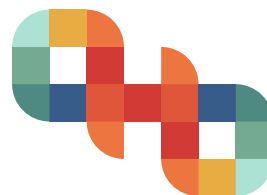


Quarter One 2021-22
performance report
Office of the Health Ombudsman



OFFICE OF THE
HEALTH
OMBUDSMAN



Quarterly performance report—Quarter one 2021-22

Published by the Office of the Health Ombudsman November 2021.



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 creativecommons.org/licenses/by/3.0/au.

© Office of the Health Ombudsman 2021

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.

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 |
| Assessments started and completed | 13 |
| Completed assessment timeframes | 13 |
| 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 | 16 |
| Decisions for conciliations that were not successful | 17 |
| Open conciliation timeframes | 17 |
| Investigation | 18 |
| Investigations started and closed | 18 |
| Closed investigations | 18 |
| Open investigations | 20 |
| Monitoring investigation recommendations | 22 |
| OHO recommendations monitoring | 22 |
| Open recommendations monitoring case timeframes | 22 |
| Director of Proceedings | 23 |
| Matters referred to the Director of Proceedings by practitioner type | 23 |
| Matters currently with the Director of Proceedings by practitioner type | 23 |
| Outcomes of matters reviewed by the Director of Proceedings | 24 |
| Decisions on matters referred to the Queensland Civil and Administrative Tribunal | 25 |
| Decisions on immediate action reviews | 26 |
| Immediate action | 27 |
| Show cause notices | 27 |
| Immediate registration actions | 27 |
| Interim prohibition orders | 28 |
| Monitoring practitioner compliance | 29 |
| Practitioner monitoring cases | 29 |
| Open monitoring cases | 29 |
| Australian Health Practitioner Regulation Agency | 33 |
| Consultation on matters | 33 |



| | |
|--|-----------|
| Number of practitioners referred to AHPRA by practitioner type | 35 |
| Number of issues referred to AHPRA by practitioner type..... | 36 |
| Demographics of healthcare consumers..... | 37 |
| Gender of healthcare consumers | 37 |
| Age of healthcare consumers | 37 |
| Location of healthcare consumers..... | 38 |
| Location of health service providers | 39 |



Introduction

This document reports on the quarter one (Q1) performance of the Office of the Health Ombudsman (OHO) for the 2021–22 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 2 November 2021, 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 | July | | August | | September | | Q1 total | |
|----------------------|-------------|---------------|-------------|---------------|-------------|---------------|-------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Complaint | 885 | 77.63 | 921 | 75.18 | 872 | 73.90 | 2678 | 75.54 |
| Enquiry | 190 | 16.67 | 236 | 19.27 | 251 | 21.27 | 677 | 19.10 |
| Information | 65 | 5.70 | 68 | 5.55 | 57 | 4.83 | 190 | 5.36 |
| Yet to be classified | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Total | 1140 | 100.00 | 1225 | 100.00 | 1180 | 100.00 | 3545 | 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.

Type of complaints

| Type of complaints | July | | August | | September | | Q1 total | |
|------------------------------|------------|---------------|------------|---------------|------------|---------------|-------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Health consumer complaint | 763 | 86.21 | 812 | 88.17 | 761 | 87.27 | 2336 | 87.23 |
| Mandatory notification* | 30 | 3.39 | 38 | 4.13 | 28 | 3.21 | 96 | 3.58 |
| Voluntary notification* | 85 | 9.60 | 62 | 6.73 | 75 | 8.60 | 222 | 8.29 |
| Self-notification* | 6 | 0.68 | 6 | 0.65 | 5 | 0.57 | 17 | 0.63 |
| Referral from another agency | 1 | 0.11 | 3 | 0.33 | 3 | 0.344 | 7 | 0.26 |
| Total | 885 | 100.00 | 921 | 100.00 | 872 | 100.00 | 2678 | 100.00 |

*Notifications are matters defined under the Health Practitioner Regulation National Law (Queensland) and only relate to registered practitioners.

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 | July | | August | | September | | Q1 total | |
|---------------|------------|---------------|------------|---------------|------------|---------------|-------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Yes | 841 | 98.25 | 876 | 97.55 | 806 | 98.17 | 2523 | 97.98 |
| No | 15 | 1.75 | 22 | 2.45 | 15 | 1.83 | 52 | 2.02 |
| Total | 856 | 100.00 | 898 | 100.00 | 821 | 100.00 | 2575 | 100.00 |

Decisions made

| Number of decisions made | July | | August | | September | | Q1 total | |
|--|------------|---------------|------------|---------------|------------|---------------|-------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Accepted and further relevant action taken | 438 | 51.17 | 459 | 51.11 | 410 | 49.94 | 1307 | 50.76 |
| Accepted and no further action taken* | 229 | 26.75 | 201 | 22.38 | 231 | 28.14 | 661 | 25.67 |
| Not accepted under s35A** | 189 | 22.08 | 238 | 26.50 | 180 | 21.92 | 607 | 23.57 |
| Total | 856 | 100.00 | 898 | 100.00 | 821 | 100.00 | 2575 | 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 54 matters were determined to fall outside the jurisdiction of the Act.

