

Yearly performance report

2015–16



Office of the
**HEALTH
OMBUDSMAN**

Listen. Respond. Resolve.

Annual performance report 2015–16

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Introduction

This document reports on Office of the Health Ombudsman (OHO) performance data for the 2015–16 financial year.

The OHO is Queensland's health service complaints agency. We aim to protect the health and safety of the public by assessing, investigating and resolving complaints made about health services provided in Queensland. This includes complaints made against registered and unregistered practitioners.

Our vision is to be the cornerstone of a transparent, accountable and fair system for effectively and quickly dealing with complaints and other healthcare matters in Queensland. Our performance reports—which we update and publish monthly, quarterly and yearly—are a testament to this.

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

It is important to note that annual totals will not equal the sum of the quarterly totals due to necessary adjustments and alterations being made to historical data following the publication of previous reports.

A more detailed overview of the OHO's performance during the 2015–16 financial year can be found in the OHO annual report 2015–16.

Office contacts

Number of contacts

Type of contact	Q1		Q2		Q3		Q4		2015–16		2014–15	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Complaint	1114	53.76	1192	55.62	1477	57.85	1593	62.59	5435	58.12	4229	52.75
Enquiry	939	45.32	942	43.96	1071	41.95	940	36.94	3911	41.82	3673	45.82
Yet to be classified	19	0.92	9	0.42	5	0.20	12	0.47	5	0.05	115	1.43
Total	2072	100	2143	100	2553	100	2545	100	9351	100	8017	100

Quarterly figures will not match those reported in the earlier reports due to matters that were yet to be classified at the time, subsequently being classified as a complaint or enquiry.

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

Type of complaints

Type of complaints	Q1		Q2		Q3		Q4		2015–16		2014–15*	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Health consumer	867	77.83	896	75.17	1239	83.89	1289	80.92	4354	80.11	1680	76.85
Mandatory notification	142	12.75	186	15.60	123	8.33	198	12.43	655	12.05	263	12.03
Voluntary notification	50	4.49	47	3.94	60	4.06	66	4.14	226	4.16	105	4.80
Self-notification	30	2.69	21	1.76	32	2.17	17	1.07	101	1.86	31	1.42
Referral	25	2.24	42	3.52	23	1.56	23	1.44	99	1.82	107	4.90
Total	1114	100	1192	100	1477	100	1593	100	5435	100	2186	100

These quarterly figures do not match previous quarterly reports due to matters that were yet to be classified at the time, subsequently being classified as a complaint.

Notifications are made by health service providers, as required in the Health Practitioner Regulation National Law (Queensland). Referrals can be received from both government and non-government agencies.

*Dataset does not capture Q1 and Q2 of 2014–15.

Decisions

Number of decisions made

Number of decisions made	Q1		Q2		Q3		Q4		2015–16		2014–15	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Accepted	944	80.89	832	84.13	1069	81.60	1115	74.09	3961	79.70	3109	87.68
Not accepted	223	19.11	157	15.87	241	18.40	390	25.91	1009	20.30	339	9.56
Total	1167	100	989	100	1310	100	1505	100	4970	100	3546	100
Decisions pending	41	N/A	90	N/A	103	N/A	158	N/A	0	N/A	98	N/A

Quarterly figures may vary from those reported in earlier reports due to matters deemed 'decisions pending' subsequently being either accepted or not accepted.

Decisions made within seven days of receiving a complaint

Decisions made	Q1		Q2		Q3		Q4		2015–16		2014–15	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Yes	554	47.47	518	52.38	708	54.05	627	41.66	2409	48.47	2309	66.97
No	613	52.53	471	47.62	602	45.95	878	58.34	2561	51.53	1139	33.03
Total	1167	100	989	100	1310	100	1505	100	4970	100	3448	100

Quarterly figures may vary from those reported in earlier reports due to matters deemed 'decisions pending' subsequently being either accepted or not accepted.

