

# Office of the Health Ombudsman

Performance report October 2017



Office of the  
**HEALTH  
OMBUDSMAN**

*Listen. Respond. Resolve.*

## Office of the Health Ombudsman—Performance report October 2017

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## Introduction

This document reports on our performance during October 2017.

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 9 November 2017, but is subject to change.

# Intake of complaints

## Type of contacts

Type of contact	Number	Percentage
Complaint	565	60.43
Enquiry	367	39.25
Yet to be classified*	3	0.32
<b>Total</b>	<b>935</b>	<b>100.00</b>

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

## Type of complaints

Type of complaints	Number	Percentage
Health consumer complaint	470	83.19
Mandatory notification*	23	4.07
Voluntary notification*	65	11.50
Self-notification*	4	0.71
Referral from another agency	3	0.53
<b>Total</b>	<b>565</b>	<b>100.00</b>

\*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

### Decision timeframes—within seven days

Decision made within seven days of receiving a complaint	Number	Percentage
Yes	387	78.82
No	104	21.18
<b>Total</b>	<b>491</b>	<b>100.00</b>

### Accepted vs not accepted

Number of decisions made	Number	Percentage
Accepted	350	61.08
Not accepted*	141	24.61
Decision pending**	82	14.31
<b>Total</b>	<b>573</b>	<b>100.00</b>

\*'Not accepted' decisions relate to complaints in which the Health Ombudsman has decided to take no further action under section 44 of the *Health Ombudsman Act 2013*.

\*\*'Decision pending' relates to matters where more information is required before a decision on whether to accept or not accept can be made, or because the matter came in just before the end of the reporting period and is still being processed.

An additional 38 matters were determined by the office to fall outside the jurisdiction of the Act, and therefore have been excluded from the 'Decision timeframes—within seven days' and 'Accepted vs not accepted' tables.

## Accepted decision outcomes

Type of relevant action	Number	Percentage
Assessment	139	38.29
Local resolution	84	23.14
Conciliation	0	0.00
Investigation	4	1.10
Referred to AHPRA and the national boards	136	37.47
Referred to another entity*	0	0.00
Immediate registration action	0	0.00
Interim prohibition order	0	0.00
<b>Total</b>	<b>363</b>	<b>100.00</b>

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 issues/practitioners requiring action that were identified in accepted complaints (noted in the previous 'Accepted vs not accepted' table).

\*All matters referred to other state or federal government entities undergo an assessment and consultation process prior to the referral being made. As such, these matters will appear in the 'Assessment decisions' table on page 12.



# Health service complaints profile

## Main issues raised in complaints

Issue	Number	Percentage
Access	38	5.22
Code of conduct for healthcare workers	7	0.96
Communication/information	98	13.46
Consent	7	0.96
Discharge/transfer arrangements	13	1.79
Environment/management of facilities	16	2.20
Enquiry service	0	0.00
Fees/cost	15	2.06
Grievance processes	14	1.92
Medical records	18	2.47
Medication	89	12.23
Professional conduct	85	11.68
Professional health	24	3.30
Professional performance	302	41.48
Reports/certificates	2	0.27
Research/teaching/assessment	0	0.00
<b>Total</b>	<b>728</b>	<b>100.00</b>

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.

## Number and type of issues identified in complaints by health practitioner

Practitioner type	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	Total
Alternative care	-	1	1	-	-	-	-	-	-	-	-	1	-	-	-	-	3
Chinese medicine	-	-	1	-	-	-	-	-	-	-	-	1	-	-	-	-	2
Chiropractor	-	-	-	-	-	-	-	-	-	-	-	1	-	1	-	-	2
Dentistry	2	-	2	1	-	-	-	-	-	2	-	3	1	23	-	-	34
Emergency care	-	2	2	-	-	-	-	-	-	1	-	-	-	8	-	-	13
General medical	6	-	19	3	2	-	5	1	-	5	22	23	8	64	1	-	159
Medical radiation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Medical specialty	-	-	2	-	-	-	-	-	-	-	1	2	-	14	1	-	20
Nursing	-	-	3	-	1	-	-	-	-	3	3	14	2	17	-	-	43
Occupational therapy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Optometry	-	-	1	-	-	-	-	-	-	-	-	4	-	1	-	-	6
Osteopathy	1	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	2
Other	-	3	1	-	-	2	-	-	-	-	-	16	11	2	-	-	35
Pathology service	-	-	-	-	-	-	-	-	-	-	-	-	-	5	-	-	5
Pharmacy	-	-	-	-	-	-	-	-	-	1	8	7	1	1	-	-	18
Physiotherapy	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	2
Podiatry	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Psychology	-	-	5	-	-	-	-	-	-	-	-	4	1	4	-	-	14
Speech pathology	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Surgical	1	-	4	2	-	-	1	-	-	-	-	2	-	15	-	-	25
<b>Total</b>	<b>10</b>	<b>6</b>	<b>41</b>	<b>6</b>	<b>3</b>	<b>2</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>12</b>	<b>34</b>	<b>81</b>	<b>24</b>	<b>156</b>	<b>2</b>	<b>0</b>	<b>384</b>

