Quarterly performance report

Quarter one 2020-21



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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
Subcategories of professional performance issues raised in complaints	9
Profile of complaints about health practitioners	10
Profile of complaints about health service organisations	11
Assessment	13
Assessments started and completed	13
Completed assessment timeframes	13
Assessment decisions	14
Local resolution	15
Local resolutions started and completed	15
Completed local resolution	15
Decisions for matters that were not resolved	16
Conciliation	17
Conciliations started and closed	17
Agreement to participate in conciliation	17
Completed conciliations	18
Decisions for conciliations that were not successful	19
Open conciliation timeframes	19
Investigation	20
Investigations started and closed	20
Closed investigations	20
Open investigations	22
Monitoring investigation recommendations	25
OHO recommendations monitoring	25
Open recommendations monitoring case timeframes	25
Director of Proceedings	26
Matters referred to the Director of Proceedings by practitioner type	26
Matters currently with the Director of Proceedings by practitioner type	27
Outcomes of matters reviewed by the Director of Proceedings	27
Decisions on matters referred to the Queensland Civil and Administrative Tribunal	29
Decisions on immediate action reviews	30

Immediate action	31
Show cause notices	31
Immediate registration actions	31
Interim prohibition orders	32
Monitoring practitioner compliance	33
Practitioner monitoring cases	33
Open monitoring cases	33
Australian Health Practitioner Regulation Agency	37
Consultation on matters	37
Number of practitioners referred to AHPRA by practitioner type	40
Number of issues referred to AHPRA by practitioner type	41
Demographics of healthcare consumers	42
Gender of healthcare consumers	42
Age of healthcare consumers	42
Location of healthcare consumers	43
Location of health service providers	44

Introduction

This document reports on the quarter one (Q1) performance of the Office of the Health Ombudsman (OHO) for the 2020–21 financial year.

The OHO is the agency responsible for health service complaints management in Queensland. We are committed to protecting the health and safety of the public by assessing, investigating and resolving complaints made about health services provided in Queensland.

We are impartial and independent, and our vision is to be the cornerstone of a transparent, accountable and fair health complaints management system. As testament to this, our performance reports—which are published monthly, quarterly and yearly—are available to the public on our website www.oho.qld.gov.au.

Data in this report is correct as at 12 October 2020, though figures may differ from those published in previous reports due to subsequent adjustments which occurred after the publication of those reports.

Intake of complaints

Type of contacts

Type of contact	Ju	ly	Aug	ust	Septe	mber	Q1 total		
	Number	%	Number	%	Number	%	Number	%	
Complaint	835	73.31	785	74.34	819	71.34	2439	72.96	
Enquiry	261	22.91	238	22.54	276	24.04	775	23.18	
Information	43	3.78	30	2.84	46	4.01	119	3.56	
Yet to be classified	0	0.00	3	0.28	7	0.61	10	0.30	
Total	1139	100.00	1056	100.00	1148	100.00	3343	100.00	

Matters that are 'yet to be classified' are contacts in which not enough information was provided in the first instance to allow for a determination, and additional information is being sought. They may also be 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.

Type of complaints

Type of complaints	Ju	ıly	Auç	gust	Septe	ember	Q1 total		
	Number %		Number	%	Number	%	Number	%	
Health consumer complaint	717	85.87	709	90.32	737	89.99	2163	88.68	
Mandatory notification*	37	4.43	30	3.82	29	3.54	96	3.94	
Voluntary notification*	69	8.26	45	5.73	43	5.25	157	6.44	
Self-notification*	5	0.60	0	0.00	8	0.98	13	0.53	
Referral from another agency	7	0.84	1	0.13	2	0.24	10	0.41	
Total	835	100.00	785	100.00	819	100.00	2439	100.00	

^{*}Notifications are made by health service providers which do not otherwise meet the definition of a health consumer complaint, as required in 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 entity; 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.

Decisions timeframes—within seven days

Decision made	Ju	ly	Aug	ust	Septe	mber	Q1 total		
	Number	%	Number	%	Number	%	Number	%	
Yes	752	96.16	751	94.94	749	96.03	2252	95.71	
No	30	3.84	40	5.06	31	3.97	101	4.29	
Total	782	100.00	791	100.00	780	100.00	2353	100.00	

Decisions made

Number of decisions made	Ju	ıly	Auç	gust	Septe	ember	Q1 total			
	Number	%	Number	%	Number	%	Number	%		
Accepted and further relevant action taken	447	57.16	490	61.95	475	60.90	1412	60.01		
Accepted and no further action taken*	150	19.18	133	16.81	179	22.95	462	19.63		
Not accepted under s35A**	185	23.66	168	21.24	126	16.15	479	20.36		
Total	782	100.00	791	100.00	780	100.00	2353	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 91 matters were determined to fall outside the jurisdiction of the Act, and one matter was determined to not yet be a complaint under s34(5).

