisation. In circumstances where a health practitioner is identified in relation to multiple complaints, the health practitioner would be counted per complaint. For example, a health practitioner identified in three complaints would be counted three times in this column.

** This data is a count of the number of issues identified within the reporting period. A complaint may also identify more than one issue per health practitioner.

Profile of complaints about health service organisations

Organisation type	Number of facilities identified in complaints*	Number and type of issues** identified in complaints about health service organisations																Total issues identified
		Access	Code of conduct for healthcare workers	Communication and information	Consent	Discharge/transfer arrangements	Environment/management of facility	Fees and costs	Grievance processes	Health Ombudsman Act 2013 Offence	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/certificates	Research/Teaching/Assessment	
Administrative service	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Aged care facility	4	-	-	1	-	1	-	-	-	-	-	1	-	-	2	-	-	5
Allied health service	7	-	-	4	-	-	2	1	1	-	-	1	1	-	2	-	-	12
Ambulance service	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Community health service	5	-	-	4	1	-	2	-	-	-	-	2	-	-	1	-	-	10
Correctional facility	166	80	-	3	-	-	4	-	1	-	-	77	-	-	15	-	-	180
Dental service	19	6	-	-	-	-	2	1	-	-	-	-	1	-	11	-	-	21
Health information service	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Health promotion service	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Hospital and Health Service	4	-	-	2	-	2	1	1	1	-	-	-	-	-	3	-	-	10
Laboratory service	6	-	-	-	-	-	2	2	-	-	-	-	-	-	1	1	-	6
Licensed private hospital	16	2	-	3	2	1	2	3	3	-	-	-	1	-	7	1	-	25
Medical centre	54	6	-	10	-	-	10	8	4	-	9	3	3	-	8	2	-	63
Mental health service	37	2	-	9	8	-	4	1	-	-	1	5	4	-	9	1	-	44
Nursing service	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Optical Store	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Other government department	4	1	-	-	-	-	-	-	2	-	-	-	-	-	1	-	-	4
Other support service	4	1	-	1	-	-	-	1	-	-	-	-	-	-	1	-	-	4
Paramedical service	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Pharmaceutical service	9	1	-	2	-	-	-	1	-	-	-	5	2	-	-	-	-	11
Private organisation	4	-	2	1	-	-	-	1	1	-	-	-	-	-	-	-	-	5
Public health service	15	-	-	1	-	1	1	-	1	-	-	2	-	-	14	1	-	21

Public hospital	167	20	1	29	6	10	13	-	18	-	8	15	4	-	120	2	-	246
Residential care service	2	-	-	2	-	-	1	-	-	-	-	-	-	-	1	-	-	4
Specialised health service	8	1	-	2	-	-	2	3	2	-	-	-	-	-	1	-	-	11
Licensed day hospital	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Welfare service	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Unknown organisation	9	1	-	1	1	-	1	-	-	-	-	1	1	-	5	-	-	11
Total	541	121	3	75	18	15	47	23	34	0	18	112	17	0	203	8	0	694

* The figures reported in this column are a count of the number of health service organisations identified in complaints during the reporting period. A single complaint may identify more than one health practitioner and/or health service organisation. In circumstances where a health service organisation is identified in relation to multiple complaints, the health service organisation would be counted per complaint. For example, a health service organisation identified in three complaints would be counted three times in this column.

** This data is a count of the number of issues identified within the reporting period. A complaint may also identify more than one issue per health service organisation.

Assessment

Assessments started and completed

Assessments this month	Number
Assessments started	118
Assessments completed	119

Completed assessment timeframes

Of the 119 assessments finalised in July, 108 were completed within 30 days or 60 days with an approved extension, representing a finalisation rate within statutory timeframes of 90.76 per cent.

Owing to the COVID-19 pandemic we made some changes to the way we managed some complaints to ensure that the office's action did not cause the unnecessary diversion of health service providers' resources away from responding to the pandemic or any unnecessary disruption to the provision of critical health services during that time. Where the complaint about a hospital, health service or organisation raised potential health and safety issues but did not indicate there was an ongoing risk that required more immediate attention, then these matters paused in the assessment stage and not progressed until health services returned to a more normal state. This impacted on the performance against assessment timeframes during July. We have now returned to a business-as-usual approach to complaint management.

Of the 52 assessments completed within 60 days, all were approved for extension.

Assessment timeframes	Number	Percentage
Completed within 30 days	56	47.06
Completed within 60 days*	52	43.69
Completed in more than 60 days	11	9.24
Total	119	100.00

*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	0	0.00
Conciliation	6	4.84
Investigation	5	4.03
Referred to Ahpra and the national boards	21	16.94
Referral to another entity	10	8.06
No further action	82	66.13
Total	124	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.