These figures are based on issues recorded during the reporting period. A single complaint can contain multiple issues.

## Number and type of issues identified in complaints by health service organisation

Organisation type	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	Total
Administrative service	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	1
Aged care facility	-	-	3	-	-	1	-	-	-	1	1	1	-	6	-	-	13
Allied health service	-	-	1	-	-	-	1	-	-	-	-	-	-	-	-	-	2
Ambulance service	-	-	-	-	-	-	1	-	-	-	-	-	-	1	-	-	2
Correctional facility	14	-	5	-	-	1	-	-	-	-	36	-	-	30	-	-	86
Dental service	1	-	2	-	-	-	-	1	-	1	-	-	-	6	-	-	11
Health promotion service	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Hospital and health service	-	-	-	-	1	-	1	-	-	-	-	-	-	1	-	-	3
Licensed private hospital	1	-	4	-	1	2	1	3	-	-	2	-	-	8	-	-	22
Medical centre	6	-	10	1	-	3	2	-	-	2	1	1	-	3	-	-	29
Mental health service	1	-	2	-	1	-	-	-	-	-	4	-	-	5	-	-	13
Nursing service	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Other support service	-	-	4	-	-	-	-	-	-	-	1	-	-	1	-	-	6
Pharmaceutical service	-	-	-	-	-	-	1	-	-	-	3	-	-	1	-	-	5
Private organisation	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Public health service	-	-	2	-	-	-	-	-	-	-	-	-	-	2	-	-	4
Public hospital	4	-	24	-	7	7	2	8	-	1	5	-	-	78	-	-	136
Residential care service	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Specialised health service	-	-	-	-	-	-	-	1	-	-	2	1	-	3	-	-	7
<b>Total</b>	<b>28</b>	<b>1</b>	<b>57</b>	<b>1</b>	<b>10</b>	<b>14</b>	<b>9</b>	<b>13</b>	<b>0</b>	<b>6</b>	<b>55</b>	<b>4</b>	<b>0</b>	<b>146</b>	<b>0</b>	<b>0</b>	<b>344</b>

These figures are based on issues recorded during the reporting period. A single complaint can contain multiple issues.

# Assessment

## Assessments started and completed

Assessments this month	Number
Assessments started	162
Assessments completed	153

The number of assessments started in the month may not directly match the number of decisions to undertake assessment in the 'Accepted decision outcomes' table on page 7 due to the time between a decision being made and an action taken crossing over different reporting periods.

## Completed assessment timeframes

Of the 153 assessments finalised in October, 96 were completed within 30 days or 60 days with an approved extension, representing a finalisation rate within statutory timeframes of 62.75 per cent.

Of the 40 assessments completed within 60 days, 27 matters were approved for extension.

The 44 matters completed outside of 60 days were due to the complexity of many of the matters in assessment, and delays in receiving information from parties or in obtaining the necessary independent clinical advice required to appropriately assess the matters.

Assessment timeframes	Number	Percentage
Completed within 30 days	69	45.09
Completed within 60 days*	40	26.14
Completed in more than 60 days	44	28.76
<b>Total</b>	<b>153</b>	<b>100.00</b>

\*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	2	1.23
Conciliation	5	3.09
Investigation	6	3.70
Referred to AHPRA and the national boards	24	14.81
Referred to another entity	35	21.60
Immediate registration action*	0	0.00
Interim prohibition order*	0	0.00
No further action	90	55.56
<b>Total</b>	<b>162</b>	<b>100.00</b>

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) 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	90
Local resolutions completed	96

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 resolutions

### Timeframes

Of the 96 assessments finalised in October, 93 were completed within 30 days or 60 days with an approved extension, representing a finalisation rate within statutory timeframes of 96.88 per cent.

