

Quarter Three 2020-21
performance report
Office of the Health Ombudsman



OFFICE OF THE
HEALTH
OMBUDSMAN



Quarterly performance report—Quarter three 2020-21

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Introduction

This document reports on the quarter three (Q3) 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 6 May 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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Complaint	651	75.26	852	81.38	937	82.19	2440	79.95
Enquiry	183	21.16	156	14.90	163	14.30	502	16.45
Information	31	3.58	36	3.44	31	2.72	98	3.21
Yet to be classified	0	0.00	3	0.29	9	0.79	12	0.39
Total	865	100.00	1047	100.00	1140	100.00	3052	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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Health consumer complaint	589	90.48	730	85.68	812	86.66	2131	87.34
Mandatory notification*	24	3.69	27	3.17	38	4.06	89	3.65
Voluntary notification*	35	5.38	85	9.98	75	8.00	195	7.99
Self-notification*	3	0.46	5	0.59	6	0.64	14	0.57
Referral from another agency	0	0.00	5	0.59	6	0.64	11	0.45
Total	651	100.00	852	100.00	937	100.00	2440	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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Yes	573	99.13	707	97.38	903	92.14	2183	95.58
No	5	0.87	19	2.62	77	7.86	101	4.42
Total	578	100.00	726	100.00	980	100.00	2284	100.00