Local resolution

Local resolutions started and completed

Local resolutions this month	Number
Local resolutions started	63
Local resolutions completed	80

Completed local resolutions

Timeframes

Of the 80 local resolutions finalised in July, 77 were completed within 30 days or 60 days with an approved extension, representing a finalisation rate within statutory timeframes of 96.25 per cent.

Local resolution timeframes	Number	Percentage
Completed within 30 days	66	82.50
Completed within 60 days*	14	17.50
Completed in more than 60 days	0	0.00
Total	80	100.00

*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. An extension may be granted in cases where either; an outcome could not be reached due to the time taken to obtain information under notice, or where resolution was not achieved in 30 days and there is a reasonable belief resolution may be achieved with an extension of time. In considering a request for extension, consideration must also be given to the actual management of the case; for example, in cases where the management of the case was delayed due to factors such as the Christmas closure period, an extension may not be approved.

Outcomes

Local resolution outcomes	Number	Percentage
Resolved	70	87.50
Not resolved	7	8.75
Complaint withdrawn*	3	3.75
Local resolution did not commence**	0	0.00
Total	80	100.00

*Complainants can choose to withdraw their complaint at any stage during local resolution.

**A local resolution may not commence where the complaint is resolved directly with the health care provider prior to the commencement of the process.

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
Referral to Ahpra and the national boards	0	0.00
Referral to another entity	0	0.00
No further action	7	100.00
Total	7	100.00

Conciliation

Conciliations started and closed

Conciliations this month	Number
Conciliations open at the start of the month	34
Conciliations started	10
Conciliations closed	3

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
Parties agreed to conciliation	13
Party/ies did not agree to conciliation	1
Decision pending at end of month	9

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 conciliations

Timeframes

Completed conciliation timeframes	Number	Percentage
Less than 3 months	0	0.00
3–6 months	0	0.00
6–9 months	1	50.00
9–12 months	0	0.00
More than 12 months	1	50.00
Total	2	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 on page 16—as they only relate to matters where parties agreed to participate and the conciliation process was completed.

Outcomes

Conciliation outcomes	Number	Percentage
Successful	1	50.00
Not successful	1	50.00
Ended by Health Ombudsman	0	0.00
Total	2	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 table on page 16—in that they 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
Referral to Ahpra and the national boards	0	0.00
Referral to another entity	0	0.00
No further action	1	100.00
Total	1	100.00

Open conciliation timeframes

Open conciliation timeframes	Number	Percentage
Less than 3 months	21	51.22
3–6 months	3	7.32
6–9 months	7	17.07
9–12 months	3	7.32
More than 12 months	7	17.07
Total	41	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. To allow for continued transparency in the timeliness of conciliation processes, open conciliation timeframes include the time in which a matter was on hold whilst another process was finalised.

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

To allow for continued transparency in the timeliness of conciliation processes, open conciliation timeframes include the time in which a matter was on hold whilst another process was finalised.

Investigation

Investigations started and closed

Investigations this month	Number
Investigations open at the beginning of the month	135
Investigations started	10
Investigations closed	9
Investigations amalgamated under s40(2)	1
Investigations separated under s40(2)	0

Closed investigations

Timeframes

Of the 9 investigations , 55.56 per cent were closed within twelve months of commencement.

Closed investigation timeframes	Number	Percentage
Less than 3 months	1	11.11
3–6 months	0	0.00
6–9 months	1	11.11
9–12 months	3	33.33
12–24 months	4	44.44
More than 2 years	0	0.00
Total	9	100.00

Investigation outcomes

Outcome	Number	Percentage
Recommended for referral to Director of Proceedings*	5	55.56
Recommended that the Health Ombudsman issue a Permanent Prohibition Order	1	11.11
Referred to Ahpra	1	11.11
Referred to another agency	0	0.00
No further action	2	22.22
Conciliation	0	0.00
Total	9	100.00

Total investigation outcomes may not equal the total number of investigations completed (in previous tables) as a single investigation may result in multiple outcomes. In certain circumstances it may also be appropriate for the office to take action prior to the investigation being completed. For example, a matter of criminal conduct identified in the course of an investigation being referred to the Queensland Police Service.

*Matters determined suitable for referral to the Director of Proceedings at the conclusion of an investigation are sent to the Health Ombudsman for consideration and determination on whether referral to the Director of Proceedings is appropriate.

Open investigations

Open investigations consist of two categories—active investigations and paused investigations.