Of the 13 local resolution matters completed within 60 days, 12 were approved for extension.

We strive to finalise all matters within legislated timeframes, however, some take longer than others due to factors outside of our control, such as delays in receiving information and responses from individual parties.

Local resolution timeframes	Number	Percentage
Completed within 30 days	81	84.38
Completed within 60 days*	13	13.54
Completed in more than 60 days	2	2.08
<b>Total</b>	<b>96</b>	<b>100.00</b>

\*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.

## Outcomes

Local resolution outcomes	Number	Percentage
Resolved	80	83.33
Not resolved	9	9.38
Complaint withdrawn*	7	7.29
<b>Total</b>	<b>96</b>	<b>100.00</b>

\*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	1	9.09
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	10	90.91
<b>Total</b>	<b>11</b>	<b>100.00</b>

# Conciliation

## Conciliations started and closed

Conciliations this month	Number
Conciliations open at the start of the month	65
Conciliations started	4
Conciliations closed	16

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	9
Party/ies did not agree to conciliation	9
Decision pending at end of month	16

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	6	85.71
6–9 months	1	14.29
9–12 months	0	0.00
More than 12 months	0	0.00
<b>Total</b>	<b>7</b>	<b>100.00</b>

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 15—as they only relate to matters where parties agreed to participate and the conciliation process was completed.

### Outcomes

Conciliation outcomes	Number	Percentage
Successful	6	85.71
Not successful	1	14.29
Ended by Health Ombudsman	0	0.00
<b>Total</b>	<b>7</b>	<b>100.00</b>

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 15—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
Referred to AHPRA and the national boards	0	0.00
Referred to another entity	0	0.00
Immediate action	0	0.00
No further action	1	100.00
<b>Total</b>	<b>1</b>	<b>100.00</b>

## Open conciliation timeframes

Open conciliation timeframes	Number	Percentage
Less than 3 months	20	37.74
3–6 months	14	26.42
6–9 months	8	15.09
9–12 months	4	7.55
More than 12 months	7	13.21
<b>Total</b>	<b>53</b>	<b>100.00</b>

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

In October 2017 improvements to systems and processes were made to allow multiple investigations about health service providers which involve similar allegations to be combined and dealt with together under s40(2) of the *Health Ombudsman Act 2013*. This approach will ensure greater efficiency, transparency and accountability in dealing with health service complaints. As a result of this, the number of open investigations reported on page 21 has decreased significantly when compared to previously reported performance data.

To allow for continued transparency in the timeliness of investigation processes, where an investigation involves more than one complaint or other matters, timeframes are calculated from the oldest decision to investigate date.

This update is an example of our commitment to continual improvement as we mature as an agency and the importance we place on transparent, robust data.

### Investigations started and closed

Investigations this month	Number
Investigations open at the beginning of the month	357*
Investigations started	13
Investigations closed	44
Investigations amalgamated under s40(2)	73**

\*An additional four open investigations were not included in September's monthly report due to an investigation decision being recorded after the close of the reporting period.

\*\*An additional three investigations were amalgamated under s40(2) and were subsequently closed, and therefore are not included in the amalgamations listed in the table above.

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).

## Closed investigations

### Timeframes

Closed investigation timeframes	Number	Percentage
Less than 3 months	2	4.55
3–6 months	2	4.55
6–9 months	3	6.82
9–12 months	7	15.91
12–24 months	19	43.18
More than 2 years	11	25.00
<b>Total</b>	<b>44</b>	<b>100.00</b>

### Outcomes

Closed investigation outcomes	Number	Percentage
Recommended for referral to Director of Proceedings*	26	56.52
Referred to AHPRA	11	23.91
Referred to another agency	2	4.35
Referred to legal services**	7	15.22
No further action	0	0.00
<b>Total</b>	<b>46</b>	<b>100.00</b>

\*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.

\*\*These matters are referred to the Executive Director, Legal Services division within the office for consideration as to whether there is evidence of a breach of the Act that constitutes an offence that should be prosecuted in the courts. These matters differ to those referred to the Director of Proceedings, which require an independent determination of whether the matter should be put before the Queensland Civil and Administrative Tribunal.

## Open investigations

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

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

Where a matter is referred under section 193A(4) of the *Health Practitioner Regulation National Law (Queensland)*, the OHO calculates timeframes inclusive of any period in which the investigation was open with the Australian Health Practitioner Regulation Agency (AHPRA), to provide transparency of the complete length of an investigation.