Accepted decision outcomes

Type of relevant action	Ju	ly	Aug	ust	Septe	mber	Q1 total		
	Number	%	Number	%	Number	%	Number	%	
Assessment	108	23.28	118	22.10	125	25.77	351	23.67	
Local resolution	57	12.28	162	30.34	98	20.21	317	21.38	
Conciliation	0	0.00	0	0.00	0	0.00	0	0.00	
Investigation	2	0.43	3	0.56	5	1.03	10	0.67	
Referred to AHPRA and the national boards	196	42.24	180	33.71	170	35.05	546	36.82	
Referred to another entity	101	21.77	71	13.30	87	17.94	259	17.46	
Referred to director of proceedings	0	0.00	0	0.00	0	0.00	0	0.00	
Total	464	100.00	534	100.00	485	100.00	1483	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	Ju	ıly	Auç	gust	Septe	ember	Q1 t	otal
	Number	%	Number	%	Number	%	Number	%
Access	125	9.90	114	9.92	141	10.46	380	10.11
Code of conduct for healthcare workers	15	1.19	12	1.04	23	1.71	50	1.33
Communication/ information	140	11.08	135	11.75	153	11.35	428	11.38
Consent	30	2.38	26	2.26	35	2.60	91	2.42
Discharge/transfer arrangements	13	1.03	12	1.04	30	2.23	55	1.46
Environment/ management of facilities	55	4.35	66	5.74	100	7.42	221	5.88
Fees/cost	41	3.25	26	2.26	44	3.26	111	2.95
Grievance processes	41	3.25	37	3.22	38	2.82	116	3.09
Health Ombudsman Act 2013 offence	0	0.00	1	0.09	1	0.07	2	0.05
Medical records	40	3.17	37	3.22	53	3.93	130	3.46
Medication	168	13.30	107	9.31	119	8.83	394	10.48
Professional conduct	145	11.48	131	11.40	135	10.01	411	10.93
Professional health	37	2.93	26	2.26	25	1.85	88	2.34
Professional performance	383	30.32	389	33.86	424	31.45	1196	31.81
Reports/certificates	30	2.38	30	2.61	27	2.00	87	2.31
Research/teaching/ assessment	0	0.00	0	0.00	0	0.00	0	0.00
Total	1263	100.00	1149	100.00	1348	100.00	3760	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.

Subcategories of professional performance issues raised in complaints

Issue	Jι	ıly	Auç	gust	Septe	ember	Q1 total		
	Number	%	Number	%	Number	%	Number	%	
Competence	16	4.18	13	3.34	8	1.89	37	3.09	
Coordination of treatment	30	7.83	43	11.05	27	6.37	100	8.36	
Delay in treatment	23	6.01	17	4.37	19	4.48	59	4.93	
Diagnosis	37	9.66	39	10.03	27	6.37	103	8.61	
Inadequate care	34	8.88	33	8.48	43	10.14	110	9.20	
Inadequate consultation	25	6.53	16	4.11	21	4.95	62	5.18	
Inadequate prosthetic equipment	5	1.31	4	1.03	3	0.71	12	1.00	
Inadequate treatment	117	30.55	87	22.37	125	29.48	329	27.51	
Infection control	7	1.83	14	3.60	16	3.77	37	3.09	
No or inappropriate referral	8	2.09	12	3.08	17	4.01	37	3.09	
Public or private election	0	0.00	0	0.00	0	0.00	0	0.00	
Rough and painful treatment	13	3.39	15	3.86	12	2.83	40	3.34	
Teamwork and supervision	0	0.00	1	0.26	4	0.94	5	0.42	
Unexpected treatment outcome or complications	54	14.10	77	19.79	90	21.23	221	18.48	
Withdrawal of treatment	0	0.00	1	0.26	2	0.47	3	0.25	
Wrong or inappropriate treatment	14	3.66	17	4.37	10	2.36	41	3.43	
Total	383	100.00	389	100.00	424	100.00	1196	100.00	

Professional performance represents the largest proportion of complaint issues. Additional information on this category of issue provides greater transparency around the issues being managed by OHO.

Profile of complaints about health practitioners

	Number of						Num	ber and type o	of issues** ide	ntified in compl	aints about he	ealth practition	ers**					
Practitioner type	practitioners identified in complaints*	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
Aboriginal and Torres Strait Islander health	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Chinese medicine practitioner	3	-	-	3	-	-	-	-	-	-	-	-	-	-	-	-	-	3
Chiropractor	8	-	-	-	-	-	1	-	-	-	-	-	5	3	2	-	-	11
Dental practitioner	105	1	-	7	6	-	1	8	6	-	3	2	12	1	97	-	-	144
Medical practitioner	646	25	-	115	20	4	13	28	7	-	40	115	110	27	349	44	-	897
Medical radiation practitioner	3	-	-	1	-	-	-	-	-	-	-	-	1	-	1	1	-	4
Midwife	11	-	-	1	-	-	-	-	-	-	-	-	7	4	3	-	-	15
Nurse	182	-	-	5	1	-	7	-	1	-	7	12	136	43	32	-	-	244
Occupational therapist	11	-	1	2	-	-	-	-	-	-	1	-	4	-	5	2	-	15
Optometrist	3	-	-	1	-	-	-	-	-	-	-	-	-	-	3	1	-	5
Osteopath	1	-	-	-	1	-	-	-	1	-	-	-	-	-	-	-	-	2
Paramedic	12	-	-	1	-	-	-	-	-	-	-	-	10	1	1	-	-	13
Pharmacist	19	1	-	6	-	-	1	-	1		1	8	6	-	2	-	-	26
Physiotherapist	14	1	1	3	1	-	-	1	-	-	1	-	7	-	7	1	-	23
Podiatrist	4	-	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	4
Psychologist	66	4	-	13	2	-	3	6	-	1	5	-	20	8	19	7	-	88
Student practitioner	7	-	2	-	-	-	-	-	-	-	-	-	4	1	1	-	-	8
Unknown practitioner	58	3	3	13	2	-	1	2	-	-	-	7	11	-	20	5	-	67
Unregistered practitioner	46	1	35	1	-	-		-	-	1	1	-	15	-	3	1	-	58
Total	1198	36	42	172	33	4	27	45	16	2	59	144	352	88	545	62	0	1627