Health service complaints profile

Main issues raised in complaints

Issue	Q1		Q2		Q3		Q4		2015–16		2014–15	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Access	15	1.64	9	0.78	11	1.25	16	1.51	51	1.27	91	2.72
Code of conduct for healthcare workers	N/A	N/A	1	0.09	3	0.34	0	0.00	4	0.10	N/A	N/A
Communication/information	112	12.25	138	12.01	138	15.72	171	16.10	560	13.98	466	13.92
Consent	14	1.53	36	3.13	14	1.59	22	2.07	87	2.17	66	1.97
Discharge/transfer arrangements	37	4.05	25	2.18	31	3.53	40	3.77	131	3.27	47	1.40
Environment/management of facilities	14	1.53	28	2.44	16	1.82	26	2.45	84	2.10	46	1.37
Fees/cost	8	0.88	14	1.22	5	0.57	10	0.94	37	0.92	79	2.36
Grievance processes	14	1.53	20	1.74	14	1.59	20	1.88	68	1.70	42	1.25
Medical records	44	4.81	33	2.87	33	3.76	33	3.11	144	3.59	102	3.05
Medication	66	7.22	68	5.92	68	7.74	67	6.31	269	6.71	302	9.02
Professional conduct	102	11.16	126	10.97	74	8.43	105	9.89	406	10.13	438	13.08
Professional health	13	1.42	35	3.05	8	0.91	11	1.04	67	1.67	117	3.49
Professional performance	166	50.98	610	53.09	455	51.82	535	50.38	2069	51.65	1350	40.32
Reports/certificates	6	0.66	6	0.52	8	0.91	5	0.47	25	0.62	29	0.87
Treatment	3	0.33	0	0.00	0	0	1	0.09	4	0.10	173	5.17
Total	914	100	1149	100	878	100	1062	100	4006	100	3348	100

These figures are based on complaints that completed the assessment process during the year. Basing figures on completed assessments produces accurate reporting of the type(s) of issues identified, as all relevant details of a matter have been identified at the time an assessment is completed. Please note, there can be multiple issues identified within a single complaint.

Number and type of complaints by health practitioner

Practitioner type	Access	Code of conduct for healthcare workers	Communication and information	Consent	Discharge/transfer arrangements	Environment/management of facility	Fees and costs	Grievance process	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/certificates	Treatment	Total
Alternative care	–	2	1	1	–	–	–	–	–	–	8	1	4	–	–	17
Chinese medicine	–	–	1	–	–	–	–	–	–	–	1	–	–	–	–	2
Chiropractor	–	–	2	2	–	–	–	1	3	–	9	1	12	–	–	30
Dentistry	1	–	6	6	–	4	5	2	10	1	14	1	88	–	–	138
Emergency care	1	–	7	1	6	–	–	–	1	3	4	–	33	–	–	56
General medical	4	–	111	17	13	6	6	3	43	95	99	16	437	8	2	860
Medical radiation	–	–	1	1	1	–	–	–	–	–	2	–	8	4	–	17
Medical specialty	1	1	54	13	5	2	4	1	6	16	25	2	179	3	–	312
Nursing	2	–	25	3	2	2	–	3	5	18	76	27	48	1	–	212
Occupational therapy	–	–	2	–	–	–	–	–	–	–	2	–	3	1	–	8
Optometry	–	–	–	–	–	–	–	–	1	–	2	–	4	–	–	7
Osteopathy	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	1
Other	–	–	14	1	–	–	2	–	4	10	50	12	32	1	–	126
Pathology	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	0
Pharmacy	–	–	5	–	–	2	1	–	3	27	11	3	1	–	–	53
Physiotherapy	–	–	3	–	–	1	–	–	2	–	7	1	17	–	–	31
Podiatry	–	–	–	–	–	–	1	1	1	–	2	–	2	–	–	7
Psychology	–	1	5	1	–	–	2	2	5	–	19	3	17	–	–	55
Speech pathology	–	–	–	–	–	–	–	–	–	–	2	–	–	–	–	2
Surgical	1	–	48	13	8	–	4	1	10	5	19	–	231	1	–	341
Not yet known	–	–	2	–	–	–	–	–	–	–	–	–	6	–	–	8
Total	10	4	287	59	35	17	25	14	94	175	352	67	1123	19	2	2283

These figures are based on complaints that completed the assessment process during the year. Basing figures on completed assessments produces accurate reporting of the type(s) of issues identified, as all relevant details of a matter have been identified at the time an assessment is completed. Please note, there can be multiple issues identified within a single complaint.