Accepted decision outcomes

| Type of relevant action | July | | August | | September | | Q1 total | |
|---|------------|---------------|------------|---------------|------------|---------------|-------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Assessment | 51 | 10.99 | 78 | 16.18 | 93 | 20.85 | 222 | 15.95 |
| Local resolution | 111 | 23.92 | 92 | 19.09 | 63 | 14.13 | 266 | 19.11 |
| Conciliation | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Investigation | 3 | 0.65 | 3 | 0.62 | 2 | 0.45 | 8 | 0.57 |
| Referred to AHPRA and the national boards | 175 | 37.72 | 169 | 35.06 | 162 | 36.32 | 506 | 36.35 |
| Referred to another entity | 124 | 26.72 | 140 | 29.05 | 126 | 28.25 | 390 | 28.02 |
| Referred to Director of Proceedings | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Total | 464 | 100.00 | 482 | 100.00 | 446 | 100.00 | 1392 | 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 | July | | August | | September | | Q1 total | |
|--|--------|-------|--------|-------|-----------|-------|----------|--------|
| | Number | % | Number | % | Number | % | Number | % |
| Access | 166 | 3.97 | 161 | 3.85 | 138 | 3.30 | 465 | 11.12 |
| Code of conduct for healthcare workers | 9 | 0.22 | 24 | 0.57 | 14 | 0.33 | 47 | 1.12 |
| Communication/information | 157 | 3.75 | 138 | 3.30 | 191 | 4.57 | 486 | 11.62 |
| Consent | 23 | 0.55 | 40 | 0.96 | 32 | 0.77 | 95 | 2.27 |
| Discharge/transfer arrangements | 22 | 0.53 | 35 | 0.84 | 28 | 0.67 | 85 | 2.03 |
| Environment/management of facilities | 51 | 1.22 | 71 | 1.70 | 44 | 1.05 | 166 | 3.97 |
| Fees/cost | 37 | 0.88 | 47 | 1.12 | 65 | 1.55 | 149 | 3.56 |
| Grievance processes | 33 | 0.79 | 56 | 1.34 | 62 | 1.48 | 151 | 3.61 |
| <i>Health Ombudsman Act 2013 offence</i> | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Medical records | 57 | 1.36 | 48 | 1.15 | 44 | 1.05 | 149 | 3.56 |
| Medication | 147 | 3.52 | 153 | 3.66 | 146 | 3.49 | 446 | 10.66 |
| Professional conduct | 151 | 3.61 | 164 | 3.92 | 174 | 4.16 | 489 | 11.69 |
| Professional health | 20 | 0.48 | 23 | 0.55 | 29 | 0.69 | 72 | 1.72 |
| Professional performance | 419 | 10.02 | 436 | 10.43 | 444 | 10.62 | 1299 | 31.06 |
| Reports/certificates | 26 | 0.62 | 28 | 0.67 | 29 | 0.69 | 83 | 1.98 |
| Research/teaching/assessment | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Total | 1318 | 31.52 | 1424 | 34.05 | 1440 | 34.43 | 4182 | 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 | July | | August | | September | | Q1 total | |
|---|------------|--------------|------------|--------------|------------|--------------|-------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Competence | 5 | 0.38 | 9 | 0.69 | 8 | 0.62 | 22 | 1.69 |
| Coordination of treatment | 50 | 3.85 | 49 | 3.77 | 48 | 3.70 | 147 | 11.32 |
| Delay in treatment | 29 | 2.23 | 23 | 1.77 | 29 | 2.23 | 81 | 6.24 |
| Diagnosis | 34 | 2.62 | 29 | 2.23 | 23 | 1.77 | 86 | 6.62 |
| Inadequate care | 38 | 2.93 | 39 | 3.00 | 43 | 3.31 | 120 | 9.24 |
| Inadequate consultation | 53 | 4.08 | 27 | 2.08 | 36 | 2.77 | 116 | 8.93 |
| Inadequate prosthetic equipment | 1 | 0.08 | 2 | 0.15 | 5 | 0.38 | 8 | 0.62 |
| Inadequate treatment | 102 | 7.85 | 104 | 8.01 | 131 | 10.08 | 337 | 25.94 |
| Infection control | 6 | 0.46 | 11 | 0.85 | 5 | 0.38 | 22 | 1.69 |
| No or inappropriate referral | 12 | 0.92 | 12 | 0.92 | 12 | 0.92 | 36 | 2.77 |
| Public or private election | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Rough and painful treatment | 8 | 0.62 | 12 | 0.92 | 9 | 0.69 | 29 | 2.23 |
| Teamwork and supervision | 3 | 0.23 | | 0.00 | 2 | 0.15 | 5 | 0.38 |
| Unexpected treatment outcome or complications | 63 | 4.85 | 96 | 7.39 | 71 | 5.47 | 230 | 17.71 |
| Withdrawal of treatment | 2 | 0.15 | 8 | 0.62 | 7 | 0.54 | 17 | 1.31 |
| Wrong or inappropriate treatment | 13 | 1.00 | 15 | 1.15 | 15 | 1.15 | 43 | 3.31 |
| Total | 419 | 32.26 | 436 | 33.56 | 444 | 34.18 | 1299 | 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

| Practitioner type | Number of practitioners identified in complaints* | Number and type of issues** identified in complaints about health practitioners** | | | | | | | | | | | | | | | | |
|--------------------------------|---|---|--|-------------------------------|---------|---------------------------------|------------------------------------|----------------|-------------------|-----------------------------------|-----------------|------------|----------------------|---------------------|--------------------------|----------------------|------------------------------|-------|
| | | 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 | 1 | - | - | - | - | - | - | - | - | - | - | - | 1 | 1 | - | - | - | 2 |
| Chinese medicine practitioner | 3 | - | - | - | - | - | - | - | - | - | - | - | 3 | - | - | - | - | 3 |
| Chiropractor | 16 | - | 1 | 1 | - | - | - | 1 | - | - | 1 | - | 11 | - | 6 | - | - | 21 |
| Dental practitioner | 83 | 2 | - | 5 | 6 | - | - | 4 | 5 | - | 4 | 2 | 18 | 2 | 79 | - | - | 127 |
| Medical practitioner | 631 | 41 | - | 158 | 18 | 3 | 7 | 27 | 7 | - | 19 | 119 | 112 | 15 | 346 | 36 | - | 908 |
| Medical radiation practitioner | 6 | - | - | - | - | - | - | - | - | - | - | - | 6 | - | 1 | - | - | 7 |
| Midwife | 9 | - | - | 5 | - | - | 1 | - | - | - | - | - | 5 | 2 | 5 | - | - | 18 |
| Nurse | 173 | - | 2 | 27 | 4 | - | - | - | 1 | - | 7 | 16 | 106 | 36 | 29 | - | - | 228 |
| Occupational therapist | 11 | - | - | 2 | - | - | - | 3 | - | - | - | - | 3 | 1 | 4 | 4 | - | 17 |
| Optometrist | 4 | - | - | - | 1 | - | - | - | - | - | - | - | 1 | - | 2 | 1 | - | 5 |
| Osteopath | 7 | 1 | - | 1 | - | - | - | - | - | - | - | - | 7 | - | - | - | - | 9 |
| Paramedic | 14 | - | - | - | - | - | - | - | - | - | - | - | 8 | 3 | 6 | - | - | 17 |
| Pharmacist | 30 | - | - | 3 | - | - | - | - | - | - | - | 27 | 11 | 2 | - | - | - | 43 |
| Physiotherapist | 7 | - | - | 1 | - | - | - | - | - | - | - | - | 6 | 1 | 2 | - | - | 10 |
| Podiatrist | 6 | - | - | - | - | - | - | 2 | - | - | - | - | 1 | - | 4 | - | - | 7 |
| Psychologist | 84 | 3 | - | 17 | 2 | - | 1 | 4 | 1 | - | 8 | - | 53 | 4 | 22 | 3 | - | 118 |
| Student practitioner | 11 | - | 1 | - | - | - | - | - | - | - | - | - | 8 | 5 | - | - | - | 14 |
| Unknown practitioner | 43 | 2 | 1 | 7 | 4 | - | - | - | - | - | 5 | 3 | 9 | - | 20 | 2 | - | 53 |
| Unregistered practitioner | 51 | - | 35 | 4 | - | - | 5 | - | 2 | - | - | 2 | 23 | - | 7 | 2 | - | 80 |
| Total | 1190 | 49 | 40 | 231 | 35 | 3 | 14 | 41 | 16 | 0 | 44 | 169 | 392 | 72 | 533 | 48 | 0 | 1687 |