^{*} 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. From 1 July 2019, the practitioner type categories listed in this table have been updated to more accurately reflect the types of practitioners about whom the office receives complaints.

^{**} 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

							Number an	d type of issue	es** identified	in complaints a	about health s	ervice organis	ations					
Organisation type	Number of facilities identified in complaints*	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	-	-	-	-	-	-	-	-	-	-	1
Aged care facility	27	2	-	3	-	1	5	2	4	-	2	5	1	-	19	-	-	44
Allied health service	25	1	-	8	-	-	9	3	3	-	-	3	4	-	6	1	-	38
Ambulance service	6	1	-	2	-	1	-	-	-	-	-	-	1	-	3	-	-	8
Community health service	15	3	-	4	-	-	4	-	1	-	3	4	1	-	7	1	-	29
Correctional facility	383	200	-	6	1	-	17	-	1	-	-	148	-	-	39	1	-	412
Dental service	71	13	-	4	-	-	10	7	10	-	4	-	1	-	42	-	-	91
Health information service	2	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	2
Health promotion service	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1
Hospital and Health Service	3	-	-	-	-	-	1	-	-	-	-	-	1	-	1	-	-	3
Laboratory service	26	2	-	3	-	-	10	5	1	-	1	-	1	-	9	1	-	33
Licensed day hospital	1	-	-	-	-	-	1	-	1	-	1	-	-	-	-	-	-	3
Licensed private hospital	69	6	-	15	4	6	13	8	7	-	5	4	1	-	34	4	-	107
Medical centre	150	26	1	31	2	-	26	15	7	-	26	7	9	-	24	3	-	177
Mental health service	108	4	-	31	22	2	12	1	4	-	6	13	15	-	38	2	-	150
Nursing service	3	-	-	1	-	-	1	-	-	-	-	-	-	-	3	-	-	5
Optical store	1	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	1
Other government department	33	7	-	5	-	-	15	1	3	-	-	-	-	-	1	1	-	33
Other support service	9	1	-	2	-	-	2	1	1	-	-	-	-	-	2	1	-	10
Paramedical service	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Pharmaceutical service	31	1	-	6	1	-	4	5	2	-	-	14	3	-	-	-	-	36

Private organisation	14	-	6	3	1	-	1	1	2	-	-	3	1	-	5	-	-	23
Public health service	31	2	-	4	-	5	5	-	2	-	4	3	-	-	23	1	-	49
Public hospital	511	71	1	111	25	35	47	4	46	-	19	42	17	-	375	9	-	802
Residential care service	4	-	-	2	-	-	2	-	1	-	-	1	-	-	1	-	-	7
Specialised health service	32	2	-	12	-	-	3	10	4	-	-	1	2	-	11	-	-	45
Welfare service	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Unknown organisation	20	2	-	1	2	1	4	2	-	-	-	2	1	-	7	-	-	22
Total	1578	344	8	256	58	51	194	66	100	0	71	250	59	0	651	25	0	2133

^{*} 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 multiple complaints, the 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 quarter	July	August	September	Q1 total
Assessments started	118	137	145	400
Assessments completed	119	98	138	355

Completed assessment timeframes

Assessment timeframes	July		August		September		Q1 total	
	Number	%	Number	%	Number	%	Number	%
Within legislative timeframes*	108	90.76	93	94.90	130	94.20	331	93.24
Outside legislative timeframes	11	9.24	5	5.10	8	5.80	24	6.76
Total	119	100.00	98	100.00	138	100.00	355	100.00

^{*}Includes matters completed within 30 days or 60 days with an approved extension.