Decisions made

Number of decisions made	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Accepted and further relevant action taken	407	70.42	505	69.56	596	60.82	1508	66.02
Accepted and no further action taken*	95	16.44	144	19.83	214	21.84	453	19.83
Not accepted under s35A**	76	13.15	77	10.61	170	17.35	323	14.14
Total	578	100.00	726	100.00	980	100.00	2284	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 30 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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Assessment	79	19.22	126	24.47	124	20.53	329	21.50
Local resolution	110	26.76	138	26.80	149	24.67	397	25.95
Conciliation	0	0.00	0	0.00	0	0.00	0	0.00
Investigation	6	1.46	2	0.39	3	0.50	11	0.72
Referred to AHPRA and the national boards	100	24.33	105	20.39	151	25.00	356	23.27
Referred to another entity	116	28.22	144	27.96	177	29.30	437	28.56
Referred to director of proceedings	0	0.00	0	0.00	0	0.00	0	0.00
Total	411	100.00	515	100.00	604	100.00	1530	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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Access	138	13.44	153	11.61	148	10.21	439	11.57
Code of conduct for healthcare workers	11	1.07	10	0.76	11	0.76	32	0.84
Communication/information	95	9.25	117	8.88	167	11.53	379	9.99
Consent	25	2.43	24	1.82	37	2.55	86	2.27
Discharge/transfer arrangements	20	1.95	21	1.59	25	1.73	66	1.74
Environment/management of facilities	69	6.72	56	4.25	62	4.28	187	4.93
Fees/cost	31	3.02	37	2.81	47	3.24	115	3.03
Grievance processes	43	4.19	34	2.58	48	3.31	125	3.29
<i>Health Ombudsman Act 2013 offence</i>	0	0.00	1	0.08	2	0.14	3	0.08
Medical records	27	2.63	61	4.63	39	2.69	127	3.35
Medication	93	9.06	131	9.94	142	9.80	366	9.65
Professional conduct	113	11.00	133	10.09	175	12.08	421	11.10
Professional health	19	1.85	22	1.67	32	2.21	73	1.92
Professional performance	325	31.65	490	37.18	485	33.47	1300	34.26
Reports/certificates	18	1.75	28	2.12	28	1.93	74	1.95
Research/teaching/assessment	0	0.00	0	0.00	1	0.07	1	0.03
Total	1027	100.00	1318	100.00	1449	100.00	3794	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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Competence	9	2.77	10	2.04	7	1.44	26	2.00
Coordination of treatment	23	7.08	34	6.94	49	10.10	106	8.15
Delay in treatment	22	6.77	27	5.51	20	4.12	69	5.61
Diagnosis	28	8.62	31	6.33	33	6.80	92	7.08
Inadequate care	22	6.77	42	8.57	54	11.13	118	9.08
Inadequate consultation	19	5.85	36	7.35	15	3.09	70	5.38
Inadequate prosthetic equipment	3	0.92	5	1.02	5	1.03	13	1.00
Inadequate treatment	106	32.62	185	37.76	159	32.78	450	34.62
Infection control	7	2.15	0	0.00	8	1.65	15	1.15
No or inappropriate referral	8	2.46	11	2.24	10	2.06	29	2.23
Public or private election	0	0.00	0	0.00	0	0.00	0	0.00
Rough and painful treatment	10	3.08	15	3.06	20	4.12	45	3.46
Teamwork and supervision	2	0.62	4	0.82	6	1.24	12	0.92
Unexpected treatment outcome or complications	60	18.46	68	13.88	78	16.08	206	15.85
Withdrawal of treatment	0	0.00	2	0.41	5	1.03	7	0.54
Wrong or inappropriate treatment	6	1.85	20	4.08	16	3.30	42	3.23
Total	325	100.00	490	100.00	485	100.00	1300	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**																Total
		Access	Code of conduct for healthcare workers	Communication and information	Consent	Discharge/transfer arrangements	Environment/management of facility	Fees and costs	Grievance process	Health Ombudsman Act 2013 Offence	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/certificates	Research/Teaching/Assessment	
Aboriginal and Torres Strait	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Chinese medicine practitioner	3	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	-	3
Chiropractor	12	-	-	1	-	-	-	-	-	-	-	8	-	5	1	-	-	15
Dental practitioner	91	2	-	10	2	-	1	3	1	-	1	4	8	2	77	-	-	111
Medical practitioner	604	30	-	99	11	3	4	31	5	1	37	82	142	28	338	38	-	849
Medical radiation practitioner	3	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	3
Midwife	6	-	-	-	-	-	-	-	-	-	1	-	3	2	2	-	-	8
Nurse	133	1	2	4	2	-	1	-	-	-	6	16	102	31	16	1	-	182
Occupational therapist	4	-	-	2	-	-	-	-	-	-	-	-	-	-	2	1	-	5
Optometrist	3	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	3
Osteopath	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Paramedic	18	-	-	-	-	-	-	-	-	-	-	-	18	4	2	-	-	24
Pharmacist	25	-	-	3	-	-	-	-	1	-	-	18	4	1	1	-	-	28
Physiotherapist	9	-	-	-	2	-	-	-	-	-	-	-	5	-	5	-	-	12
Podiatrist	3	-	-	-	-	-	-	1	-	-	-	-	1	-	1	-	-	3
Psychologist	70	-	-	6	4	-	2	3	2	-	8	-	35	4	20	10	-	94
Student practitioner	5	-	2	-	-	-	-	-	-	-	-	-	3	-	-	-	-	5
Unknown practitioner	55	1	-	7	1	-	-	-	-	-	1	6	16	1	22	4	-	59
Unregistered practitioner	35	-	21	-	-	-	-	-	-	1	-	-	13	-	2	1	-	38
Total	1078	34	25	132	22	3	8	38	9	2	54	126	362	73	499	56	0	1443