* 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 provider. In circumstances where a health practitioner is identified in relation to multiple complaints, the health practitioner would be counted per complaint.

** 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 | | | | | | | | | | | | | | | | |
|-----------------------------|--|---|--|-------------------------------|---------|---------------------------------|------------------------------------|----------------|---------------------|-----------------------------------|-----------------|------------|----------------------|---------------------|--------------------------|----------------------|------------------------------|-------|
| | | 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 | 2 | - | - | 1 | - | - | - | 1 | - | - | - | - | - | - | - | - | - | 2 |
| Aged care facility | 19 | - | - | 1 | - | - | 6 | 1 | 1 | - | 2 | 3 | - | - | 17 | - | - | 31 |
| Allied health service | 12 | 1 | - | 1 | - | - | - | 3 | 4 | - | - | - | 5 | - | 5 | 1 | - | 20 |
| Ambulance service | 17 | 2 | - | 5 | - | - | 1 | - | - | - | - | 1 | 1 | - | 9 | - | - | 19 |
| Community health service | 31 | 5 | 1 | 2 | 3 | 1 | 10 | 1 | 1 | - | 1 | 1 | 1 | - | 16 | 1 | - | 44 |
| Correctional facility | 449 | 189 | - | 12 | 1 | - | 17 | - | 1 | - | 8 | 165 | 1 | - | 91 | 2 | - | 487 |
| Dental service | 56 | 15 | - | 5 | - | - | 3 | 8 | 4 | - | 5 | - | 4 | - | 33 | 1 | - | 78 |
| Health information service | 1 | - | - | 2 | - | - | - | - | - | - | - | - | - | - | - | - | - | 2 |
| Health promotion service | 1 | - | - | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 |
| Hospital and Health Service | 46 | 4 | 1 | 5 | 3 | 3 | 3 | - | 5 | - | 3 | 2 | 2 | - | 28 | 1 | - | 60 |
| Laboratory service | 36 | 3 | - | 4 | - | - | 8 | 8 | 3 | - | 4 | - | 1 | - | 11 | - | - | 42 |
| Licensed day hospital | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Licensed private hospital | 83 | 11 | - | 18 | - | 8 | 12 | 13 | 7 | - | 8 | 11 | 7 | - | 40 | - | - | 135 |
| Medical centre | 247 | 86 | 2 | 45 | 1 | - | 27 | 24 | 30 | - | 31 | 18 | 12 | - | 34 | 8 | - | 318 |
| Mental health service | 98 | 5 | - | 16 | 20 | 9 | 1 | 4 | 3 | - | 5 | 19 | 11 | - | 37 | 3 | - | 133 |
| Nursing service | 4 | 1 | - | 2 | - | - | 2 | 1 | 1 | - | - | - | - | - | 2 | - | - | 9 |
| Optical store | 4 | - | - | 1 | - | - | - | 1 | - | - | - | - | - | - | 2 | - | - | 4 |
| Other government department | 24 | 4 | - | 2 | - | - | 7 | 3 | 1 | - | 1 | 1 | 4 | - | 2 | - | - | 25 |
| Other support service | 21 | 4 | - | 3 | - | 3 | 4 | 2 | 2 | - | 1 | - | 5 | - | 3 | 1 | - | 28 |
| Paramedical service | 0 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Pharmaceutical service | 38 | 2 | 1 | 8 | - | - | 2 | 5 | 5 | - | 1 | 21 | 6 | - | 5 | - | - | 56 |
| Private organisation | 70 | 10 | 1 | 7 | 2 | - | 9 | 15 | 8 | - | 8 | 1 | 6 | - | 14 | 4 | - | 85 |
| Public health service | 28 | 4 | - | 3 | 1 | 3 | 2 | - | 5 | - | 2 | 6 | 2 | - | 14 | - | - | 42 |
| Public hospital | 519 | 66 | 1 | 104 | 27 | 55 | 34 | 7 | 50 | - | 25 | 24 | 26 | - | 392 | 13 | - | 824 |
| Residential care service | 3 | - | - | 1 | - | - | 2 | - | - | - | - | 2 | 1 | - | 3 | - | - | 9 |



| | | | | | | | | | | | | | | | | | | |
|----------------------------|-------------|------------|----------|------------|-----------|-----------|------------|------------|------------|----------|------------|------------|-----------|----------|------------|-----------|----------|-------------|
| Social work service | 1 | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 |
| Specialised health service | 29 | 3 | - | 6 | 2 | - | 2 | 11 | 4 | - | - | 2 | 2 | - | 8 | - | - | 40 |
| Welfare service | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Unknown organisation | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Total | 1839 | 416 | 7 | 255 | 60 | 82 | 152 | 108 | 135 | 0 | 105 | 277 | 97 | 0 | 766 | 35 | 0 | 2495 |

* 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 provider. 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.