Assessment decisions

Type of relevant action	Ju	July		August		September		Q1 total	
	Number	%	Number	%	Number	%	Number	%	
Local resolution	0	0.00	0	0.00	0	0.00	0	0.00	
Conciliation	6	4.84	4	3.88	9	6.16	19	5.09	
Investigation	5	4.03	8	7.77	9	6.16	22	5.90	
Referred to AHPRA and the national boards	21	16.94	21	20.39	16	10.96	58	15.55	
Referred to another entity	9	7.26	16	15.53	13	8.90	38	10.19	
Director of Proceedings	0	0.00	1	0.97	0	0.00	1	0.27	
No further action	83	66.94	53	51.46	99	67.81	235	63.00	
Total	124	100.00	103	100.00	146	100.00	373	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 quarter	July	August	September	Q1 total
Local resolutions started	63	158	103	324
Local resolutions completed	80	93	136	309

The number of local resolutions started in the quarter 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

Local resolution timeframe	July		August		September		Q1 total	
	Number	%	Number	%	Number	%	Number	%
Within legislative timeframes*	77	96.25	89	95.70	132	97.06	298	96.44
Outside legislative timeframes	3	3.75	4	4.30	4	2.94	11	3.56
Total	80	100.00	93	100.00	136	100.00	309	100.00

^{*}Includes matters completed within 30 days or 60 days with an approved extension

Outcomes

Local resolution outcomes	July		Auç	August		September		Q1 total	
	Number	%	Number	%	Number	%	Number	%	
Resolution reached	70	87.50	77	82.80	118	85.51	264	84.89	
No resolution reached	7	8.75	6	6.45	6	4.35	20	6.43	
Complaint withdrawn*	3	3.75	7	7.53	9	6.52	19	6.11	
Local resolution did not commence**	0	0.00	3	3.23	5	3.62	8	2.57	
Total	80	100.00	93	100.00	138	100.00	311	100.00	

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

Decisions for matters that were not resolved

Type of relevant action	July		August		September		Q1 total	
	Number	%	Number	%	Number	%	Number	%
Assessment	0	0.00	0	0.00	0	0.00	0	0.00
Conciliation	0	0.00	0	0.00	0	0.00	0	0.00
Investigation	0	0.00	0	0.00	0	0.00	0	0.00
Referred to AHPRA and the national boards	0	0.00	1	16.67	1	16.67	2	10.53
Referred to another entity	0	0.00	0	0.00	0	0.00	0	0.00
No further action	7	100.00	5	83.33	5	83.33	17	89.47
Total	7	100.00	6	100.00	6	100.00	19	100.00

Conciliation

Conciliations started and closed

Conciliations this quarter	July	August	September	Q1 total
Conciliations started	10	5	7	22
Conciliations closed	3	2	7	12

'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 initially agreed to participate in the conciliation process..

Agreement to participate in conciliation

Agreement to participate	July	August	September	Q1 total
Parties agreed to participate	0	13	4	17
Party/ies did not agree to participate	1	2	1	4

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

Conciliations completed	July		August		September		Q1 total	
	Number	%	Number	%	Number	%	Number	%
Less than 3 months	0	0.00	0	0.00	0	0.00	0	0.00
3–6 months	0	0.00	0	0.00	0	0.00	0	0.00
6–9 months	1	50.00	0	0.00	2	33.33	3	37.50
9–12 months	0	0.00	0	0.00	2	33.33	2	25.00
More than 12 months	1	50.00	0	0.00	2	33.33	3	37.50
Total	2	100.00	0	0.00	83	100.00	8	100.00

Outcomes

Conciliation outcomes	July		Aug	August		September		Q1 total	
	Number	%	Number	%	Number	%	Number	%	
Successful	1	50.00	0	0.00	0	0.00	1	12.50	
Not successful	1	50.00	0	0.00	0	0.00	1	12.50	
Ended by the Health Ombudsman	0	0.00	0	0.00	1	16.67	1	12.50	
Parties withdrew prior to conciliation conference*	n/a	n/a	n/a	n/a	5	83.33	5	62.50	
Total	2	100.00	0	n/a	6	100.00	8	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 some instances, the Health Ombudsman may end a conciliation or parties involved may withdraw from the process prior to conciliation occurring. 'Completed conciliations' differ from 'closed conciliations'—in the table on page 16—in that they only relate to matters where parties agreed to participate in conciliation.

^{*}Improvements to the office's systems and processes have enabled the inclusion of this outcome in September 2020.

Previously matters where parties initially agreed to participate in conciliation, and subsequently withdrew from the process were reported as Not successful.

Decisions for conciliations that were not successful

Type of relevant action	July		Aug	August		September		Q1 total	
	Number	%	Number	%	Number	%	Number	%	
Local resolution	0	0.00	0	0.00	0	0.00	0	0.00	
Investigation	0	0.00	0	0.00	0	0.00	0	0.00	
Referred to AHPRA and the national boards	0	0.00	0	0.00	0	0.00	0	0.00	
Referred to another entity	0	0.00	0	0.00	0	0.00	0	0.00	
No further action	1	100.00	0	0.00	0	0.00	0	0.00	
Total	1	100.00	0	0.00	0	0.00	0	0.00	

Open conciliation timeframes

Conciliations open	July		August		September	
	Number	%	Number	%	Number	%
Less than 3 months	21	51.22	0	0.00	22	50.00
3–6 months	3	7.32	0	0.00	10	22.73
6–9 months	7	17.07	0	0.00	3	6.82
9–12 months	3	7.32	0	0.00	4	9.09
More than 12 months	7	17.07	0	0.00	5	11.36
Total	41	100.00	0	0.00	44	100.00

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 quarter	July	August	September	Q1 total
Investigations started	10	14	13	37
Investigations closed	9	6	15	30
Investigations amalgamated under s40(2)	1	0	0	1
Investigations separated under s40(2)	0	0	0	0

Closed investigations

Timeframes

In Q1, 63.33 per cent of the 30 investigations were closed within twelve months of commencement.