### Active investigation timeframes

Active investigation timeframes	Number	Percentage
Less than 3 months	40	18.43
3–6 months	28	12.90
6–9 months	20	9.22
9–12 months	30	13.82
12–24 months*	63	29.03
More than 2 years*	36	16.59
<b>Total</b>	<b>217</b>	<b>100.00</b>

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

## Paused investigation timeframes

Paused investigation timeframes	Number	Percentage
Less than 3 months	4	10.81
3–6 months	5	13.51
6–9 months	3	8.11
9–12 months	5	13.51
12–24 months*	18	48.65
More than 2 years*	2	5.41
<b>Total</b>	<b>37</b>	<b>100.00</b>

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*). 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.

## Total open investigation timeframes

Total open investigation timeframes	Number	Percentage
Less than 3 months	44	17.32
3–6 months	33	12.99
6–9 months	23	9.06
9–12 months	35	13.78
12–24 months*	81	31.89
More than 2 years*	38	14.96
<b>Total</b>	<b>254</b>	<b>100.00</b>

## Total open investigation categories

Type of investigation	Number
Health service complaint	160
Systemic issue	26
Another matter*	66
Matters identified for further investigation**	2
<b>Total</b>	<b>254</b>

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

\*\*Matters referred for further investigation by the Health Ombudsman under s105 of the Act following referral to Director of Proceedings

## Monitoring investigation recommendations

We monitor the implementation of recommendations made as an outcome of two types of investigation processes—recommendations made as a result of an investigation completed by our office and recommendations made as a result of an investigation completed by a health service provider.

### OHO recommendations monitoring

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, we put in place a recommendations monitoring program to track the implementation of the recommendations.

#### Monitoring cases started and closed

OHO monitoring cases	Number
Cases open at the beginning of the month	4
Recommendations monitoring cases started	0
Recommendations monitoring cases closed	0

### Health service provider recommendations monitoring

A health service provider may also conduct its own investigation, or engage another entity to conduct an independent investigation, resulting in recommendations for improvement. The Health Ombudsman may decide to monitor the implementation of these recommendations.

#### Monitoring cases started and closed

Health service provider monitoring cases	Number
Cases open at the beginning of the month	2
Recommendations monitoring cases started	0
Recommendations monitoring cases closed	0

### Open recommendations monitoring case timeframes

Monitoring case timeframes*	Number	Percentage
Less than 6 months	2	33.33
6–12 months	2	33.33
More than 12 months	2	33.33
<b>Total</b>	<b>6</b>	<b>100.00</b>

\*Open recommendations monitoring cases include both those resulting from recommendations by the Health Ombudsman, and those resulting from an investigation conducted by a health service provider.



# Director of Proceedings

## Matters referred to the Director of Proceedings by practitioner type

Practitioner type	Number	Percentage
Medical practitioner	10	41.67
Psychologist	3	12.50
Registered nurse	3	12.50
Pharmacist	3	12.50
Dentist	1	4.17
Chinese medical practitioner	1	4.17
Advanced care paramedic	1	4.17
Massage therapist	1	4.17
Holding out as a registered nurse	1	4.17
<b>Total</b>	<b>24</b>	<b>100.00</b>

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. As a result, these figures will differ from 'closed investigation outcomes' figures.

## Matters currently with the Director of Proceedings by practitioner type

Practitioner type	Number	Percentage
Medical practitioner	35	37.23
Registered nurse*	25	26.60
Massage therapist	5	5.32
Dentist	5	5.32
Psychologist	7	7.45
Pharmacist	6	6.38
Unregistered former chiropractor	2	2.13
Advanced care paramedic	2	2.13
Holding out as registered nurse	2	2.13
Student nurse	1	1.06
Podiatrist	1	1.06
Chiropractor	1	1.06
Physiotherapist	1	1.06
Chinese medical practitioner	1	1.06
<b>Total</b>	<b>94</b>	<b>100.00</b>

\*Includes 1 practitioner holding dual registration as a midwife.

## Matters referred to the Queensland Civil and Administrative Tribunal

No matters were referred to the Queensland Civil and Administrative Tribunal (QCAT) in October.

## Offences against the *Health Ombudsman Act 2013*

The *Health Ombudsman Act 2013* specifies a number of breaches of the Act which constitute either a summary or indictable offence.

Where there is evidence of such a breach, a matter may be referred to the Executive Director, Legal Services to commence prosecution within the courts.