* 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																Total
		Access	Code of conduct for healthcare workers	Communication and information	Consent	Discharge/transfer arrangements	Environment/management of facility	Fees and costs	Grievance processes	Health Ombudsman Act 2013 Offence	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/certificates	Research/Teaching/Assessment	
Administrative service	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Aged care facility	28	1	-	5	-	-	13	2	-	-	-	5	1	-	18	-	-	1
Allied health service	17	3	-	5	-	-	3	2	-	-	1	-	2	-	3	1	-	20
Ambulance service	5	-	-	1	-	-	-	-	-	-	-	-	1	-	3	-	-	5
Community health service	29	6	1	3	3	-	2	3	1	-	2	3	1	-	8	-	-	33
Correctional facility	420	200	-	17	-	-	14	-	2	1	2	131	3	-	110	-	-	480
Dental service	50	10	-	2	1	-	4	4	12	-	1	-	1	-	26	-	-	61
Health information service	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Health promotion service	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Hospital and Health Service	32	4	-	7	3	3	5	1	1	-	3	3	2	-	-	-	-	0
Laboratory service	19	-	-	6	-	-	4	9	2	-	-	-	-	-	-	-	-	25
Licensed day hospital	4	-	-	-	-	-	-	-	-	-	1	1	4	-	4	-	-	10
Licensed private hospital	59	6	-	13	2	2	4	-	8	-	1	7	-	-	26	-	1	89
Medical centre	205	49	1	48	-	-	36	21	23	-	31	8	10	-	51	5	-	283
Mental health service	104	8	1	17	27	8	11	-	3	-	1	21	4	-	40	2	-	143
Nursing service	5	-	-	-	-	-	1	-	-	-	-	1	-	-	7	-	-	9
Optical store	8	-	-	-	-	-	4	3	-	-	-	-	-	-	4	-	-	11
Other government department	7	1	-	-	-	-	2	-	1	-	1	-	1	-	1	-	-	7
Other support service	7	-	-	1	-	-	2	1	1	-	-	1	-	-	5	-	-	7
Paramedical service	2	-	-	1	-	-	-	-	-	-	-	1	-	-	-	-	-	2
Pharmaceutical service	25	1	-	4	-	-	5	1	1	-	1	16	2	-	1	-	-	32
Private organisation	23	-	2	2	1	-	4	4	2	-	2	-	-	-	6	1	-	27
Public health service	25	5	-	7	-	2	4	-	-	-	-	4	4	-	19	6	-	45



Public hospital	552	101	1	103	26	47	48	11	49	-	21	34	19	-	430	-	-	893
Residential care service	2	-	-	-	-	-	-	-	-	-	-	2	-	-	1	-	-	3
Specialised health service	36	8	1	5	1	-	2	9	9	-	2	2	1	-	9	2	-	51
Welfare service	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	2
Unknown organisation	6	2	-	-	-	1	-	1	-	-	-	-	-	-	2	-	-	6
Total	1671	405	7	247	64	63	179	77	116	1	73	240	59	0	801	18	1	2351

* 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	January	February	March	Q3 total
Assessments started	86	140	148	374
Assessments completed	82	105	162	349

Completed assessment timeframes

Assessment timeframes	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Within legislative timeframes*	61	74.39	89	84.76	138	85.19	288	82.52
Outside legislative timeframes	21	26.51	16	15.24	24	14.81	61	17.48
Total	82	100.00	105	100.00	162	100.00	349	100.00

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

Assessment decisions

Type of relevant action	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Local resolution	0	0.00	0	0.00	0	0.00	0	0.00
Conciliation	3	3.41	3	2.78	6	3.53	12	3.28
Investigation	7	7.95	10	9.26	6	3.53	23	6.28
Referred to AHPRA and the national boards	16	18.18	27	25.00	32	18.82	75	20.49
Referred to another entity	15	17.05	19	17.59	30	17.65	64	17.49
Director of Proceedings	0	0.00	0	0.00	0	0.00	0	0.00
No further action	47	53.41	49	45.37	96	56.47	192	52.46
Total	88	100.00	108	100.00	170	100.00	366	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	January	February	March	Q3 total
Local resolutions started	114	145	153	412
Local resolutions completed	142	128	164	434

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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Within legislative timeframes*	128	90.14	119	92.97	150	91.46	397	91.47
Outside legislative timeframes	14	9.86	9	7.03	14	8.54	37	8.53
Total	142	100.00	128	100.00	164	100.00	434	100.00

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

Outcomes

Local resolution outcomes	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Resolution reached	115	80.99	109	85.16	127	77.44	351	80.88
No resolution reached	16	11.27	9	7.03	20	12.20	45	10.37
Complaint withdrawn*	11	7.75	8	6.25	16	9.76	35	8.06
Local resolution did not commence**	0	0.00	2	1.56	1	0.61	3	0.69
Total	142	100.00	128	100.00	164	100.00	434	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	January		February		March		Q3 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	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	16	100.00	9	100.00	20	100.00	45	100.00
Total	16	100.00	9	100.00	20	100.00	45	100.00