Closed investigation timeframes	Ju	ly	Aug	ust	Septe	mber	Q1 t	otal
	Number	%	Number	%	Number	%	Number	%
Less than 3 months	1	11.11	0	0.00	2	13.33	3	10.00
3–6 months	0	0.00	1	16.67	2	13.33	3	10.00
6–9 months	1	11.11	1	16.67	3	20.00	5	16.67
9–12 months	3	33.33	1	16.67	4	26.67	8	26.67
12-24 months	4	44.44	0	0.00	3	20.00	7	23.33
More than 24 months	0	0.00	3	50.00	1	6.67	4	13.33
Total	9	100.00	6	100.00	15	100.00	30	100.00

Outcomes

Investigation outcomes	Ju	ly	Aug	ust	Septe	mber	Q1 t	otal
	Number	%	Number	%	Number	%	Number	%
Recommended for referral to Director of Proceedings*	5	55.56	1	16.67	8	30.77	14	34.15
Recommend Health Ombudsman issue a Permanent Prohibition Order	1	11.11	3	50.00	5	19.23	9	21.95
Referred to AHPRA	1	11.11	0	0.00	6	23.08	7	17.07
Referred to another agency	0	0.00	0	0.00	4	15.38	4	9.76
No further action	2	22.22	2	33.33	3	11.54	7	17.07
Referred for conciliation	0	0.00	0	0.00	0	0.00	0	0.00
Total	9	100.00	6	100.00	26	100.00	41	100.00

A single investigation may result in multiple outcomes, and as such the total number of outcomes in this table may not match the number of closed investigations detailed in the table above.

^{*}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, 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.

Active investigation timeframes

Active investigation timeframes	July		August		September	
	Number	%	Number	%	Number	%
Less than 3 months	17	17.35	25	23.15	30	29.13
3–6 months	23	23.47	22	20.37	17	16.50
6–9 months	17	17.35	14	12.96	11	10.68
9–12 months	9	9.18	15	13.89	11	10.68
12–24 months*	24	24.49	27	25.00	29	28.16
More than 24 months*	8	8.16	5	4.63	5	4.85
Total	98	100.00	108	100.00	103	100.00

^{*}All investigations that have been open for more than 12 months are published on our investigations register, available on our website (www.oho.qld.gov.au).

Paused investigation timeframes

Paused investigation timeframes	July		August		September	
	Number	%	Number	%	Number	%
Less than 3 months	1	2.70	0	0.00	4	10.53
3–6 months	9	24.32	5	14.29	4	10.53
6–9 months	5	13.51	9	25.71	10	26.32
9–12 months	5	13.51	3	8.57	1	2.63
12–24 months	10	27.03	11	31.43	13	34.21
More than 24 months	7	18.92	7	20.00	6	15.79
Total	37	100.00	35	100.00	38	100.00

Open investigation timeframes

Total open investigation timeframes	July		August		September	
	Number	%	Number	%	Number	%
Less than 3 months	18	13.33	25	17.48	34	24.11
3–6 months	32	23.70	27	18.88	21	14.89
6–9 months	22	16.30	23	16.08	21	14.89
9–12 months	14	10.37	18	12.59	12	8.51
12-24 months	34	25.19	38	26.57	42	29.79
More than 24 months	15	11.11	12	8.39	11	7.80
Total	135	100.00	143	100.00	141	100.00

Open investigation categories

Type of investigation	July	August	September
Health service complaint	83	92	90
Systemic issue	3	1	1
Ministerial directed investigation	0	0	0
Another matter*	46	47	47
Matters identified for further investigation**	3	3	3
Total	135	143	141

^{*}Matters 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 recurrence of the issues identified in the investigation. 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	July	August	September
Cases open at the beginning of the month	1	1	3
Recommendations monitoring cases started	0	2	0
Recommendations monitoring cases closed	0	0	1

Open recommendations monitoring case timeframes

Manitaring agas timeframes*	l.	dv	Λ.,,	vuot	Contombor	
Monitoring case timeframes*	Ju	пу	Auç	gust	September	
	Number	%	Number	%	Number	%
Less than 6 months	0	0.00	2	66.67	2	100.00
6–12 months	0	0.00	0	0.00	0	0.00
More than 12 months	1	100.00	1	33.33	0	0.00
Total	1	100.00	3	100.00	2	100.00

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

Director of Proceedings

The role of the Director of Proceedings is to independently assess the merits of an investigation and determine whether the matter is suitable to be run to Queensland Civil and Administrative Tribunal (QCAT) for a determination.

Where the Director of Proceedings determines that an investigation has produced evidence of issues relating to health, conduct and/or performance that require intervention by QCAT, a comprehensive brief of evidence is prepared and in-house or external lawyers are briefed to represent the Health Ombudsman before QCAT.