Number and type of complaints by health service organisation

Organisation type	Access	Communication and information	Consent	Discharge/ transfer arrangements	Environment/ management of facility	Fees and costs	Grievance process	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/ certificates	Treatment	Total
Aged care facility	–	10	2	–	8	–	4	1	5	1	–	26	1	–	58
Allied health service	–	1	–	1	3	2	–	–	–	1	–	5	–	–	13
Ambulance service	–	3	–	–	–	–	1	1	2	1	–	9	–	–	17
Community health service	1	–	–	–	–	–	2	–	–	–	–	3	–	–	6
Correctional facility	4	5	–	–	1	–	1	–	12	3	–	24	–	–	50
Dental service	–	2	–	–	2	–	3	–	2	1	–	9	–	–	19
Hospital and Health Service	2	2	2	3	–	–	2	2	1	1	–	15	–	–	30
Laboratory service	–	–	–	–	2	–	–	1	–	–	–	1	2	–	6
Licensed day hospital	–	1	–	–	–	1	–	–	–	–	–	1	–	–	3
Licensed private hospital	3	29	2	11	15	3	6	7	11	3	–	102	1	–	193
Medical centre	5	7	–	–	3	2	3	5	–	3	–	9	1	–	38
Mental health service	2	13	2	2	3	–	2	3	4	8	–	38	–	1	78
Nursing service	–	1	–	–	–	–	–	–	–	–	–	–	–	–	1
Other government department	–	–	–	–	1	–	–	–	1	3	–	–	–	–	5
Other support service	–	4	–	–	–	–	–	–	9	1	–	1	–	–	15
Pharmaceutical service	–	–	–	–	–	–	–	–	–	–	–	1	–	–	1
Public health service	–	5	1	5	1	–	–	–	2	4	–	20	–	–	38
Public hospital	22	180	18	74	26	2	28	28	44	21	–	660	1	1	1105
Residential care service	1	–	–	–	–	–	–	–	–	–	–	3	–	–	4
Specialised health service	1	9	–	–	2	2	2	1	–	2	–	18	–	–	37
Not yet known	–	1	1	–	–	–	–	1	1	1	–	1	–	–	6
Total	41	273	28	96	67	12	54	50	94	54	0	946	6	2	1723

These figures are based on complaints that completed the assessment process during the year. Basing figures on completed assessments produces accurate reporting of the type(s) of issues identified, as all relevant details of a matter have been identified at the time an assessment is completed. Please note, there can be multiple issues identified within a single complaint.

Assessment

Assessments started and completed

Assessments this year	Q1	Q2	Q3	Q4	2015–16	2014–15
Assessments started	413	473	470	441	1781	2446
Assessments completed	400	579	388	530	1897	1886

Completed assessment timeframes

Assessment timeframes	Q1		Q2		Q3		Q4		2015–16		2014–15	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Within 30 days	66	16.50	207	35.75	94	24.23	140	26.42	508	26.78	1030	54.61
Within 60 days*	74	18.50	86**	14.85	102	26.29	92	17.36	354	18.66	379	20.09
Greater than 60 days	260	65.00	286	49.40	192	49.48	298	56.23	1035	54.56	477	25.30
Total	400	100	579	100	388	100	530	100	1897	100	1886	100

*Assessments are able to be completed within 60 days when granted an extension of 30 days as a result of legislated requirements being met.

Of the 354 assessments completed within 60 days, 105 matters were approved for extension.