Conciliation

Conciliations started and closed

Conciliations this quarter	January	February	March	Q3 total
Conciliations started	2	2	7	11
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	January	February	March	Q3 total
Parties agreed to participate	3	1	2	6
Party/ies did not agree to participate	0	6	1	7

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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Less than 3 months	0	0.00	0	0.00	0	0.00	0	0.00
3–6 months	1	100.00	0	0.00	0	0.00	1	33.33
6–9 months	0	0.00	1	50.00	0	0.00	1	33.33
9–12 months	0	0.00	0	0.00	0	0.00	0	0.00
More than 12 months	0	0.00	0	0.00	1	100.00	1	33.33
Total	1	100.00	1	100.00	1	100.00	3	100.00

Outcomes

Conciliation outcomes	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Successful	0	0.00	0	0.00	1	100.00	1	33.33
Not successful	0	0.00	0	0.00	0	0.00	0	0.00
Ended by the Health Ombudsman	0	0.00	0	0.00	0	0.00	0	0.00
Parties withdrew prior to conciliation conference	1	100.00	1	100.00	0	0.00	2	66.67
Total	1	100.00	1	100.00	1	100.00	3	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	January		February		March		Q3 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	0	0.00	0	0.00	0	0.00	0	0.00
Total	0	0.00	0	0.00	0	0.00	0	0.00

Open conciliation timeframes

Conciliations open	January		February		March	
	Number	%	Number	%	Number	%
Less than 3 months	17	42.50	10	28.57	11	27.50
3–6 months	7	17.50	11	31.43	15	37.50
6–9 months	6	15.00	4	11.43	4	10.00
9–12 months	1	2.50	1	2.86	1	2.50
More than 12 months	9	22.50	9	25.71	9	22.50
Total	40	100.00	35	100.00	40	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	January	February	March	Q3 total
Investigations started	15	14	15	44
Investigations closed	15	10	17	42
Investigations amalgamated under s40(2)	6	2	1	9
Investigations separated under s40(2)	0	0	0	0

Closed investigations

Timeframes

In Q3, 52.38 per cent of the 42 investigations were closed within twelve months of commencement.

Closed investigation timeframes	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Less than 3 months	5	33.33	2	20.00	2	11.76	9	21.43
3–6 months	1	6.67	2	20.00	5	29.41	8	19.05
6–9 months	0	0.00	1	10.00	1	5.88	2	4.76
9–12 months	1	6.67	0	0.00	2	11.76	3	7.14
12–24 months	7	46.67	3	30.00	5	29.41	15	35.71
More than 24 months	1	6.67	2	20.00	2	11.76	5	11.90
Total	15	100.00	10	100.00	17	100.00	42	100.00

Outcomes

Investigation outcomes	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Recommended for referral to Director of Proceedings*	6	40.00	6	46.15	12	70.59	24	53.33
Recommend Health Ombudsman issue a Permanent Prohibition Order	2	13.33	1	7.69	0	0.00	3	6.67
Referred to AHPRA	5	33.33	0	0.00	1	5.88	6	13.33
Referred to another agency	0	0.00	3	23.08	2	11.76	5	11.11
No further action	2	13.33	3	23.08	2	11.76	7	15.56
Referred for conciliation	0	0.00	0	0.00	0	0.000	0	0.00
Total	15	100.00	13	100.00	17	100.00	45	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	January		February		March	
	Number	%	Number	%	Number	%
Less than 3 months	29	31.52	23	25.27	27	29.67
3–6 months	24	26.09	22	24.18	16	17.58
6–9 months	6	6.52	12	13.19	18	19.78
9–12 months	9	9.78	7	7.69	7	7.69
12–24 months*	19	20.65	21	23.08	18	19.78
More than 24 months*	5	5.43	6	6.59	5	5.49
Total	92	100.00	91	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	January		February		March	
	Number	%	Number	%	Number	%
Less than 3 months	4	9.09	10	21.74	4	9.09
3–6 months	7	15.91	4	8.70	7	15.91
6–9 months	3	6.82	6	13.04	9	20.45
9–12 months	12	27.27	10	21.74	8	18.18
12–24 months	10	22.73	11	23.91	11	25.00
More than 24 months	8	18.18	5	10.87	5	11.36
Total	44	100.00	46	100.00	44	100.00