Matters referred to the Director of Proceedings by practitioner type

Practitioner type	Ju	ıly	Auç	gust	Septe	ember	Q1 :	total
	Number	%	Number	%	Number	%	Number	%
Dental practitioner	0	0.00	0	0.00	2	25.00	2	13.33
Medical practitioner	2	40.00	2	100.00	1	12.50	5	33.33
Paramedic	0	0.00	0	0.00	1	12.50	1	6.67
Pharmacist	1	20.00	0	0.00	0	0.00	1	6.67
Psychologist	0	0.00	0	0.00	1	12.50	1	6.67
Registered nurse	2	40.00	0	0.00	3	37.50	5	33.33
Total	5	100.00	2	100.00	8	100.00	15	100.00

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 the Investigation outcomes' figures elsewhere in this report.

Matters currently with the Director of Proceedings by practitioner type

Practitioner type	Number	Percentage
Chinese medicine practitioner	1	2.56
Dental practitioner	1	2.56
Medical practitioner	27	69.23
Paramedic	1	2.56
Pharmacist	1	2.56
Psychologist	2	5.13
Registered nurse	6	15.38
Total	39	100.00

Outcomes of matters reviewed by the Director of Proceedings

Matters filed in the Queensland Civil and Administrative Tribunal

Practitioner type	July		August		September		Q1 total	
	Number	%	Number	%	Number	%	Number	%
Medical practitioner	1	50.00	2	40.00	2	33.33	5	38.46
Pharmacist	0	0.00	0	0.00	1	16.67	1	7.69
Registered nurse	1	50.00	3	60.00	3	50.00	7	53.85
Total	2	100.00	5	100.00	6	100.00	13	100.00

Matters to be referred back to Health Ombudsman

Practitioner type	July		August		September		Q1 total	
	Number	%	Number	%	Number	%	Number	%
Medical practitioner	1	100.00	1	100.00	2	100.00	4	100.00
Total	1	100.00	1	100.00	2	100.00	4	100.00

Decisions on matters referred to the Queensland Civil and Administrative Tribunal

There have been 16 decisions made on matters referred to QCAT during the quarter, and two matters were withdrawn from QCAT. Of the decisions made during the quarter, two are subject to non-publication orders and one is yet to be published. Details of the remaining 13 decisions are outlined below.

Date of Decision	Matter	Details of QCAT decision
15 July 2020	Health Ombudsman v Kong	 Professional misconduct Practitioner reprimanded Conditions placed on the practitioner's registration
15 July 2020	Health Ombudsman v De La Rey	 Professional misconduct Practitioner reprimanded Practitioner fined \$2,000
21 July 2020	Health Ombudsman v Bryant	Unsatisfactory professional performancePractitioner reprimanded
21 July 2020	Health Ombudsman v Sharman	 Unprofessional conduct, in relation to allegation 1 Professional misconduct, in relation to allegations 2 and 3 Practitioner reprimanded The practitioner's registration was cancelled
29 July 2020	Health Ombudsman v Callus	 Unprofessional conduct, in relation to allegation 1 No case to answer, in relation to allegation 2 Practitioner reprimanded Practitioner disqualified from applying for registration for 12 months
29 July 2020	Health Ombudsman v Lemon	Professional misconductPractitioner reprimanded
21 August 2020	Health Ombudsman v Wallace	 The Tribunal found that the respondent poses a serious risk to persons who are, through illness or disability, not of sound mind. The practitioner was permanently prohibited from providing any health service to person who are, through illness or disability, not of sound mind.
2 September 2020	Health Ombudsman v Healy	Unprofessional conductPractitioner cautioned
2 September 2020	Health Ombudsman v Needham	 Professional misconduct Practitioner reprimanded Practitioner prohibited from working as a pharmacy assistant/dispensary assistant/dispensary technician until such time as they obtain registration as a pharmacist

Date of Decision	Matter	Details of QCAT decision
3 September 2020	Health Ombudsman v Montalvo	 Professional misconduct Practitioner reprimanded Practitioner disqualified from applying for registration for six months
9 September 2020	Health Ombudsman v Holznagel	Professional misconductPractitioner reprimanded
16 September 2020	Health Ombudsman v Obet	Professional misconductPractitioner reprimanded
24 September 2020	Health Ombudsman v Martin	Professional misconductPractitioner reprimanded

Decisions on immediate action reviews

QCAT made no new decisions regarding immediate action reviews during the quarter.

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

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.

The Health Ombudsman issued thirteen show case notices in the quarter.

Immediate registration actions

Practitioner type	Number	Action taken	Reason/s for taking action*	
			Public Interest	Serious Risk
Registered nurse	2	Suspension		✓
Registered nurse	2	Conditions		✓
Enrolled nurse	1	Conditions		✓
Medical practitioner	1	Conditions		✓
Medical practitioner	1	Suspension	✓	✓

^{*}From July 2019 the reason/s for taking action included in this table have been updated to more accurately reflect the immediate action process.