Active investigations are being currently investigated by the office, while paused investigations are not able to be investigated by the office until such time as another agency—such as the Queensland Police Service or the Office of the State Coroner—concludes their own processes. Despite the office being unable to progress paused investigations, they are still considered to be open investigations.

Active investigation timeframes

Active investigation timeframes	Number	Percentage
Less than 3 months	17	17.35
3–6 months	23	23.47
6–9 months	17	17.35
9–12 months	9	9.18
12–24 months*	24	24.49
More than 2 years*	8	8.16
Total	98	100.00

* All investigations that have been open for more than 12 months are published on the investigations register on the OHO website.

Paused investigation timeframes

Paused investigation timeframes	Number	Percentage
Less than 3 months	1	2.70
3–6 months	9	24.32
6–9 months	5	13.51
9–12 months	5	13.51
12–24 months	10	27.03
More than 2 years	7	18.92
Total	37	100.00

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 section 92 of the *Health Ombudsman Act 2013*). As a result, investigation of these matters will be put on pause until the external agency finalises its processes.

Total open investigation timeframes

Total open investigation timeframes	Number	Percentage
Less than 3 months	18	13.33
3–6 months	32	23.70
6–9 months	22	16.30
9–12 months	14	10.37
12–24 months	34	25.19
More than 2 years	15	11.11
Total	135	100.00

Total open investigation categories

Type of investigation	Number
Health service complaint	83
Systemic issue	3
Ministerial directed investigation	0
Another matter	46
s105 matters	3
Total	135

Monitoring investigation recommendations

At the completion of certain investigations, the Health Ombudsman makes recommendations to health services for how they can improve service delivery and/or prevent the issues identified in the investigation from happening again. In these instances, the OHO puts in place a recommendations monitoring program to track the implementation of the recommendations.

OHO recommendations monitoring

Cases this month	Number
Cases open at the beginning of the month	1
Recommendations monitoring cases started	0
Recommendations monitoring cases closed	0

Open recommendations monitoring timeframes

Open case timeframes	Number	Percentage
Less than 6 months	0	0.00
6–12 months	0	0.00
More than 12 months	1	100.00
Total	1	100.00

Director of Proceedings

Matters referred to the Director of Proceedings by practitioner type

Practitioner type	Number	Percentage
Medical practitioner	2	40.00
Pharmacist	1	20.00
Registered nurse	2	40.00
Total	5	100.00

Matters currently with the Director of Proceedings by practitioner type

Practitioner type	Number	Percentage
Chinese medicine practitioner	1	2.27
Medical practitioner	31	70.45
Pharmacist	2	4.55
Psychologist	1	2.27
Registered nurse	9	20.45
Total	44¹	100.00

¹One additional matter was filed in QCAT in a previous month, but was not recorded until July.

These are matters that have been referred to the Director of Proceedings but have not been filed in QCAT or referred back to the Health Ombudsman. This includes matters where there has been a decision to refer the matter to QCAT, but no referral has been filed QCAT at this stage.

Outcomes of matters reviewed by Director of Proceedings

Matters filed in in the Queensland Civil and Administrative Tribunal

Practitioner type	Number	Percentage
Medical practitioner	1	50.00
Registered nurse	1	50.00
Total	2	100.00

Matters to be referred back to the Health Ombudsman

Practitioner type	Number	Percentage
Medical practitioner	1	100.00
Total	1	100.00

Immediate action

The *Health Ombudsman Act 2013* allows for immediate action to be taken against a registered or unregistered health practitioner if the Health Ombudsman reasonably believes:

- that a practitioner's health, conduct or performance poses a serious risk to the health and safety of the public

or

- that action is in the public interest.

Show cause notices

In July one show cause notice was issued to an unregistered health service educator.

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 actions

No immediate actions were issued in July.

Interim prohibition orders

Practitioner type	Number	Action taken	Reasons/s for taking action*	
			Public Interest	Serious Risk
Holding Out as Dental Practitioner	1	Prohibition		✓
Aged Health Care Worker	1	Restrictions		✓

Monitoring practitioner compliance

When the Health Ombudsman takes immediate action against a health practitioner, the office monitors the practitioner's compliance with the conditions of the order.

For interim prohibition orders, this means monitoring compliance with the restriction(s) on or prohibition of service. For immediate registration actions, this means monitoring compliance with condition(s) on or suspension of a practitioner's registration.

The Health Ombudsman may take immediate action against a single practitioner with both immediate registration action and an interim prohibition order. This can occur, for example, in instances where there is a risk that a registered practitioner may also practice in an unregistered capacity.