Assessments started and completed

| Assessments this quarter | July | August | September | Q1 total |
|--------------------------|------|--------|-----------|----------|
| Assessments started | 54 | 86 | 104 | 244 |
| Assessments completed | 90 | 87 | 66 | 243 |

Completed assessment timeframes

| Assessment timeframes | July | | August | | September | | Q1 total | |
|--------------------------------|-----------|---------------|-----------|---------------|-----------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Within legislative timeframes* | 84 | 93.33 | 79 | 90.80 | 61 | 92.42 | 224 | 92.18 |
| Outside legislative timeframes | 6 | 6.67 | 8 | 9.20 | 5 | 7.58 | 19 | 7.82 |
| Total | 90 | 100.00 | 87 | 100.00 | 66 | 100.00 | 243 | 100.00 |

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

Assessment decisions

| Type of relevant action | July | | August | | September | | Q1 total | |
|---|-----------|---------------|-----------|---------------|-----------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Local resolution | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Conciliation | 7 | 7.37 | 5 | 5.21 | 12 | 16.67 | 24 | 9.13 |
| Investigation | 6 | 6.32 | 10 | 10.42 | 2 | 2.78 | 18 | 6.84 |
| Referred to AHPRA and the national boards | 23 | 24.21 | 20 | 20.83 | 16 | 22.22 | 59 | 22.43 |
| Referred to another entity | 11 | 11.58 | 15 | 15.63 | 7 | 9.72 | 33 | 12.55 |
| Director of Proceedings | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| No further action | 48 | 50.53 | 46 | 47.92 | 35 | 48.61 | 129 | 49.05 |
| Total | 95 | 100.00 | 96 | 100.00 | 72 | 100.00 | 263 | 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 | 114 | 86 | 66 | 266 |
| Local resolutions completed | 119 | 134 | 111 | 364 |

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 resolutions

Timeframes

| Local resolution timeframe | July | | August | | September | | Q1 total | |
|--------------------------------|--------|--------|--------|--------|-----------|--------|----------|--------|
| | Number | % | Number | % | Number | % | Number | % |
| Within legislative timeframes* | 100 | 84.03 | 103 | 76.87 | 96 | 86.49 | 299 | 82.14 |
| Outside legislative timeframes | 19 | 15.97 | 31 | 23.13 | 15 | 13.51 | 65 | 17.86 |
| Total | 119 | 100.00 | 134 | 100.00 | 111 | 100.00 | 364 | 100.00 |

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

Outcomes

| Local resolution outcomes | July | | August | | September | | Q1 total | |
|-------------------------------------|--------|--------|--------|--------|-----------|--------|----------|--------|
| | Number | % | Number | % | Number | % | Number | % |
| Resolution reached | 92 | 77.31 | 93 | 69.40 | 53 | 47.75 | 238 | 65.38 |
| No resolution reached | 20 | 16.81 | 32 | 23.88 | 49 | 44.14 | 101 | 27.75 |
| Complaint withdrawn* | 6 | 5.04 | 5 | 3.73 | 5 | 4.50 | 16 | 4.40 |
| Local resolution did not commence** | 1 | 0.84 | 4 | 2.99 | 4 | 3.60 | 9 | 2.47 |
| Total | 119 | 100.00 | 134 | 100.00 | 111 | 100.00 | 364 | 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 | 1 | 3.13 | 0 | 0.00 | 1 | 0.99 |
| 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 | 2 | 6.25 | 2 | 4.08 | 4 | 3.96 |
| Referred to another entity | 0 | 0.00 | 0 | 0.00 | 1 | 2.04 | 1 | 0.99 |
| No further action | 20 | 100.00 | 29 | 90.62 | 46 | 93.88 | 95 | 94.06 |
| Total | 20 | 100.00 | 32 | 100.00 | 49 | 100.00 | 101 | 100.00 |

Conciliation

Conciliations started and closed

| Conciliations this quarter | July | August | September | Q1 total |
|----------------------------|------|--------|-----------|----------|
| Conciliations started | 8 | 4 | 13 | 25 |
| Conciliations closed | 1 | 7 | 2 | 10 |

'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. 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 | 2 | 1 | 8 | 11 |
| Party/ies did not agree to participate | 7 | 2 | 6 | 15 |

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.

Completed conciliations

Timeframes

| Conciliations completed | July | | August | | September | | Q1 total | |
|-------------------------|----------|---------------|----------|---------------|-----------|-------------|----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Less than 3 months | 0 | 0.00 | 2 | 33.33 | 0 | 0.00 | 2 | 28.57 |
| 3–6 months | 0 | 0.00 | 1 | 16.67 | 0 | 0.00 | 1 | 14.29 |
| 6–9 months | 0 | 0.00 | 2 | 33.33 | 0 | 0.00 | 2 | 28.57 |
| 9–12 months | 0 | 0.00 | 1 | 16.67 | 0 | 0.00 | 1 | 14.29 |
| More than 12 months | 1 | 100.00 | 0 | 0.00 | 0 | 0.00 | 1 | 14.29 |
| Total | 1 | 100.00 | 6 | 100.00 | 0 | 0.00 | 7 | 100.00 |

Outcomes

| Conciliation outcomes | July | | August | | September | | Q1 total | |
|---|----------|---------------|----------|---------------|-----------|-------------|----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Successful | 0 | 0.00 | 5 | 83.33 | 0 | 0.00 | 5 | 71.43 |
| Not successful | 1 | 100.00 | 1 | 16.67 | 0 | 0.00 | 2 | 28.57 |
| Ended by the Health Ombudsman | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Parties withdrew prior to conciliation conference | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Total | 1 | 100.00 | 6 | 100.00 | 0 | 0.00 | 7 | 100.00 |

The data above relates to matters where parties initially 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.

Decisions for conciliations that were not successful

| Type of relevant action | July | | 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 | 1 | 100.00 | 0 | 0.00 | 2 | 100.00 |
| Total | 1 | 100.00 | 1 | 100.00 | 0 | 0.00 | 2 | 100.00 |

Open conciliation timeframes

| Conciliations open | July | | August | | September | |
|---------------------|-----------|---------------|-----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % |
| Less than 3 months | 10 | 37.04 | 10 | 43.48 | 17 | 56.67 |
| 3–6 months | 4 | 14.81 | 3 | 13.04 | 2 | 6.67 |
| 6–9 months | 4 | 14.81 | 1 | 4.35 | 1 | 3.33 |
| 9–12 months | 3 | 11.11 | 3 | 13.04 | 3 | 10.00 |
| More than 12 months | 6 | 22.22 | 6 | 26.09 | 7 | 23.33 |
| Total | 27 | 100.00 | 23 | 100.00 | 30 | 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 | 16 | 16 | 9 | 41 |
| Investigations closed | 3 | 9 | 7 | 19 |
| Investigations amalgamated under s40(2) | 0 | 2 | 0 | 2 |
| Investigations separated under s40(2) | 0 | 0 | 0 | 0 |

Closed investigations

Timeframes

In Q1, 63.17 per cent of the 19 investigations were closed within twelve months of commencement.