Open investigation timeframes

Total open investigation timeframes	January		February		March	
	Number	%	Number	%	Number	%
Less than 3 months	33	24.26	33	24.09	31	22.96
3–6 months	31	22.79	26	18.98	23	17.04
6–9 months	9	6.62	18	13.14	27	20.00
9–12 months	21	15.44	17	12.41	15	11.11
12–24 months	29	21.32	32	23.36	29	21.48
More than 24 months	13	9.56	11	8.03	10	7.41
Total	136	100.00	137	100.00	135	100.00

Open investigation categories

Type of investigation	January	February	March
Health service complaint	82	85	79
Systemic issue	1	1	0
Ministerial directed investigation	0	0	0
Another matter*	50	47	52
Matters identified for further investigation**	3	4	4
Total	136	137	135

*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	January	February	March
Cases open at the beginning of the month	3	2	2
Recommendations monitoring cases started	0	0	0
Recommendations monitoring cases closed	0	1	0

Open recommendations monitoring case timeframes

Monitoring case timeframes*	January		February		March	
	Number	%	Number	%	Number	%
Less than 6 months	3	100.00	2	100.00	0	0.00
6–12 months	0	0.00	0	0.00	2	100.00
More than 12 months	0	0.00	0	0.00	0	0.00
Total	3	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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Chinese medicine practitioner	2	33.33	0	0.00	0	0.00	2	7.69
Medical practitioner	1	16.67	3	50.00	9	64.29	13	50.00
Paramedic	0	0.00	0	0.00	1	7.14	1	3.85
Pharmacist	1	16.67	0	0.00	0	0.00	1	3.85
Physiotherapist	0	0.00	0	0.00	1	7.14	1	3.85
Registered nurse	2	33.33	3	50.00	3	21.43	8	30.77
Total	6	100.0	6	100.00	14	100.00	26	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	3	5.26
Dentist	1	1.75
Medical practitioner	40	70.17
Paramedic	1	1.75
Pharmacist	1	1.75
Physiotherapist	2	3.51
Psychologist	1	1.75
Registered nurse	8	14.04
Total	57*	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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Medical practitioner	0	0.00	1	25.00	0	0.00	1	12.50
Paramedic	0	0.00	1	25.00	0	0.00	1	12.50
Pharmacist	0	0.00	1	25.00	0	0.00	1	12.50
Psychologist	0	0.00	0	0.00	0	0.00	0	0.00
Registered nurse	0	0.00	1	25.00	4	100.00	5	62.50
Total	0	0.00	4	100.00	4	100.00	8	100.00

Matters referred back to Health Ombudsman

Practitioner type	January		February		March*		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Medical practitioner	0	0.00	4	100.00	1	100.00	5	71.42
Psychologist	1	50.00	0	0.00	0	0.00	1	14.29
Registered nurse	1	50.00	0	0.00	0	0.00	1	14.29
Total	2	100.00	4	100.00	1	100.00	7	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 17 decisions made on matters referred to QCAT during the quarter. Of the decisions made during the quarter, one is subject to a non publication order, and one is yet to be published. Details of the remaining 15 decisions are outlined below.