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

Interim prohibition orders

Practitioner type	Number	Action taken	Reason/s for taking action*	
			Public Interest	Serious Risk
Holding Out as Dental Practitioner	1	Prohibition		✓
Aged Health Care Worker	1	Restrictions		✓
Massage therapist	1	Restrictions		✓
Registered nurse	1	Prohibition		✓
Unregistered health educator	1	Restrictions		✓
Registered nurse	1	Restrictions		✓
Massage therapist	1	Prohibition		✓
Massage therapist	1	Prohibition	✓	✓

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 prohibition order register on the OHO website.

Monitoring practitioner compliance

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

For interim prohibition orders, this means monitoring compliance with the restriction(s) on or prohibitions placed 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	July	August	September
Cases open at the beginning of the month	142	141	144
Practitioner monitoring cases started	2	4	10
Practitioner monitoring cases closed	3	1	1

Open monitoring cases

Timeframes

Open case timeframes	July		August		September	
	Number	%	Number	%	Number	%
Less than 6 months	37	26.24	38	26.39	45	29.41
6–12 months	30	21.28	30	20.83	28	18.30
More than 12 months	74	52.48	76	52.78	80	52.29
Total	141	100.00	144	100.00	153	100.00

Immediate action types

Open cases by immediate action type	July		August		September	
	Number	%	Number	%	Number	%
Interim prohibition order – restrictions	17	12.06	19	13.19	20	13.07
Interim prohibition order – prohibited	37	26.24	36	25.00	37	24.18
Immediate registration action - conditions	47	33.33	46	31.94	49	32.03
Immediate registration action - suspension	22	15.60	23	15.97	25	16.34
QCAT disciplinary decision	16	11.35	17	11.81	18	11.76
QCAT interim decision	1	0.71	1	0.69	1	0.65
Permanent prohibition order	1	0.71	2	1.39	3	1.96
Total	141	100.00	144	100.00	153	100.00

Registered practitioners under monitoring by practitioner type

Open cases by practitioner type	Number	Percentage
Aboriginal and Torres Strait Islander health worker	0	00.00
Chinese medicine practitioner	3	3.85
Chiropractor	0	0.00
Dental practitioner	3	3.85
Medical practitioner	36	46.15
Medical radiation practitioner	0	0.00
Nursing and midwifery practitioner	27	34.62
Occupational therapist	0	0.00
Optometrist	0	0.00
Osteopath	1	1.28
Paramedic	2	2.56
Pharmacist	0	0.00
Physiotherapist	4	5.13
Podiatrist	0	0.00
Psychologist	2	2.56
Total	78	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 under monitoring by type

Open cases by practitioner type	Number	Percentage
Aboriginal and Torres strait islander health worker	1	1.47
Aged care health worker	6	8.82
Assistant in nursing	7	10.29
Cosmetic therapist	1	1.47
Counsellor	2	2.94
Disability support worker	2	2.94
Former registered health practitioner	12	17.65
Health educator	1	1.47
Health support worker	1	1.47
Holding out*	4	5.88
Kinesiologist	2	2.94
Massage therapist	18	26.47
Medical assistant	2	2.94
Natural therapist	1	1.47
Naturopath	1	1.47
Personal carer	1	1.47
Social worker	1	1.47
Student practitioner	1	1.47
Unregistered paramedic**	4	5.88
Total	68	100.00

^{*}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.

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

Consultation on matters

The office consults with AHPRA on whether matters being considered for referral are appropriate for AHPRA to manage. For matters we are considering referring to AHPRA under section 91 of the *Health Ombudsman Act 2013*, we provide all necessary information in order for AHPRA to form a view as to whether referral is or is not appropriate.

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. By encouraging robust conversations during this process, productive and consistent decisions between the co-regulatory agencies is achieved.

Consultation matters	July	August	September	Q1 total
Matters consulted on*	281	232	250	763
Matters referred	269	235	240	744
Matters retained by the office**	3	4	5	12

^{*}The number of matters consulted on may not equal the total number of matters referred, retained 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	July		August		September		Q1 total	
	Number	%	Number	%	Number	%	Number	%
Intake and triage	228	81.14	198	85.34	195	78.00	621	81.39
Assessment	50	17.79	31	13.36	38	15.20	119	15.60
Conciliation	0	0.00	0	0.00	0	0.00	0	0.00
Local resolution	0	0.00	3	1.29	2	0.80	5	0.66
Investigation	1	0.36	0	0.00	12	4.80	13	1.70
Director of proceedings	2	0.71	0	0.00	3	1.20	5	0.66
Internal review	0	0.00	0	0.00	0	0.00	0	0.00
Total	281	100.00	232	100.00	250	100.00	763	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	30–60 days	More than 60 days
Intake	608	7	5	0	1
Assessment	2	8	44	38	27
Local resolution	0	0	1	4	0
Conciliation	0	0	0	0	0
Investigation	0	0	0	0	13
Director of Proceedings	0	0	0	0	5
Internal review	0	0	0	0	0
Total	610	15	50	42	46

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

Consultation duration

Consultation duration	July		August		September		Q1 total	
	Number	%	Number	%	Number	%	Number	%
0–3 days	177	62.99	194	83.62	212	84.80	583	76.41
4–7 days	100	35.59	32	13.79	36	14.40	168	22.02
8–11 days	4	1.42	6	2.59	1	0.40	11	1.44
More than 12 days	0	0.00	0	0.00	1	0.40	1	0.13
Total	281	100.00	232	100.00	250	100.00	763	100.00