| Closed investigation timeframes | July | | August | | September | | Q1 total | |
|---------------------------------|----------|---------------|----------|---------------|-----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Less than 3 months | 1 | 33.33 | 1 | 11.11 | 1 | 14.29 | 3 | 15.79 |
| 3–6 months | 1 | 33.33 | 3 | 33.33 | 1 | 14.29 | 5 | 26.32 |
| 6–9 months | 0 | 0.00 | 2 | 22.22 | 0 | 0.00 | 2 | 10.53 |
| 9–12 months | 0 | 0.00 | 2 | 22.22 | 0 | 0.00 | 2 | 10.53 |
| 12–24 months | 1 | 33.33 | 1 | 11.11 | 3 | 42.86 | 5 | 26.31 |
| More than 24 months | 0 | 0.00 | 0 | 0.00 | 2 | 28.57 | 2 | 10.53 |
| Total | 3 | 100.00 | 9 | 100.00 | 7 | 100.00 | 19 | 100.00 |

Outcomes

| Investigation outcomes | July | | August | | September | | Q1 total | |
|--|----------|---------------|-----------|---------------|-----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Recommended for referral to Director of Proceedings* | 6 | 85.71 | 4 | 26.67 | 11 | 84.62 | 21 | 60.00 |
| Recommend Health Ombudsman issue a Permanent Prohibition Order | 0 | 0.00 | 3 | 20.00 | 1 | 7.69 | 4 | 11.43 |
| Referred to AHPRA | 0 | 0.00 | 2 | 13.33 | 1 | 7.69 | 3 | 8.57 |
| Referred to another agency | 1 | 14.29 | 1 | 6.67 | 0 | 0.00 | 2 | 5.71 |
| No further action | 0 | 0.00 | 5 | 33.33 | 0 | 0.00 | 5 | 14.29 |
| Referred for conciliation | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Total | 7 | 100.00 | 15 | 100.00 | 13 | 100.00 | 35 | 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 | 30 | 32.61 | 33 | 33.33 | 27 | 29.67% |
| 3–6 months | 21 | 22.83 | 24 | 24.24 | 21 | 23.08% |
| 6–9 months | 12 | 13.04 | 9 | 9.09 | 11 | 12.09% |
| 9–12 months | 14 | 15.22 | 10 | 10.10 | 10 | 10.99% |
| 12–24 months* | 9 | 9.78 | 15 | 15.15 | 15 | 16.48 |
| More than 24 months* | 6 | 6.52 | 8 | 8.08 | 7 | 7.69 |
| Total | 92 | 100.00 | 99 | 100.00 | 91 | 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 | 5 | 10.42 | 2 | 4.35 | 9 | 16.07 |
| 3–6 months | 4 | 8.33 | 8 | 17.39 | 8 | 14.29 |
| 6–9 months | 8 | 16.67 | 7 | 15.22 | 6 | 10.71 |
| 9–12 months | 7 | 14.58 | 5 | 10.87 | 7 | 12.50 |
| 12–24 months | 17 | 35.42 | 18 | 39.13 | 18 | 32.14 |
| More than 24 months | 7 | 14.58 | 6 | 13.04 | 8 | 14.29 |
| Total | 48 | 100.00 | 46 | 100.00 | 56 | 100.00 |

Open investigation timeframes

| Total open investigation timeframes | July | | August | | September | |
|-------------------------------------|------------|---------------|------------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % |
| Less than 3 months | 35 | 25.00 | 35 | 24.14 | 36 | 24.49 |
| 3–6 months | 25 | 17.86 | 32 | 22.07 | 29 | 19.73 |
| 6–9 months | 20 | 14.29 | 16 | 11.03 | 17 | 11.56 |
| 9–12 months | 21 | 15.00 | 15 | 10.34 | 17 | 11.56 |
| 12–24 months | 26 | 18.57 | 33 | 22.76 | 33 | 22.45 |
| More than 24 months | 13 | 9.29 | 14 | 9.66 | 15 | 10.20 |
| Total | 140 | 100.00 | 145 | 100.00 | 147 | 100.00 |

Open investigation categories

| Type of investigation | July | August | September |
|--|------------|------------|------------|
| Health service complaint | 77 | 83 | 83 |
| Systemic issue | 2 | 2 | 2 |
| Ministerial directed investigation | 0 | 0 | 0 |
| Another matter* | 57 | 56 | 58 |
| Matters identified for further investigation** | 4 | 4 | 4 |
| Total | 140 | 145 | 147 |

*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

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 recommendation monitoring program to track the implementation of the recommendations.

OHO recommendations monitoring

| OHO monitoring cases | July | August | September |
|--|------|--------|-----------|
| Cases open at the beginning of the month | 2 | 2 | 2 |
| Recommendations monitoring cases started | 0 | 0 | 0 |
| Recommendations monitoring cases closed | 0 | 0 | 0 |

Open recommendations monitoring case timeframes

| Monitoring case timeframes* | July | | August | | September | |
|-----------------------------|----------|---------------|----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % |
| Less than 6 months | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| 6–12 months | 2 | 100.00 | 0 | 0.00 | 0 | 0.00 |
| More than 12 months | 0 | 0.00 | 2 | 100.00 | 2 | 100.00 |
| Total | 2 | 100.00 | 2 | 100.00 | 2 | 100.00 |

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 | July | | August | | September | | Q1 total | |
|----------------------------------|----------|---------------|----------|---------------|-----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Dentist | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Medical practitioner | 1 | 33.33 | 0 | 0.00 | 3 | 50.00 | 4 | 36.36 |
| Medical Practitioner and Dentist | 0 | 0.00 | 0 | 0.00 | 1 | 16.70 | 1 | 9.10 |
| Osteopath | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Paramedic | 0 | 0.00 | 1 | 50.00 | 0 | 0.00 | 1 | 9.10 |
| Pharmacist | 1 | 33.33 | 0 | 0.00 | 0 | 0.00 | 1 | 9.10 |
| Physiotherapist | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Psychologist | 0 | 0.00 | 1 | 50.00 | 0 | 0.00 | 1 | 9.10 |
| Registered nurse | 1 | 33.33 | 0 | 0.00 | 2 | 33.30 | 3 | 27.24 |
| Total | 3 | 100.00 | 2 | 100.00 | 6 | 100.00 | 11 | 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 |
|----------------------------------|-----------|---------------|
| Dentist | 1 | 3.30 |
| Medical practitioner | 22 | 73.40 |
| Medical practitioner and Dentist | 1 | 3.30 |
| Pharmacist | 2 | 6.60 |
| Registered nurse | 4 | 13.30 |
| Total | 30 | 100.00 |

*The Director of Proceedings has previously made decisions on two matters which are currently being reconsidered. As such, these two matters have been added back into the list of open matters. These relate to a Medical Practitioner and a Registered Nurse.