Date of Decision	Matter	Details of QCAT decision
19 January 2021	<i>Health Ombudsman v Fletcher</i>	Professional misconduct Practitioner reprimanded Registration cancelled Practitioner disqualified from applying for registration for 12 months
12 February 2021	<i>Health Ombudsman v Raynor</i>	Practitioner poses a serious risk to persons The practitioner is prohibited from: <ul style="list-style-type: none"> ▪ Providing any health service involving the manipulation of the cervical spine of any person, whether paid or unpaid ▪ Teaching, demonstrating, or promoting the provision of any health service involving the manipulation of the cervical spine of any person, whether paid or unpaid ▪ Providing to any person training, instruction or education in the provision of any health service involving the manipulation of the cervical spine of any person, whether paid or unpaid ▪ Respondent is subject to the compliance with restrictions set out in the decision
17 February 2021	<i>Health Ombudsman v Alinia</i>	Professional misconduct Practitioner reprimanded Practitioner fined \$10,000 Conditions imposed on the practitioner's registration
17 February 2021	<i>Health Ombudsman v Pearson</i>	Professional misconduct Practitioner reprimanded Practitioner fined \$15,000
19 February 2021	<i>Health Ombudsman v DKM</i>	Professional misconduct in relation to charge one Unprofessional misconduct in relation to charges two and three The practitioner was disqualified from applying for registration indefinitely
22 February 2021	<i>Health Ombudsman v Balfour</i>	Practitioner poses a serious risk to persons Practitioner is permanently prohibited from providing any health service
12 March 2021	<i>Health Ombudsman v Baumann</i>	Professional Misconduct Practitioner reprimanded

Date of Decision	Matter	Details of QCAT decision
16 March 2021	<i>Health Ombudsman v Hastie</i>	Professional Misconduct Practitioner reprimanded Practitioner suspended for 18 months
16 March 2021	<i>Health Ombudsman v Farrar</i>	Professional Misconduct Practitioner reprimanded Practitioner fined \$15,000
18 March 2021	<i>Health Ombudsman v Veltmeyer</i>	Professional Misconduct Practitioner reprimanded Practitioner fined \$15,000
22 March 2021	<i>Bhugun v Health Ombudsman; Health Ombudsman v Bhugun</i>	Practitioner does not pose a serious risk to persons The practitioner had also applied to QCAT for a review of the interim prohibition order imposed by the Health Ombudsman. This order was set aside by the tribunal.
22 March 2021	<i>Health Ombudsman v McCarthy</i>	Professional Misconduct Practitioner disqualified from applying for registration for twelve months
24 March 2021	<i>Health Ombudsman v Labib</i>	Professional Misconduct Practitioner reprimanded Practitioner fined \$2000
26 March 2021	<i>Health Ombudsman v Horton</i>	Practitioner poses a serious risk to persons Practitioner permanently prohibited from providing any health service
29 March 2021	<i>Health Ombudsman v Gebusion</i>	Professional conduct Practitioner reprimanded Practitioner's registration was cancelled Practitioner was disqualified from applying for registration for two years



Decisions on immediate action reviews

During the quarter, in the matter of *Bhugun v Health Ombudsman; Health Ombudsman v Bhugun [2021] QCAT 69*, QCAT set aside an interim prohibition order that the Health Ombudsman had imposed on an unregistered practitioner which included a condition prohibiting the practitioner from treating unaccompanied female patients. However, this occurred as part of a determination of whether a final prohibition order should be issued by QCAT.

This matter involved a complaint that the practitioner failed to maintain appropriate boundaries with a patient and engaged in sexual misconduct. QCAT determined that the practitioner did fail to maintain appropriate boundaries with a patient with whom he engaged in sexual conduct. However, the Tribunal was not satisfied that he now poses a serious risk to persons such that a final prohibition order should be made. The interim prohibition order was therefore set-aside as part of that determination.

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 seven show cause notices in the quarter

Immediate registration actions

Practitioner type	Number	Action taken	Reason/s for taking action	
			Public Interest	Serious Risk
Chinese medicine practitioner	1	Conditions		✓
Medical practitioner	1	Conditions		✓
Paramedic	1	Conditions		✓
Medical practitioner	1	Condition	✓	✓
Psychologist	1	Condition		✓
Nurse	1	Condition		✓
Chiropractor	1	Conditions		✓
Dental practitioner	1	Conditions		✓
Psychologist	1	Conditions	✓	✓
Registered nurse	1	Conditions		✓