Practitioner monitoring cases

Cases this month	Number
Cases open at the beginning of the month	142
Practitioner monitoring cases started	2
Practitioner monitoring cases closed	3

Open monitoring cases

Timeframes

Open case timeframes	Number	Percentage
Less than 6 months	37	26.24
6–12 months	30	21.28
More than 12 months	74	52.48
Total	141	100.00

Immediate action types

Open cases by immediate action type	Number	Percentage
Interim prohibition order – restrictions	17	12.06
Interim prohibition order – prohibited	37	26.24
Immediate registration action - conditions	47	33.33
Immediate registration action - suspension	22	15.60
QCAT disciplinary decision	16	11.35

Open cases by immediate action type	Number	Percentage
QCAT interim decision	1	0.71
Permanent prohibition order	1	0.71
Total	141	100.00

Registered practitioners being monitored by practitioner type

Open cases by practitioner type	Number	Percentage
Aboriginal and Torres Strait Islander health worker	0	0.00
Chinese medicine practitioner	3	4.05
Chiropractor	0	0.00
Dental practitioner	4	5.41
Medical practitioner	35	47.30
Medical radiation practitioner	0	0.00
Nursing and midwifery practitioner	23	31.08
Occupational therapist	0	0.00
Optometrist	0	0.00
Osteopath	1	1.35
Paramedic	2	2.70
Pharmacist	0	0.00
Physiotherapist	4	5.41
Podiatrist	0	0.00
Psychologist	2	2.70
Total	74	100.00

These figures are based on the number of individual registered practitioners being monitored by the OHO during the reporting period. As a single practitioner may be monitored in relation to more than one immediate action, these figures may not match the total number of open monitoring cases.

Unregistered practitioners being monitored by type

Open cases by practitioner type	Number	Percentage
Aboriginal and Torres strait islander health worker	1	1.61
Aged care health worker	6	9.68
Assistant in nursing	7	11.29
Cosmetic therapist	1	1.61
Counsellor	2	3.23
Disability support worker	2	3.23
Former registered health practitioner	10	16.13
Health support worker	1	1.61
Holding out*	4	6.45
Kinesiologist	2	3.23
Massage therapist	15	24.19
Medical assistant	2	3.23
Natural therapist	1	1.61
Naturopath	1	1.61
Personal carer	1	1.61
Social worker	1	1.61
Student practitioner	1	1.61
Unregistered paramedic**	4	6.45
Total	62	100.00

*The titles of certain registered health professions are protected under the National Law. Anyone who uses a protected title (e.g. doctor), without being registered for that profession, are classified as 'holding out'.

**In November 2018 paramedicine became a regulated profession under the National Registration and Accreditation Scheme. The practitioners listed in this table were working as paramedics prior to the regulation of the profession and are therefore listed as unregistered.

These figures are based on the number of individual unregistered practitioners being monitored by the OHO during the reporting period. As a single practitioner may be monitored in relation to more than one immediate action, these figures may not match the total number of open monitoring cases.

Australian Health Practitioner Regulation Agency

Notifications from Ahpra

No new notifications and no new requests (s193 of the Act) relating to possible serious matters were received in July.

Consultation on matters

The office consults with Ahpra on matters that are considered to be appropriate for Ahpra to manage. For matters that we are considering referring to Ahpra under section 91 of the *Health Ombudsman Act 2013*, we provide Ahpra with all necessary information in order for Ahpra to form a view as to whether they need to discuss or accept and progress the referral.

Consultation matters	Number
Matters consulted on*	281
Matters referred	269
Matters retained by the office**	3
Decision pending	26

*The number of matters consulted on may not equal the total number of matters referred, withdrawn and pending as a matter may have commenced consultation prior to the start of the reporting period.

**Under certain circumstances additional information may be received in the course of consultation resulting in the office retaining carriage of the matter and/or taking other relevant action.

Relevant action proposing referral

Relevant action	Number	Percentage
Intake and triage	228	81.14
Assessment	50	17.79
Conciliation	0	0.00
Local resolution	0	0.00
Internal review	0	0.00
Investigations	1	0.36
Director of Proceedings	2	0.71
Total	281	100.00

Age of matters on commencement of consultation

In order to prevent duplication of work, we aim to ensure that matters are referred to Ahpra as early as possible in the complaint management process.

Due to the type of matters in which investigation or conciliation is deemed appropriate, and the more time intensive nature of these processes, these matters are usually older when consultation commences.

Relevant action	0–7 days	8–14 days	15–30 days	31–60 days	More than 60 days
Intake and triage	227	1	0	0	0
Assessment	1	4	21	14	10
Local resolution	0	0	0	0	0
Conciliation	0	0	0	0	0
Internal review	0	0	0	0	0
Investigation	0	0	0	0	1
Director of Proceedings	0	0	0	0	2
Total	228	5	21	14	13

'Age of matters' is calculated from the date on which a matter was accepted by the office.