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 | % |
| Chinese medicine practitioner | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Dental practitioner | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Medical practitioner | 0 | 0.00 | 1 | 25.00 | 0 | 0.00 | 1 | 16.67 |
| Osteopath | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Paramedic | 0 | 0.00 | 0 | 0.00 | 1 | 50.00 | 1 | 16.67 |
| Pharmacist | 0 | 0.00 | 1 | 25.00 | 0 | 0.00 | 1 | 16.67 |
| Psychologist | 0 | 0.00 | 1 | 25.00 | 1 | 50.00 | 2 | 33.33 |
| Physiotherapist | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Registered nurse | 0 | 0.00 | 1 | 25.00 | 0 | 0.00 | 1 | 16.67 |
| Total | 0 | 0.00 | 4 | 100.00 | 2 | 100.00 | 6 | 100.00 |

Matters referred back to Health Ombudsman

| Practitioner type | July | | August | | September | | Q1 total | |
|-------------------------------|----------|---------------|----------|---------------|-----------|-------------|----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Chinese medicine practitioner | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Dental practitioner | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Medical practitioner | 1 | 100.00 | 1 | 50.00 | 0 | 0.00 | 2 | 66.67 |
| Paramedic | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Psychologist | 0 | 0.00 | 1 | 50.00 | 0 | 0.00 | 1 | 33.33 |
| Registered nurse | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Total | 1 | 100.00 | 2 | 100.00 | 0 | 0.00 | 3 | 100.00 |

*From 1 March 2021, improvements to systems and processes mean that matters being referred to the Health Ombudsman are now counted based on the date of referral, rather than the date of the decision to refer.

Decisions on matters referred to the Queensland Civil and Administrative Tribunal

There have been 10 decisions made on matters referred to QCAT during the quarter.

| Date of Decision | Matter | Details of QCAT decision |
|------------------|------------------------------------|--|
| 15 July 2021 | <i>Health Ombudsman v Vu</i> | Professional misconduct Practitioner reprimanded Practitioner disqualified from applying for registration for three years Practitioner prohibited from providing any health service involving direct contact with any patient or client until such time as he obtains registration as a health practitioner |
| 21 July 2021 | <i>Health Ombudsman v Pin</i> | Unsatisfactory professional performance in relation to allegation one Professional misconduct in relation to allegations two through seven Practitioner reprimanded |
| 4/08/2021 | <i>Health Ombudsman v Leinonen</i> | Professional misconduct Practitioner reprimanded Practitioner fined \$10,000 |
| 5/08/2021 | <i>Health Ombudsman v Saurels</i> | Professional misconduct Practitioner reprimanded |
| 6/08/2021 | <i>Health Ombudsman v McAndrew</i> | Professional misconduct Practitioner reprimanded Practitioner registration cancelled Practitioner prohibited, until such time as they obtain registration as a health practitioner or until the expiration of a period of 5 years, from providing any health service |
| 19/08/2021 | <i>Health Ombudsman v Rodney</i> | Professional misconduct Practitioner reprimanded Conditions imposed on practitioners registration Practitioner fined \$30,000 to be paid within 28 days Respondent to pay Applicant's costs agreed at \$75,000 |
| 20/08/2021 | <i>Health Ombudsman v Park</i> | Professional misconduct The Tribunal decides that the Respondent's registration was improperly obtained because she gave the Pharmacy Board of Australia a document that was false or misleading in a material particular Practitioner reprimanded Practitioner registration cancelled |



| Date of Decision | Matter | Details of QCAT decision |
|------------------|-----------------------------------|---|
| | | Practitioner disqualified from applying for registration as a registered health practitioner for a period of 6 months |
| 7/09/2021 | <i>Health Ombudsman v Sandhu</i> | Professional misconduct Practitioner reprimanded Practitioner disqualified from applying for registration for two years Practitioner prohibited from providing any health service until registered |
| 16/09/2021 | <i>Health Ombudsman v Edwards</i> | Professional misconduct Practitioner reprimanded |
| 29/09/2021 | <i>Health Ombudsman v Asinas</i> | Professional Misconduct Practitioner reprimanded Registration cancelled and practitioner disqualified from applying for registration for a period of 18 months |

Decisions on immediate action reviews

There were no decisions on immediate action reviews handed down in 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 cause notices in the quarter.

Immediate registration actions

| Practitioner type | Number | Action taken | Reason/s for taking action | |
|-------------------------------|--------|--------------|----------------------------|--------------|
| | | | Public Interest | Serious Risk |
| Chiropractor | 1 | Conditions | | ✓ |
| Pharmacist | 1 | Suspension | ✓ | ✓ |
| Paramedic | 1 | Conditions | | ✓ |
| Nurse | 1 | Suspension | ✓ | ✓ |
| Chinese Medicine Practitioner | 1 | Conditions | ✓ | ✓ |
| Osteopath | 1 | Conditions | ✓ | ✓ |
| Paramedic | 1 | Conditions | | ✓ |
| Nurse | 1 | Suspension | ✓ | |
| Nurse | 1 | Suspension | ✓ | |
| Nurse | 1 | Suspension | ✓ | ✓ |

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 |
| Aged Health Care Worker | 1 | Prohibition | ✓ | ✓ |
| Massage therapist | 1 | Restrictions | ✓ | ✓ |
| Ayurvedic Practitioner | 1 | Restrictions | | ✓ |
| Massage therapist | 1 | Prohibition | | ✓ |
| Health Support Worker | 1 | Prohibition | | ✓ |
| Nurse | 1 | Prohibition | ✓ | ✓ |
| Chinese Medicine Practitioner | 1 | Restrictions | ✓ | ✓ |
| Massage therapist | 1 | Restrictions | ✓ | ✓ |
| Health Support Worker | 1 | Prohibition | ✓ | ✓ |
| Aged Health Care Worker | 1 | Prohibition | | ✓ |
| Counsellor | 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 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 |
|---------------------------------------|------|--------|-----------|
| Practitioner monitoring cases started | 2 | 12 | 7 |
| Practitioner monitoring cases closed | 2 | 1 | 8 |