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
Assistant in nursing	1	Prohibition		✓
Chinese medicine practitioner	1	Restriction		✓
Massage therapist	1	Restriction		✓
Massage therapist	1	Prohibition		✓
Massage therapist	1	Prohibition	✓	✓
Cosmetic tattooist	1	Restriction		✓
Massage therapist	1	Restriction		✓
Assistant in nursing	1	Restriction	✓	✓
Gym instructor	1	Restriction		✓
Personal care worker	1	Restriction	✓	✓

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	January	February	March
Practitioner monitoring cases started	8	6	7
Practitioner monitoring cases closed	3	3	1

Open monitoring cases

Timeframes

Open case timeframes	January		February		March	
	Number	%	Number	%	Number	%
Less than 6 months	45	28.66	43	27.04	44	26.67
6–12 months	32	20.38	34	21.38	38	23.03
More than 12 months	80	50.96	82	51.57	83	50.30
Total	157	100.00	159	100.00	165	100.00

Immediate action types

Open cases by immediate action type	January		February		March	
	Number	%	Number	%	Number	%
Interim prohibition order – restrictions	24	15.29	23	14.47	24	14.55
Interim prohibition order – prohibited	40	25.48	40	25.16	40	24.24
Immediate registration action - conditions	48	30.57	48	30.19	52	31.52
Immediate registration action - suspension	20	12.74	20	12.58	19	11.52
QCAT disciplinary decision	19	12.10	22	13.84	24	14.55
QCAT interim decision	2	1.27	1	0.63	1	0.61
Permanent prohibition order	4	2.55	5	3.14	5	3.03
Total	157	100.00	159	100.00	165	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	4	5.26
Chiropractor	1	1.32
Dental practitioner	3	3.95
Medical practitioner	31	40.79
Medical radiation practitioner	1	1.32
Nursing and midwifery practitioner	23	30.26
Occupational therapist	0	0.00
Optometrist	0	0.00
Osteopath	1	1.32
Paramedic	3	3.95
Pharmacist	0	0.00
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	1.20
Aged care health worker	8	9.64
Assistant in nursing	11	13.25
Cosmetic therapist	2	2.41
Counsellor	1	1.20
Disability support worker	2	2.41
Former registered health practitioner	12	14.46
Health educator	1	1.20
Health support worker	2	2.41
Holding out*	4	4.82
Kinesiologist	2	2.41
Massage therapist	25	30.12
Medical assistant	2	2.41
Natural therapist	2	2.41
Naturopath	1	1.20
Personal carer	3	3.61
Social worker	1	1.20
Student practitioner	0	0.00
Unregistered paramedic**	3	3.61
Total	83	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	January	February	March	Q3 total
Matters consulted on*	195	143	250	588
Matters referred	199	144	229	572
Matters retained by the office**	11	8	2	21

*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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Intake and triage	164	84.10	104	72.73	203	81.20	471	80.10
Assessment	28	14.36	38	26.57	45	18.00	111	18.88
Conciliation	0	0.00	0	0.00	0	0.0	0	0.00
Local resolution	1	0.51	0	0.00	0	0.00	1	0.17
Investigation	2	1.03	1	0.70	2	0.80	5	0.85
Director of proceedings	0	0.00	0	0.00	0	0.00	0	0.00
Internal review	0	0.00	0	0.00	0	0.00	0	0.00
Total	195	100.00	143	100.00	250	100.00	588	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	433	30	7	0	1
Assessment	10	9	18	49	25
Local resolution	0	0	0	0	0
Conciliation	0	0	0	0	0
Investigation	0	0	0	1	5
Director of Proceedings	0	0	0	0	0
Internal review	0	0	0	0	0
Total	443	39	25	50	31

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

Consultation duration

Consultation duration	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
0–3 days	188	96.41	120	83.92	213	85.20	521	88.61
4–7 days	7	3.59	23	16.08	37	14.80	67	11.39
8–11 days	0	0.00	0	0.00	0	0.00	0	0.00
More than 12 days	0	0.00	0	0.00	0	0.00	0	0.00
Total	195	100.00	143	100.00	250	100.00	588	100.00