Assessment decisions

Type of relevant action	Q1		Q2		Q3		Q4		2015–16		2014–15	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Local resolution	32	7.64	28	4.70	33	8.21	19	3.49	117	5.44	436	21.38
Conciliation	27	6.44	24	4.03	26	6.47	32	5.88	115	5.34	56	2.75
Investigation	13	3.10	28	4.70	12	2.99	21	3.86	77	3.58	145	7.11
Referred to AHPRA and the national boards	142	33.89	339	56.88	141	35.07	170	31.25	811	37.69	720	35.31
Referred to another entity	19	4.53	23	3.86	21	5.22	48	8.82	121	5.62	52	2.55
Immediate action*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	15	0.74
Immediate registration action*	3	0.72	0	0.00	4	1.00	3	0.55	7	0.33	N/A	N/A
Interim prohibition order*	1	0.24	0	0.00	0	0.00	0	0.00	1	0.05	N/A	N/A
No further action	182	43.44	154	25.84	165	41.04	251	46.14	903	41.96	615	30.16
Total	419	100	596	100	402	100	544	100	2152	100	2039	100

*2014-15 immediate action data does not differentiate between immediate registration actions and interim prohibition orders.

Total assessment decisions won't equal the total number of assessments (in previous tables), as a single assessment can result in multiple relevant actions.

The figures for the type of relevant action decided in the assessment stage will not correspond with totals for respective relevant actions (e.g. local resolution, conciliation, investigation etc.) due to the time between a decision being made and an action taken crossing over different reporting periods or because of relevant actions commencing directly from intake without having passed through the assessment stage.

Local resolution

Local resolutions started and completed

Local resolutions this year	Q1		Q2		Q3		Q4		2015–16		2014–15	
Local resolutions started	339		283		365		278		1259		781	
Local resolutions completed	303		315		324		305		1242		691	

The number of local resolutions started in the reporting period may not match the number of assessment decisions to undertake local resolution due to the time between a decision being made and an action taken crossing over different reporting periods.

Completed local resolution timeframes

Local resolution timeframes	Q1		Q2		Q3		Q4		2015–16		2014–15	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Within 30 days	259	85.48	278	88.25	246	75.92	239	78.36	1019	82.05	623	90.16
Within 60 days*	40	13.20	32	10.16	69	21.30	46	15.08	185	14.90	65	9.41
Greater than 60 days**	4	1.32	5	1.59	9	2.78	20	6.56	38	3.06	3	0.43
Total	303	100	315	100	324	100	305	100	1242	100	691	100

*Local resolutions are able to be completed within 60 days when granted an extension of 30 days as a result of legislated requirements being met.

Of the 185 local resolutions completed within 60 days, 96 matters were approved for extension.

Local resolution outcomes

Local resolution outcomes	Q1		Q2		Q3		Q4		2015–16		2014–2015	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Resolved	275	93.86	281	91.83	273	84.26	249	81.64	1074	86.47	608	87.99
Not resolved	18	6.14	25	8.17	51	15.74	56	18.36	168	13.53	83	12.01
Total	293	100	306	100	324	100	305	100	1242	100	691	100

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

Decisions for matters where resolution wasn't reached

Type of relevant action	Q1		Q2		Q3		Q4		2015–16		2014–15	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Assessment	0	0.00	0	0.00	4	7.84	0	0.00	4	2.38	N/A	N/A
Conciliation	1	3.57	1	3.70	0	0.00	0	0.00	3	1.79	3	3.61
Investigation	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Referred to AHPRA and the national boards	5	17.86	5	18.52	3	5.88	8	14.29	20	11.90	10	12.05
Referral to another entity	0	0.00	0	0.00	0	0.00	1	1.78	1	0.6	0	0.00
Immediate action	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
No further action	12	42.86	12	44.44	44	86.27	47	83.93	128	76.19	70	84.34
Complaint withdrawn*	10	35.71	9	33.33	0	0.00	0	0.00	12	7.14	0	0.00
Total	28	100	27	100	51	100	56	100	168	100	83	100

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

Conciliation

Conciliations started and closed

Conciliations this year	Q1	Q2	Q3	Q4	2015–16	2014–15
Conciliations started	31	28	29	34	122	85
Conciliations closed	16	31	16	25	88	65

The number of conciliations started in the reporting period may not match the number of assessment decisions to undertake conciliation due to the time between a decision being made and an action taken crossing over different reporting periods.