Consultation duration

Consultation duration	Number	Percentage
0–3 days	177	62.99
4–7 days	100	35.59
8–11 days	4	1.42
More than 12 days	0	0.00
Total	281	100.00

Number of practitioners referred to Ahpra by practitioner type

Practitioner type	Number	Percentage
Aboriginal and Torres Strait Islander health practitioner	0	0.00
Chinese medicine practitioner	0	0.00
Chiropractor	3	1.12
Dental practitioner	24	8.92
Medical practitioner	145	53.90
Medical radiation practitioner	1	0.37
Nursing and midwifery practitioner	60	22.30
Occupational therapist	1	0.37
Optometrist	1	0.37
Osteopath	0	0.00
Paramedic	2	0.74
Pharmacist	4	1.49
Physiotherapist	6	2.23
Podiatrist	1	0.37
Psychologist	19	7.06
Student practitioner	2	0.74
Total	269	100.00

Number of issues referred to Ahpra by practitioner type

Registered practitioner type	Access	Communication and information	Consent	Discharge/ transfer arrangements	Environment/ management of facility	Fees and costs	Grievance process	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/ certificates	Total
Aboriginal and Torres Strait Islander health practitioner	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Chinese medicine practitioner	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Chiropractor	-	-	-	-	-	-	-	-	-	3	1	-	-	4
Dental practitioner	-	-	-	-	-	2	1	1	-	8	1	18	-	31
Medical practitioner	2	27	6	-	3	4	-	7	36	21	11	88	9	214
Medical radiation practitioner	-	-	-	-	-	-	-	-	-	2	-	-	-	2
Nursing and midwifery practitioner	-	-	-	-	-	-	1	3	9	34	18	12	-	77
Occupational therapist	-	-	-	-	-	-	-	-	-	-	-	1	-	1
Optometrist	-	-	-	-	-	-	-	-	-	-	-	-	1	1
Osteopath	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Paramedic	-	-	-	-	-	-	-	-	-	1	1	-	-	2
Pharmacist	-	1	-	-	-	-	-	1	2	1	1	-	-	6
Physiotherapist	-	1	-	-	-	-	-	-	-	5	-	1	1	8
Podiatrist	-	-	-	-	-	-	-	-	-	1	1	-	-	2
Psychologist	-	2	2	-	1	1	-	3	-	10	5	9	2	35
Student practitioner	-	-	-	-	-	-	-	-	-	1	1	-	-	2
Total	2	31	8	0	4	7	2	15	47	87	40	129	13	385

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 of healthcare consumers

Gender of healthcare consumers

Gender	Number	Percentage
Female	358	45.55
Male	405	51.53
Prefer not to specify	11	1.40
Unknown*	12	1.53
Total	786	100.00

*Not recorded or not provided for a particular matter.

Age of healthcare consumers

Age	Number	Percentage
Less than 18 years	49	6.23
18–24 years	48	6.11
25–34 years	148	18.83
35–44 years	168	21.37
45–54 years	120	15.27
55–64 years	93	11.83
65–74 years	53	6.74
More than 75 years	45	5.73
Unknown*	62	7.89
Total	786	100.00

*Not recorded or not provided for a particular matter.

Location of healthcare consumers

Location of healthcare consumers	Number	Percentage
Brisbane	360	45.80
Central West	0	0.00
Darling Downs	23	2.93
Far North	39	4.96
Fitzroy	26	3.31
Gold Coast	70	8.91
Mackay	20	2.54
North West	1	0.13
Northern	35	4.45
South West	3	0.38
Sunshine Coast	35	4.45
West Moreton	31	3.94
Wide Bay–Burnett	56	7.12
Outside Queensland	27	3.44
Unknown*	60	7.63
Total	786	100.00

*Not recorded or not provided for a particular matter.

Location of health service providers

Location of health service providers	Number	Percentage
Brisbane	435	49.89
Central West	0	0.00
Darling Downs	27	3.10
Far North	41	4.70
Fitzroy	23	2.64
Gold Coast	84	9.63
Mackay	18	2.06
North West	2	0.23
Northern	41	4.70
South West	4	0.46
Sunshine Coast	48	5.50
West Moreton	20	2.29
Wide Bay-Burnett	53	6.08
Outside Queensland*	12	1.38
Unknown**	64	7.34
Total	872	100.00

*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.

**Not recorded or not provided for a particular matter.



Office of the
**HEALTH
OMBUDSMAN**

Listen. Respond. Resolve.

133 OHO (133 646)
www.oho.qld.gov.au