Number of practitioners referred to AHPRA by practitioner type

Practitioner type	Jι	ıly	Auç	August		September		Q1 total	
	Number	%	Number	%	Number	%	Number	%	
Aboriginal and Torres Strait Islander health practitioner	0	0.00	0	0.00	0	0.00	0	0.00	
Chinese medicine practitioner	0	0.00	0	0.00	1	0.42	1	0.13	
Chiropractor	3	1.12	0	0.00	4	1.67	7	0.94	
Dental practitioner	24	8.92	23	9.79	29	12.08	76	10.22	
Medical practitioner	145	53.90	129	54.89	130	54.17	404	54.30	
Medical radiation practitioner	1	0.37	0	0.00	1	0.42	2	0.27	
Nursing and midwifery practitioner	60	22.30	53	22.55	48	20.00	161	21.64	
Occupational therapist	1	0.37	4	1.70	2	0.83	7	0.94	
Optometrist	1	0.37	0	0.00	1	0.42	2	0.27	
Osteopath	0	0.00	0	0.00	1	0.42	1	0.13	
Paramedic	2	0.74	7	2.98	2	0.83	11	1.48	
Pharmacist	4	1.49	5	2.13	1	0.42	10	1.34	
Physiotherapist	6	2.23	1	0.43	4	1.67	11	1.48	
Podiatrist	1	0.37	1	0.43	0	0.00	2	0.27	
Psychologist	19	7.06	10	4.26	14	5.83	43	5.78	
Student practitioner*	2	0.74	2	0.85	2	0.83	6	0.81	
Total	269	100.00	235	100.00	240	100.00	744	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 processes	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/ certificates	Research / teaching / assessment	Total
Aboriginal and Torres Strait Islander health worker	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Chinese medicine practitioner	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Chiropractor	-	-	-	-	1	-	-	-	-	5	3	1	-	-	10
Dental practitioner	-	1	4	-	-	4	1	3	2	13	1	75	-	-	104
Medical practitioner	4	58	13	2	5	11	2	17	77	67	26	280	28	-	590
Medical radiation practitioner	-	-	-	-	-	-	-	-	-	3	-	-	-	-	3
Nursing and midwifery practitioner	-	5	1	-	3	-	1	6	14	104	44	32	-	-	210
Occupational therapy	-	1	-	-	-	-	-	1	-	2	-	4	-	-	8
Optometrist	-	1	-	-	-	-	-	-	-	-	-	2	1	-	4
Osteopath	-	-	1	-	-	-	1	-	-	-	-	-	-	-	2
Paramedic	-	1	-	-	-	-	-	1	-	8	1	1	-	-	12
Pharmacist	-	4	-	-	-	-	1	1	7	1	1	-	-	-	15
Physiotherapist	-	1	1	-	-	1	-	-	-	8	-	4	1	-	17
Podiatrist	-	-	-	-	-	-	-	-	-	2	1	-	-	-	3
Psychologist	1	10	2	-	2	1	-	4	-	15	10	20	5	-	70
Student practitioner	-	-	-	-	-	-	-	-	-	4	1	-	-	-	6
Total	5	82	22	2	11	17	6	33	100	233	88	419	35	0	1053

Demographics of healthcare consumers

Gender of healthcare consumers

Gender	Number	Percentage
Female	1144	48.54
Male	1096	46.50
Prefer not to specify	74	3.14
Unknown	43	1.82
Total	2357	100.00

Age of healthcare consumers

Age	Number	Percentage
Less than 18 years	136	5.77
18–24 years	126	5.35
25–34 years	419	17.78
35–44 years	474	20.11
45–54 years	373	15.83
55–64 years	289	12.26
65–74 years	187	7.93
More than 75 years	151	6.41
Unknown*	202	8.57
Total	2357	100.00

^{*}Age not recorded or not provided for a particular matter.

Location of healthcare consumers

Location of healthcare consumers	Number	Percentage
Brisbane	1016	43.11
Central West	0	0.00
Darling Downs	90	3.82
Far North	103	4.37
Fitzroy	97	4.12
Gold Coast	242	10.27
Mackay	49	2.08
North West	11	0.47
Northern	96	4.07
South West	9	0.38
Sunshine Coast	110	4.67
West Moreton	73	3.10
Wide Bay-Burnett	157	6.66
Outside Queensland	72	3.05
Unknown	232	9.84
Total	2357	100.00

Location of health service providers

Location of health service providers	Number	Percentage
Brisbane	1324	48.22
Central West	1	0.04
Darling Downs	107	3.90
Far North	124	4.52
Fitzroy	102	3.71
Gold Coast	256	9.32
Mackay	58	2.11
North West	9	0.33
Northern	114	4.15
South West	9	0.33
Sunshine Coast	141	5.13
West Moreton	54	1.97
Wide Bay-Burnett	153	5.57
Outside Queensland*	28	1.02
Unknown	266	9.69
Total	2746	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.