Conciliations started includes all matters (including matters where agreement to participate has or has not been reached or the decision is pending) that entered the conciliation workflow during the reporting period following the OHO assessing them as being suitable for conciliation. Similarly, conciliations closed are all matters that were closed during the reporting period, whether due to parties not agreeing to participate or the matter being closed after completing the conciliation process.

Agreement to participate in conciliation

Agreement to participate	Q1	Q2	Q3	Q4	2015–16	2014–15
Party/ies agreed to participate	13	16	20	8	57	62
Party/ies did not agree to participate	7	9	6	13	35	14

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 conciliation timeframes

Conciliations completed	Q1		Q2		Q3		Q4		2015–16		2014–15	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
0–3 months	2	22.22	7	31.82	2	20.00	0	0.00	11	20.75	5	9.80
3–6 months	5	55.56	12	54.55	5	50.00	8	66.67	30	56.60	13	25.49
6–9 months	2	22.22	3	13.64	2	20.00	4	33.33	11	20.75	15	29.41
9–12 months	0	0.00	0	0.00	1	10.00	0	0.00	1	1.89	10	19.61
12+ months	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	8	15.69
Total	9	100	22	100	10	100	12	100	53	100	51	100

The above data relates to matters where parties agreed to participate in conciliation. After agreeing, the conciliation process was completed within the above timeframes.

Completed conciliation outcomes

Conciliation outcomes	Q1		Q2		Q3		Q4		2015–16		2014–15	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Successful	8	88.89	17	77.27	6	60.00	9	75.00	40	75.47	39	76.47
Not successful	1	11.11	5	22.73	4	40.00	3	25.00	13	24.53	12	23.53
Ended early	0	0.00	0	0.00	0	0.00	0	0.0	0	0.00	0	0.00
Total	9	100	22	100	10	100	12	100	53	100	51	100

The above data relates to matters where parties agreed to participate in conciliation. After agreeing, the conciliation process was completed with parties either reaching or not reaching agreement (or in rare instances, the Health Ombudsman ending it).

Decisions for matters where agreement wasn't reached

Type of relevant action	Q1		Q2		Q3		Q4		2015–16		2014–2015	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Local resolution	0	0.00	0	0.00	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	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	0	0.00	0	0.00
Referral to another entity	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Immediate action	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
No further action	1	100	5	100	4	100	3	100	13	100	12	100
Total	1	100	5	100	4	100	3	100	13	100	12	100

Open conciliation timeframes

Conciliations open	Q1		Q2		Q3		Q4		2015–16		2014–15	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
0–3 months	27	77.14	23	71.88	26	57.78	31	57.41	31	57.41	12	60.00
3–6 months	7	20.00	6	18.75	17	37.78	12	22.22	12	22.22	7	35.00
6–9 months	0	0	1	3.13	0	0.00	9	16.67	9	16.67	0	0.00
9–12 months	0	0	1	3.13	1	2.22	0	0.00	0	0.00	1	5.00
12+ months	1	2.86	1	3.13	1	2.22	2	3.70	2	3.70	0	0.00
Total	35	100	32	100	45	100	54	100	54	100	20	100

Investigation

Investigations started and closed

Investigations this year	Q1	Q2	Q3	Q4	2015–16	2014–15
Investigations started	48	57	30	81	249	357
Investigations closed	53	35	16	54	163	65

The number of investigations started in the reporting period will not match the number of assessment decisions to undertake investigation due to the time between a decision being made and an action taken crossing over different reporting periods, or as a result of investigations being started via other processes (e.g. own-motion investigation).