No matters were referred for summary prosecution in October.

## Immediate action

The *Health Ombudsman Act 2013* allows for the Health Ombudsman to take immediate action against registered and unregistered health practitioners in instances where the Health Ombudsman reasonably believes the practitioner's health, conduct or performance poses a serious risk to the health and safety of the public.

### Show cause notices

In October 2017, four show cause notices were issued. These relate to:

- 1 paramedic for reasons relating to conduct
- 1 paramedic for reasons relating to conduct and performance
- 2 medical practitioners for reasons relating to performance.

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

Practitioner type	Number	Action taken	Reason/s for taking action		
			Health	Conduct	Performance
Dental practitioner	1	Conditions		✓	✓

Immediate registration actions apply only to registered practitioners and may result in the Health Ombudsman issuing a suspension—or imposing conditions upon—a registered practitioner's registration.

### Interim prohibition orders

Practitioner type	Number	Action taken	Reason/s for taking action			
			Health	Conduct	Performance	Interstate
Massage therapist	1	Restrictions			✓	
Anaesthetic technician	1	Prohibition		✓		
Unregistered enrolled nurse	1	Prohibition		✓		
Assistant in nursing	1	Restrictions		✓		

The Health Ombudsman has powers to issue interim prohibitions orders to unregistered practitioners and registered practitioners practicing outside their field of registration. An interim prohibition order can prohibit or restrict the 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.

The details for current prohibition orders can be found on the OHO website in the prohibition order register.

## 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	99
Practitioner monitoring cases started	4
Practitioner monitoring cases closed	4

### Open monitoring cases

#### Timeframes

Open case timeframes	Number	Percentage
Less than 6 months	16	16.16
6–12 months	29	29.29
More than 12 months	54	54.55
<b>Total</b>	<b>99</b>	<b>100.00</b>

#### Immediate action types

Open cases by immediate action type	Number	Percentage
Interim prohibition order—restrictions	24	24.24
Interim prohibition order—prohibited	29	29.29
Immediate registration action—conditions	27	27.27
Immediate registration action—suspension	19	19.19
<b>Total</b>	<b>99*</b>	<b>100.00</b>

\*As of 30 October 2017 nine practitioners were under monitoring in relation to more than one immediate action type.

## Registered practitioners under monitoring by practitioner type

Practitioner type	Number	Percentage
Aboriginal and Torres Strait Islander health practitioner	0	0.00
Chinese medicine practitioner	2	3.57
Chiropractor	1	1.79
Dental practitioner	3	5.36
Medical practitioner	10	17.86
Medical radiation practitioner	0	0.00
Nursing and midwifery practitioner	32	57.14
Occupational therapist	0	0.00
Optometrist	0	0.00
Osteopath	0	0.00
Pharmacist	3	5.36
Physiotherapist	2	3.57
Podiatrist	0	0.00
Psychologist	3	5.36
<b>Total</b>	<b>56</b>	<b>100.00</b>

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 under monitoring by type

Open cases by practitioner type	Number	Percentage
Aboriginal and Torres Strait Islander health worker	1	2.94
Assistant in nursing	5	14.71
Audiologist	2	5.88
Counsellor	1	2.94
Dental assistant	1	2.94
Dental nurse	1	2.94
Holding out*	4	11.76
Massage therapist	10	29.41
Naturopath	1	2.94
Natural therapist	2	5.88
Other health provider	1	2.94
Paramedic	3	8.82
Personal carer	1	2.94
Social worker	1	2.94
<b>Total</b>	<b>34</b>	<b>100.00</b>

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.

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

# Australian Health Practitioner Regulation Agency

## Notifications from AHPRA

In October the OHO received one new notification (under section 193 of the Act) relating to a possible serious matter, and one matter was requested for referral back to the OHO.

## 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.

For complex cases or where a pattern of conduct may be present we may hold case conferences with AHPRA, either in person or electronically, which can sometimes delay the consultation process. Encouraging robust conversations during this process helps achieve productive and consistent decisions between the co-regulatory agencies.