Open monitoring cases

Timeframes

| Open case timeframes | July | | August | | September | |
|----------------------|------------|---------------|------------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % |
| Less than 6 months | 47 | 27.98 | 51 | 28.49 | 46 | 25.84 |
| 6–12 months | 36 | 21.43 | 40 | 22.35 | 38 | 21.35 |
| More than 12 months | 85 | 50.59 | 88 | 49.16 | 94 | 52.81 |
| Total | 168 | 100.00 | 179 | 100.00 | 178 | 100.00 |



Immediate action types

| Open cases by immediate action type | July | | August | | September | |
|--|------------|---------------|------------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % |
| Interim prohibition order – restrictions | 25 | 14.88 | 27 | 15.08 | 26 | 14.61 |
| Interim prohibition order – prohibited | 31 | 18.45 | 33 | 18.44 | 33 | 18.54 |
| Immediate registration action - conditions | 52 | 30.95 | 55 | 30.73 | 51 | 28.65 |
| Immediate registration action - suspension | 19 | 11.31 | 21 | 11.73 | 23 | 12.92 |
| QCAT disciplinary decision | 28 | 16.67 | 29 | 16.20 | 30 | 16.85 |
| QCAT interim decision | 1 | 0.60 | 1 | 0.56 | 1 | 0.56 |
| Permanent prohibition order | 12 | 7.14 | 13 | 7.26 | 14 | 7.87 |
| Total | 168 | 100.00 | 179 | 100.00 | 178 | 100.00 |

Registered practitioners under monitoring by practitioner type

| Open cases by practitioner type | Number | Percentage |
|---|-----------|---------------|
| Aboriginal and Torres Strait Islander health worker | 0 | 0.00 |
| Chinese medicine practitioner | 5 | 6.58 |
| Chiropractor | 1 | 1.32 |
| Dental practitioner | 3 | 3.95 |
| Medical practitioner | 29 | 38.16 |
| Medical radiation practitioner | 0 | 0.00 |
| Nursing and midwifery practitioner | 21 | 27.63 |
| Occupational therapist | 0 | 0.00 |
| Optometrist | 0 | 0.00 |
| Osteopath | 2 | 2.63 |
| Paramedic | 4 | 5.26 |
| Pharmacist | 2 | 2.63 |
| Physiotherapist | 4 | 5.26 |
| Podiatrist | 0 | 0.00 |
| Psychologist | 5 | 6.58 |
| Total | 76 | 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 | 1.08 |
| Aged care health worker | 8 | 8.60 |
| Assistant in nursing | 12 | 12.90 |
| Ayurvedic medicine practitioner | 1 | 1.08 |
| Cosmetic therapist | 1 | 1.08 |
| Counsellor | 1 | 1.08 |
| Disability support worker | 1 | 1.08 |
| Former registered health practitioner | 17 | 18.28 |
| Holding Out* | 3 | 3.23 |
| Kinesiologist | 2 | 2.15 |
| Massage therapist | 28 | 30.11 |
| Medical assistant | 3 | 3.23 |
| Naturopath | 1 | 1.08 |
| Other health educator | 1 | 1.08 |
| Other health support worker | 2 | 2.15 |
| Other natural or alternative health care provider | 2 | 2.15 |
| Personal carer | 3 | 3.23 |
| Psychotherapists | 1 | 1.08 |
| Social Worker | 1 | 1.08 |
| Unregistered paramedic** | 3 | 3.23 |
| Wardsperson | 1 | 1.08 |
| Total | 93 | 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.

**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

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* | 233 | 239 | 240 | 712 |
| Matters referred | 213 | 244 | 225 | 682 |
| Matters retained by the office** | 5 | 5 | 15 | 25 |

*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 | 190 | 81.55 | 204 | 85.36 | 195 | 81.25 | 589 | 82.72 |
| Assessment | 31 | 13.30 | 31 | 12.97 | 31 | 12.92 | 93 | 13.06 |
| Conciliation | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0 |
| Local resolution | 2 | 0.86 | 2 | 0.84 | 9 | 3.75 | 13 | 1.83 |
| Internal review | 5 | 2.15 | 0 | 0.00 | 1 | 0.42 | 6 | 0.84 |
| Investigation | 2 | 0.86 | 2 | 0.84 | 1 | 0.42 | 5 | 0.7 |
| Director of proceedings | 3 | 1.29 | 0 | 0.00 | 3 | 1.25 | 6 | 0.84 |
| Total | 233 | 100.00 | 239 | 100.00 | 240 | 100.00 | 712 | 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 | 574 | 8 | 4 | 1 | 2 |
| Assessment | 13 | 9 | 22 | 38 | 11 |
| Local resolution | 0 | 0 | 1 | 6 | 6 |
| Conciliation | 0 | 0 | 0 | 0 | 0 |
| Internal review | 1 | 0 | 0 | 0 | 5 |
| Director of Proceedings | 0 | 0 | 0 | 1 | 4 |
| Investigation | 0 | 0 | 0 | 0 | 6 |
| Total | 588 | 17 | 27 | 46 | 34 |

'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 | 128 | 54.94 | 131 | 54.81 | 146 | 60.83 | 405 | 56.88 |
| 4–7 days | 95 | 40.77 | 87 | 36.40 | 87 | 36.25 | 269 | 37.78 |
| 8–11 days | 1 | 0.43 | 16 | 6.69 | 3 | 1.25 | 20 | 2.81 |
| More than 12 days | 9 | 3.86 | 5 | 2.09 | 4 | 1.67 | 18 | 2.53 |
| Total | 233 | 100.00 | 239 | 100.00 | 240 | 100.00 | 712 | 100.00 |