Number of practitioners referred to AHPRA by practitioner type

Practitioner type	January		February		March		Q3 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	1	0.48	0	0.00	0	0.00	1	0.17
Chiropractor	6	2.86	1	0.66	3	1.30	10	1.69
Dental practitioner	15	7.14	15	9.87	24	10.39	54	9.11
Medical practitioner	101	48.10	77	50.66	121	52.38	299	50.42
Medical radiation practitioner	1	0.48	0	0.00	0	0.00	1	0.17
Nursing and midwifery practitioner	51	24.29	37	24.34	48	20.78	136	22.93
Occupational therapist	0	0.00	0	0.00	0	0.00	0	0.00
Optometrist	0	0.00	1	0.66	1	0.43	2	0.34
Osteopath	0	0.00	0	0.00	0	0.00	0	0.00
Paramedic	7	3.33	4	2.63	1	0.43	12	2.02
Pharmacist	4	1.90	5	3.29	10	4.33	19	3.20
Physiotherapist	2	0.95	1	0.66	4	1.73	7	1.18
Podiatrist	2	0.95	0	0.00	2	0.87	4	0.67
Psychologist	20	9.52	11	7.24	15	6.49	46	7.76
Student practitioner*	0	0.00	0	0.00	2	0.87	2	0.34
Total	210	100.00	152	100.00	231	100.00	593	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	-	-	8	-	4	-	-	13
Dental practitioner	-	3	2	-	2	1	1	2	4	6	2	52	-	-	75
Medical practitioner	3	28	4	2	-	7	3	15	36	92	31	195	9	-	422
Medical radiation practitioner	-	-	-	-	-	-	-	-	-	1	36	-	-	-	1
Nursing and midwifery practitioner	-	1	1	-	1	-	1	5	17	102	-	22	-	-	186
Occupational therapy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Optometrist	-	-	-	-	-	-	-	-	-	-	-	2	-	-	2
Osteopath	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Paramedic	-	-	-	-	-	-	-	-	-	10	2	3	-	-	15
Pharmacist	-	-	-	-	-	-	-	-	14	4	3	1	-	-	22
Physiotherapist	-	-	2	-	-	-	-	-	-	4	1	3	-	-	10
Podiatrist	-	-	-	-	-	-	-	-	-	2	-	4	-	-	6
Psychologist	-	2	3	-	1	1	1	2	-	23	7	11	5	-	56
Student practitioner	-	-	-	-	-	-	-	-	-	1	1	-	-	-	2
Total	3	34	12	2	4	9	7	21	71	254	83	297	14	0	811

Demographics of healthcare consumers

Gender of healthcare consumers

Gender	Number	Percentage
Female	1154	48.82
Male	1126	47.63
Prefer not to specify	33	1.40
Unknown	51	2.16
Total	2364	100.00

Age of healthcare consumers

Age	Number	Percentage
Less than 18 years	142	6.01
18–24 years	148	6.26
25–34 years	434	18.36
35–44 years	489	20.69
45–54 years	372	15.74
55–64 years	298	12.61
65–74 years	170	7.19
More than 75 years	153	6.47
Unknown*	158	6.68
Total	2364	100.00

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

Location of healthcare consumers

Location of healthcare consumers	Number	Percentage
Brisbane	979	41.41
Central West	3	0.13
Darling Downs	89	3.76
Far North	119	5.03
Fitzroy	92	3.89
Gold Coast	269	11.38
Mackay	59	2.50
North West	11	0.47
Northern	115	4.86
South West	5	0.21
Sunshine Coast	132	5.58
West Moreton	76	3.21
Wide Bay-Burnett	153	6.47
Outside Queensland	59	2.50
Unknown	203	8.59
Total	2364	100.00

Location of health service providers

Location of health service providers	Number	Percentage
Brisbane	1264	46.62
Central West	2	0.07
Darling Downs	118	4.35
Far North	134	4.94
Fitzroy	96	3.54
Gold Coast	322	11.88
Mackay	45	1.66
North West	11	0.41
Northern	131	4.83
South West	3	0.11
Sunshine Coast	158	5.83
West Moreton	48	1.77
Wide Bay-Burnett	168	6.20
Outside Queensland*	24	0.89
Unknown	187	6.90
Total	2711	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.