Investigations paused and recommenced

Investigations this year	Q1	Q2	Q3	Q4	2015–16	2014–15
Investigations paused	8	6	16	17	77	41
Investigations recommenced	13	6	9	8	33	N/A

Closed investigation timeframes

Investigation closed	Q1		Q2		Q3		Q4		2015–16		2014–15	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
0–3 months	4	7.55	5	14.29	2	7.55	5	9.26	18	11.04	16	24.62
3–6 months	5	9.43	8	22.86	2	9.43	5	9.26	20	12.27	12	18.46
6–9 months	6	11.32	7	20.00	1	11.32	5	9.26	16	9.82	11	19.62
9–12 months	13	24.53	6	17.14	4	24.53	6	11.11	32	19.63	8	12.31
12+ months	25	47.17	9	25.71	7	47.17	33	61.11	77	47.24	18	27.70
Total	53	100	35	100	16	100	54	100	163	100	65	100

Closed investigation outcomes

Closed investigation outcome	Q1		Q2		Q3		Q4		2015–16		2014–15	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Matters recommended for referral to Director of Prosecutions	2	3.70	3	8.57	1	6.25	18	33.33	24	14.72	3	4.62
Report	0	0.00	2	5.71	0	0.00	1	1.85	3	1.84	2	3.08
Referred to AHPRA	14	25.93	19	54.29	7	43.75	15	27.78	57	34.97	27	41.54
Referred to another agency	4	7.41	1	2.86	0	0.00	2	3.70	6	3.68	2	3.08
No further action	34	62.96	10	28.57	8	50.00	18	33.33	73	44.79	30	46.15
Other	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1	1.54

Open investigation categories

Investigation category	Q1	Q2	Q3	Q4
Health service complaint	222	237	238	250
Systemic issue	0	8	0	4
Another matter*	29	38	37	41

Data does not include 77 paused matters currently with an external agency.

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

Open investigation timeframes

Open investigations	Q1		Q2		Q3		Q4		2015–16		2014–15	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
0–3 months	37	14.74	49	17.31	27	9.82	53	17.97	53	17.97	67	26.69
3–6 months	63	25.10	32	11.30	38	13.82	37	12.54	37	12.54	34	13.55
6–9 months	31	12.35	50	17.67	32	11.64	24	8.14	24	8.14	44	17.53
9–12 months	34	13.55	36	12.72	43	15.64	26	8.81	26	8.81	45	17.93
12+ months*	86	34.26	116	41.00	135	49.09	155	52.54	155	52.54	61	24.30
Total	251	100	283	100	275	100	295	100	295	100	251	100

Data does not include 77 paused matters currently with an external agency.

*All investigations that have been open for more than 12 months are published on our investigations register which is available on our website www.oho.qld.gov.au.

Immediate action

The Health Ombudsman can take immediate action against both registered and unregistered health practitioners if the Health Ombudsman reasonably believes the practitioner poses a serious risk to the health and safety of the public.

Show cause notices

There were 12 show cause notices issued during the year.

As outlined in the *Health Ombudsman Act 2013*, upon receipt of a show cause notice, a health service provider is invited to make a submission within a stated period of time. The Health Ombudsman will then consider the submission before deciding whether to take immediate action against the provider.

Immediate registration actions

The Health Ombudsman can take immediate registration action if a registered health practitioner's health, conduct or performance means they pose a serious risk to people and immediate action is necessary to protect the health and safety of the public.

The Health Ombudsman can temporarily suspend or impose conditions on the registration of registered health practitioners.

The Health Ombudsman took immediate registration action 11 times in 2015–16.

Practitioner type	Month	Action	Issue type		
			Health	Conduct	Performance
Medical practitioner	June	Suspended	✓	✓	
Registered nurse	August	Suspended		✓	
Dentist	August	Conditions		✓	✓
Chinese medicine practitioner	October	Suspended		✓	
Registered nurse	December	Conditions		✓	
Chinese medicine practitioner	December	Conditions		✓	
Registered nurse	February	Suspended		✓	
Registered nurse	February	Conditions		✓	✓
Physiotherapist	February	Conditions		✓	
Medical practitioner	May	Conditions		✓	
Registered nurse	May	Conditions		✓	

Prohibition orders

The Health Ombudsman can prohibit or restrict unregistered health practitioners who are a risk to the health and safety of the public by issuing them with an interim prohibition order. In addition, the Health Ombudsman can also issue corresponding orders to ones made interstate, thereby giving effect to those orders in Queensland.

In 2015–16, the Health Ombudsman issued 24 interim prohibition orders and 3 corresponding interstate orders. Details for current prohibition orders can be found on the OHO website (www.oho.qld.gov.au) on the prohibition order register.