Number of practitioners referred to AHPRA by practitioner type

| Practitioner type | July | | August | | September | | Q1 total | |
|---|------------|---------------|------------|---------------|------------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Aboriginal and Torres Strait Islander health practitioner | 1 | 0.47 | 0 | 0.00 | 1 | 0.47 | 2 | 0.3 |
| Chinese medicine practitioner | 0 | 0.00 | 0 | 0.00 | 3 | 1.40 | 3 | 0.45 |
| Chiropractor | 1 | 0.47 | 5 | 2.05 | 0 | 0.00 | 6 | 0.89 |
| Dental practitioner | 18 | 8.45 | 19 | 7.79 | 15 | 6.98 | 52 | 7.74 |
| Medical practitioner | 108 | 50.70 | 129 | 52.87 | 92 | 42.79 | 329 | 48.96 |
| Medical radiation practitioner | 0 | 0.00 | 1 | 0.41 | 1 | 0.47 | 2 | 0.3 |
| Nursing and midwifery practitioner | 55 | 25.82 | 51 | 20.90 | 66 | 30.70 | 172 | 25.6 |
| Occupational therapist | 3 | 1.41 | 2 | 0.82 | 1 | 0.47 | 6 | 0.89 |
| Optometrist | 0 | 0.00 | 2 | 0.82 | 0 | 0.00 | 2 | 0.3 |
| Osteopath | 0 | 0.00 | 0 | 0.00 | 2 | 0.93 | 2 | 0.3 |
| Paramedic | 10 | 4.69 | 5 | 2.05 | 0 | 0.00 | 15 | 2.23 |
| Pharmacist | 7 | 3.29 | 9 | 3.69 | 13 | 6.05 | 29 | 4.32 |
| Physiotherapist | 3 | 1.41 | 2 | 0.82 | 2 | 0.93 | 7 | 1.04 |
| Podiatrist | 0 | 0.00 | 3 | 1.23 | 1 | 0.47 | 4 | 0.6 |
| Psychologist | 7 | 3.29 | 14 | 5.74 | 17 | 7.91 | 38 | 5.65 |
| Student practitioner* | 0 | 0.00 | 2 | 0.82 | 1 | 0.47 | 3 | 0.45 |
| Total | 213 | 100.00 | 244 | 100.00 | 215 | 100.00 | 672 | 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 | - | - | - | - | - | - | - | - | - | 2 | 1 | - | - | 3 | - |
| Chinese medicine practitioner | - | - | - | - | - | - | - | - | - | 2 | 1 | - | - | 3 | - |
| Chiropractor | - | - | - | - | - | - | - | 1 | - | 2 | - | 4 | - | 7 | - |
| Dental practitioner | 2 | 3 | 4 | - | - | 3 | 1 | 2 | 2 | 12 | 2 | 55 | - | 86 | 2 |
| Medical practitioner | 5 | 55 | 13 | 3 | 3 | 4 | - | 14 | 65 | 66 | 16 | 231 | 4 | 479 | 5 |
| Medical radiation practitioner | - | - | - | - | - | - | - | - | - | 3 | - | - | - | 3 | - |
| Nursing and midwifery practitioner | - | 27 | 1 | - | 1 | - | - | 6 | 29 | 98 | 33 | 33 | - | 228 | - |
| Occupational therapy | - | 1 | - | - | - | 1 | - | - | - | 4 | - | 2 | 2 | 10 | - |
| Optometrist | - | - | 1 | - | - | - | - | - | - | - | - | 2 | - | 3 | - |
| Osteopath | - | 1 | - | - | - | - | - | - | - | 2 | - | - | - | 3 | - |
| Paramedic | - | 1 | - | - | - | - | - | 1 | 1 | 11 | 2 | 8 | - | 24 | - |
| Pharmacist | - | - | - | - | - | - | - | - | 23 | 11 | 4 | 2 | - | 40 | - |
| Physiotherapist | - | 1 | - | - | - | - | - | 1 | - | 4 | 1 | 2 | - | 9 | - |
| Podiatrist | - | - | - | - | - | 1 | - | - | - | 2 | - | 2 | - | 5 | - |
| Psychologist | 1 | 5 | 1 | - | - | - | - | 6 | - | 31 | 3 | 8 | 1 | 56 | 1 |
| Student practitioner | - | - | - | - | - | - | - | - | - | 4 | 2 | - | - | 6 | - |
| Total | 8 | 94 | 20 | 3 | 4 | 9 | 1 | 31 | 120 | 254 | 65 | 349 | 7 | 965 | 8 |



Demographics of healthcare consumers

Gender of healthcare consumers

| Gender | Number | Percentage |
|-----------------------|-------------|---------------|
| Female | 1328 | 49.78 |
| Male | 1227 | 45.99 |
| Prefer not to specify | 48 | 1.80 |
| Unknown | 65 | 2.44 |
| Total | 2668 | 100.00 |

Age of healthcare consumers

| Age | Number | Percentage |
|--------------------|-------------|---------------|
| Less than 18 years | 160 | 6.00 |
| 18–24 years | 129 | 4.84 |
| 25–34 years | 493 | 18.48 |
| 35–44 years | 569 | 21.33 |
| 45–54 years | 444 | 16.64 |
| 55–64 years | 330 | 12.37 |
| 65–74 years | 186 | 6.97 |
| More than 75 years | 177 | 6.63 |
| Unknown* | 180 | 6.75 |
| Total | 2668 | 100.00 |

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

Location of healthcare consumers

| Location of healthcare consumers | Number | Percentage |
|----------------------------------|-------------|---------------|
| Brisbane | 1132 | 42.43 |
| Central West | 4 | 0.15 |
| Darling Downs | 96 | 3.60 |
| Far North | 124 | 4.65 |
| Fitzroy | 106 | 3.97 |
| Gold Coast | 278 | 10.42 |
| Mackay | 47 | 1.76 |
| North West | 11 | 0.41 |
| Northern | 121 | 4.54 |
| South West | 5 | 0.19 |
| Sunshine Coast | 140 | 5.25 |
| West Moreton | 82 | 3.07 |
| Wide Bay-Burnett | 154 | 5.77 |
| Outside Queensland | 115 | 4.31 |
| Unknown | 253 | 9.48 |
| Total | 2668 | 100.00 |

Location of health service providers

| Location of health service providers | Number | Percentage |
|--------------------------------------|-------------|---------------|
| Brisbane | 1419 | 46.89 |
| Central West | 5 | 0.17 |
| Darling Downs | 107 | 3.54 |
| Far North | 127 | 4.20 |
| Fitzroy | 112 | 3.70 |
| Gold Coast | 374 | 12.36 |
| Mackay | 63 | 2.08 |
| North West | 11 | 0.36 |
| Northern | 150 | 4.96 |
| South West | 1 | 0.03 |
| Sunshine Coast | 185 | 6.11 |
| West Moreton | 62 | 2.05 |
| Wide Bay-Burnett | 152 | 5.02 |
| Outside Queensland* | 38 | 1.26 |
| Unknown | 220 | 7.27 |
| Total | 3026 | 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.