Consultation matters	Number
Matters consulted on*	198
Matters referred	191
Matters retained by the office**	8
Decision pending	12

\*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	136	68.69
Assessment	45	22.73
Conciliation	0	0.00
Local resolution	2	1.01
Internal review	4	2.02
Investigations	11	5.56
<b>Total</b>	<b>198</b>	<b>100.00</b>

## 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	30–60 days	More than 60 days
Intake and triage	135	0	0	1	0
Assessment	0	0	10	20	15
Local resolution	0	0	1	1	0
Conciliation	0	0	0	0	0
Internal review	0	0	0	0	4
Investigation	0	1	0	0	10
<b>Total</b>	<b>135</b>	<b>1</b>	<b>11</b>	<b>22</b>	<b>29</b>

'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	168	84.85
4–7 days	29	14.65
8–11 days	1	0.51
More than 12 days	0	0.00
<b>Total</b>	<b>198</b>	<b>100.00</b>

## 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	1.57
Dental practitioner	15	7.85
Medical practitioner	94	49.21
Medical radiation practitioner	0	0.00
Nursing and midwifery practitioner	51	26.70
Occupational therapist	0	0.00
Optometrist	1	0.52
Osteopath	0	0.00
Pharmacist	20	10.47
Physiotherapist	2	1.05
Podiatrist	0	0.00
Psychologist	2	1.05
Student practitioner*	3	1.05
<b>Total</b>	<b>191</b>	<b>100.00</b>

\*In October 2017, one nursing student and two medical students were referred to AHPRA.

## 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	-	-	-	-	-	-	-	-	-	2	1	1	-	4
Dental practitioner	-	1	2	-	-	-	-	1	-	1	1	17	-	23
Medical practitioner	2	11	4	1	-	-	-	2	18	6	6	68	1	119
Medical radiation practitioner	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Nursing and midwifery practitioner	-	3	-	-	-	-	-	3	5	22	12	18	-	63
Occupational therapist	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Optometrist	-	-	-	-	-	-	-	-	-	1	-	-	-	1
Osteopath	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Pharmacist	-	3	-	-	-	-	-	1	9	7	1	-	-	21
Physiotherapist	-	-	-	1	-	-	-	-	-	-	1	-	-	2
Podiatrist	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Psychologist	-	-	-	-	-	-	-	-	-	2	1	-	-	3
Student practitioner	-	-	-	-	-	-	-	-	-	1	3	-	-	4
<b>Total</b>	<b>2</b>	<b>18</b>	<b>6</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>32</b>	<b>42</b>	<b>26</b>	<b>104</b>	<b>1</b>	<b>240</b>

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

Reporting parameters for demographics data were updated as of June 2017. Previously, demographics contained within the office's reporting related to complaints that had completed the assessment process during the reporting period.

Refinements to systems and processes now allow for reporting on the demographics of complainants, consumers and practitioners who have made, or were identified in, a complaint during the reporting period. This change will result in higher numbers in the following four tables from June 2017.

This update is an example of the office's commitment to continual improvement as it matures as an agency and the importance it places on transparent, robust data.

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	169	49.13
Male	156	45.35
Prefer not to specify	1	0.29
Unknown*	18	5.23
<b>Total</b>	<b>344</b>	<b>100.00</b>

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

## Age

Age	Number	Percentage
Less than 18 years	15	4.36
18–24 years	25	7.27
25–34 years	52	15.12
35–44 years	75	21.80
45–54 years	63	18.31
55–64 years	42	12.21
65–74 years	17	4.94
More than 75 years	22	6.40
Unknown*	33	9.59
<b>Total</b>	<b>344</b>	<b>100.00</b>

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

## Location of healthcare consumers

Location of healthcare consumers	Number	Percentage
Brisbane	151	43.90
Central West	0	0.00
Darling Downs	3	0.87
Far North	18	5.23
Fitzroy	6	1.74
Gold Coast	48	13.95
Mackay	5	1.45
North West	0	0.00
Northern	12	3.49
South West	0	0.00
Sunshine Coast	23	6.69
West Moreton	2	0.58
Wide Bay–Burnett	27	7.85
Outside Queensland	14	4.07
Unknown*	35	10.17
<b>Total</b>	<b>344</b>	<b>100.00</b>

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

## Location of health service providers

Location of health service providers	Number	Percentage
Brisbane	197	45.81
Central West	0	0.00
Darling Downs	6	1.40
Far North	21	4.88
Fitzroy	4	0.93
Gold Coast	53	12.33
Mackay	4	0.93
North West	0	0.00
Northern	16	3.72
South West	2	0.47
Sunshine Coast	33	7.67
West Moreton	5	1.16
Wide Bay-Burnett	32	7.44
Outside Queensland*	2	0.47
Unknown**	55	12.79
<b>Total</b>	<b>430</b>	<b>100.00</b>

\*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.





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