Practitioner type	Month	Action	Issue type		
			Health	Conduct	Performance
Massage therapist	August	Interim prohibition order		✓	
Registered nurse	August	Interim prohibition order		✓	
Massage therapist	August	Corresponding interstate order		✓	
Counsellor	September	Interim prohibition order		✓	
Chinese Medicine	October	Interim prohibition order		✓	
Massage therapist	November	Interim prohibition order		✓	
Unregistered practitioner	November	Interim prohibition order		✓	✓
Counsellor	November	Interim prohibition order		✓	
Assistant in nursing	December	Interim prohibition order		✓	
Registered nurse	December	Interim prohibition order		✓	
Massage therapist	December	Interim prohibition order		✓	
Providing services as a paramedic without any qualifications	December	Interim prohibition order		✓	
Counsellor	January	Corresponding interstate order		✓	✓
Assistant in nursing	January	Interim prohibition order		✓	
Massage therapist/dry needling	January	Interim prohibition order			✓
Massage Therapist	January	Interim prohibition order		✓	
Physiotherapist	January	Interim prohibition order		✓	

Practitioner type	Month	Action	Issue type		
			Health	Conduct	Performance
Paramedic	January	Interim prohibition order		✓	
Audiologist	March	Interim prohibition order		✓	✓
Psychologist/counsellor	April	Interim prohibition order	✓	✓	
Audiologist	April	Interim prohibition order		✓	✓
Massage therapist	May	Interim prohibition order		✓	
Registered nurse	May	Interim prohibition order		✓	
Cosmetic therapist	May	Corresponding interstate order		✓	
Aboriginal health worker	May	Interim prohibition order		✓	
Paramedic	May	Interim prohibition order		✓	
Unregistered nurse	May	Interim prohibition order		✓	

Referrals to Director of Proceedings

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

In 2015–16, the Health Ombudsman referred 18 practitioners to the Director of Proceedings in relation to 24 separate matters.

Practitioners referred to the Queensland Civil and Administrative Tribunal

The Director of Proceedings referred five practitioners to QCAT in 2015–16, including three nurses, one medical practitioner and one unregistered practitioner.

It is expected decisions about whether to refer the remaining 13 practitioners will be made by the Director of Proceedings to QCAT in 2016–17.

Matters heard by the Queensland Civil and Administrative Tribunal

Of the five practitioners referred to QCAT by the Director of Proceedings in 2015–16, hearings were held in relation to one practitioner (see *Office of the Health Ombudsman v Costello* [2016] QCAT 177).

In the matter of *OHO v Costello* QCAT ordered that Costello be prohibited from providing any health service. In handing down that ruling QCAT:

- affirmed the OHO's original decision to issue Costello with an interim prohibition order
- established a precedent for the banning of unregistered practitioners from providing health services in Queensland.

Australian Health Practitioner Regulation Agency

Notifications from AHPRA

In 2015–16, AHPRA notified the Health Ombudsman of 33 serious matters, as prescribed under section 193 of the National Law. These included:

- 12 matters which were referred to the OHO under section 193(2)(a) of the National Law
- 19 matters which remained under the management of the national boards as per section 193(2)(b) of the National Law
- 2 matters were outstanding.

Number of practitioners referred to AHPRA

Practitioner type	2015–16	2014–15
Aboriginal and Torres Strait Islander health	1	0
Chinese medicine	13	3
Chiropractic	21	16
Dental	178	96
Medical	1111	458
Medical radiation	15	8
Nursing and midwifery	443	277
Occupational therapy	13	7
Optometry	9	7
Osteopathy	3	1
Pathology	0	1
Pharmacy	66	29
Physiotherapy	24	11
Podiatry	9	1
Psychology	77	26
Unregistered practitioner	10	7
Total	1993	948

Number of issues referred to AHPRA by practitioner type

Registered practitioner type	Access	Code of conduct for healthcare workers	Communication and information	Consent	Discharge/transfer arrangements	Environment/management of facility	Fees and costs	Grievance process	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/certificates	Treatment	Total
Aboriginal and Torres Strait Islander health	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	1
Chinese medicine	–	–	1	–	–	–	–	–	–	–	13	–	–	–	–	14
Chiropractic	–	–	2	–	–	–	–	–	2	–	14	2	7	–	–	27
Dental	–	–	12	10	–	2	10	2	14	2	36	12	194	–	–	294
Medical	1	–	202	37	23	12	14	5	68	155	177	94	1070	25	2	1885
Medical student	–	–	–	–	–	–	–	–	–	–	1	3	–	–	–	4
Medical radiation	–	–	1	–	–	–	–	–	–	–	5	6	5	1	–	18
Nursing and midwifery	1	–	23	1	–	2	4	1	8	44	206	185	93	4	–	572
Nursing student	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	0
Occupational therapy	–	–	2	–	–	–	–	–	1	–	6	5	4	2	–	20
Optometry	–	–	–	–	–	–	–	–	–	–	6	–	2	–	–	8
Osteopathy	–	–	–	–	–	–	–	–	–	–	1	–	2	–	–	3
Pharmacy	–	–	7	–	–	2	2	–	5	37	17	9	3	–	–	82
Physiotherapy	–	–	2	–	–	2	–	–	4	–	16	7	14	–	–	45
Podiatry	–	–	2	1	–	–	1	1	1	–	11	–	4	–	–	21
Psychology	–	1	15	–	–	–	1	–	11	–	39	12	33	7	–	119
Unregistered practitioner	–	–	–	–	–	–	–	–	–	–	3	2	3	–	–	8
Total	2	1	269	49	23	20	32	9	114	238	551	337	1435	39	2	3121

The figures above represent the number of issues referred to AHPRA, not the number of practitioners. The referral of a single practitioner may include multiple issues relating to that practitioner, with each issue requiring its own action.

Demographics

The following demographic data is based on matters that have completed the assessment process. Basing figures on completed assessments produces accurate reporting, as all relevant details of a matter have been identified.

Unless otherwise specified, data is based on healthcare consumers, not the complainant, as the complainant in a matter may not be the consumer of the health service. Matters where the healthcare consumer is an organisation are not included in these figures.

Gender

Gender	Number	Percentage	2014–15
Female	1101	58.04	970
Male	754	39.75	756
Unknown	42	2.21	93
Total	1897	100	1819

Age

Age	Number	Percentage	2014–15
Less than 18	154	8.12	75
18–24 years	100	5.27	66
25–34 years	242	12.76	247
35–44 years	328	17.29	315
45–54 years	295	15.55	286
55–64 years	265	13.97	270
65–74 years	205	10.81	157
More than 75 years	208	10.96	117
Unknown*	100	5.27	286

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

Location of healthcare consumers

Location of healthcare consumers	Number	Percentage	2014–15
Brisbane	755	39.80	755
Central West	2	0.11	2
Darling Downs	80	4.22	70
Far North	79	4.16	78
Fitzroy	80	4.22	70
Gold Coast	286	15.08	257
Mackay	45	2.37	51
North West	12	0.63	10
Northern	91	4.80	89
South West	3	0.16	8
Sunshine Coast	149	7.85	132
West Moreton	30	1.58	26
Wide Bay–Burnett	128	6.75	110
Outside Queensland	92	4.85	84
Unknown	65	3.43	77

The above data is based on health consumer location.

Location of health service providers

Location of health service providers	Number	Percentage	2014–15
Brisbane	1149	46.65	1078
Central West	2	0.09	3
Darling Downs	108	4.27	76
Far North	145	5.32	122
Fitzroy	106	3.62	83
Gold Coast	359	14.31	326
Mackay	47	1.97	69
North West	14	0.46	17
Northern	131	5.28	111
South West	9	0.32	4
Sunshine Coast	142	6.47	164
West Moreton	17	0.96	20
Wide Bay–Burnett	124	4.91	106
Outside Queensland*	81	3.85	57
Unknown	60	1.51	0

The above data is based on health service provider location.

*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 used to live in Queensland providing services but have since moved interstate (as the OHO can deal with complaints up to two years old).



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