

Office of the Health Ombudsman
Performance report August 2021



OFFICE OF THE
HEALTH
OMBUDSMAN

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Office of the Health Ombudsman—Performance report August 2021

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Introduction

This document reports on our performance during August 2021.

The OHO is Queensland's health service complaints management agency. We are an independent statutory body and the one place all Queenslanders should go if they have a complaint about a health service provided to them or someone in their care, a health service provider or any aspect of a health service provided in Queensland.

The OHO's vision is 'safe, competent and ethical health services that are responsive to consumer complaints' The OHO is committed to ensuring that all decisions are well-informed, fair, impartial and timely. For transparency the OHO publishes monthly, quarterly and yearly reports about its performance.

Data in this report is correct as at 31 August 2021 but is subject to change.

Intake of complaints

Type of contacts

| Type of contact | Number | Percentage |
|----------------------|-------------|---------------|
| Complaint | 921 | 75.49 |
| Enquiry | 234 | 19.18 |
| Information | 65 | 5.33 |
| Yet to be classified | 0 | 0 |
| Total | 1220 | 100.00 |

'Yet to be classified' includes contacts in which not enough information was provided for a determination to be reached—but further information is being sought, or matters that were not able to be finalised prior to the end of the reporting period. Contacts deemed 'yet to be classified' will be allocated as complaints or enquiries once additional information is received and registered as such in the next reporting period.

Type of complaints

| Type of complaints | Number | Percentage |
|------------------------------|------------|---------------|
| Health consumer complaint | 813 | 88.27 |
| Mandatory notification* | 39 | 4.23 |
| Voluntary notification* | 60 | 6.51 |
| Self-notification* | 6 | 0.65 |
| Referral from another agency | 3 | 0.33 |
| Total | 921 | 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* (the Act) 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 person or organisation; 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.

Decision timeframes—within seven days

| Decision made within seven days of receiving a complaint | Number | Percentage |
|--|------------|---------------|
| Yes | 875 | 97.55 |
| No | 22 | 2.45 |
| Total | 897 | 100.00 |

Decisions made

| Number of decisions made | Number | Percentage |
|--|------------|---------------|
| Accepted and further relevant action taken | 459 | 51.17 |
| Accepted and no further action taken* | 200 | 22.30 |
| Not accepted under s35A** | 238 | 26.53 |
| Total | 897 | 100.00 |

*These decisions relate to matters in which the Health Ombudsman has decided to take no further action under section 44 of the Act. 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 16 matters were determined to fall outside the jurisdiction of the Act.

Accepted decision outcomes

| Type of relevant action taken | Number | Percentage |
|---|------------|---------------|
| Assessment | 77 | 16.14 |
| Local resolution | 90 | 18.87 |
| Conciliation | 0 | 0.00 |
| Investigation | 3 | 0.63 |
| Referral to Ahpra and the national boards | 167 | 35.01 |
| Referral to another entity | 140 | 29.35 |
| Referral to legal services | 0 | 0.00 |
| Total | 477 | 100.00 |

The data in the above table includes all actions taken in matters which were identified as requiring action (noted in category 'Accepted and further relevant action taken' included the previous 'Decisions made' table). A single decision may result in more than one action being taken.

Health service complaints profile

Main issues raised in complaints

| Issue | Number | Percentage |
|--|-------------|---------------|
| Access | 161 | 11.26 |
| Code of conduct for HCW | 27 | 1.89 |
| Communication & Information | 139 | 9.72 |
| Consent | 39 | 2.73 |
| Discharge & Transfer Arrangements | 35 | 2.45 |
| Environment/Management of Facility | 71 | 4.97 |
| Fees & Costs | 48 | 3.36 |
| Grievance Processes | 55 | 3.85 |
| <i>Health Ombudsman Act 2013 offence</i> | 0 | 0.00 |
| Medical Records | 48 | 3.36 |
| Medication | 153 | 10.70 |
| Professional Conduct | 161 | 11.26 |
| Professional Health | 23 | 1.61 |
| Professional Performance | 442 | 30.91 |
| Reports/Certificates | 28 | 1.96 |
| Research/teaching/assessment | 0 | 0.00 |
| Total | 1430 | 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 | Number | Percentage |
|---|------------|---------------|
| Competence | 9 | 2.04 |
| Coordination of treatment | 50 | 11.31 |
| Delay in treatment | 24 | 5.43 |
| Diagnosis | 31 | 7.01 |
| Inadequate care | 40 | 9.05 |
| Inadequate consultation | 27 | 6.11 |
| Inadequate prosthetic equipment | 2 | 0.45 |
| Inadequate treatment | 102 | 23.08 |
| Infection control | 11 | 2.49 |
| No or inappropriate referral | 12 | 2.71 |
| Public or private election | 0 | 0.00 |
| Rough and painful treatment | 13 | 2.94 |
| Teamwork and supervision | 0 | 0.00 |
| Unexpected treatment outcome or complications | 96 | 21.72 |
| Withdrawal of treatment | 8 | 1.81 |
| Wrong or inappropriate treatment | 17 | 3.85 |
| Total | 442 | 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. 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.

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 issues identified |
| Aboriginal and Torres Strait Islander health practitioner | 0 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Chinese medicine practitioner | 1 | - | - | - | - | - | - | - | - | - | - | - | 1 | - | - | - | - | 1 |
| Chiropractor | 5 | - | - | - | - | - | - | 1 | - | - | - | - | 2 | - | 3 | - | - | 6 |
| Dental practitioner | 25 | - | - | 3 | 2 | - | - | 3 | 2 | - | 1 | - | 7 | - | 21 | - | - | 39 |
| Medical practitioner | 213 | 17 | - | 46 | 9 | - | 3 | 9 | 1 | - | 3 | 37 | 30 | 5 | 112 | 10 | - | 282 |
| Medical radiation practitioner | 4 | - | - | - | - | - | - | - | - | - | - | - | 5 | - | - | - | - | 5 |
| Midwife | 1 | - | - | - | - | - | - | - | - | - | - | - | - | 1 | - | - | - | 1 |
| Nurse | 60 | - | - | 8 | 1 | - | - | - | - | - | 2 | 7 | 38 | 13 | 9 | - | - | 78 |
| Occupational therapist | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 | - | 1 |
| Optometrist | 2 | - | - | - | 1 | - | - | - | - | - | - | - | - | - | 2 | - | - | 3 |
| Osteopath | 4 | - | - | - | - | - | - | - | - | - | - | - | 4 | - | - | - | - | 4 |
| Paramedic | 4 | - | - | - | - | - | - | - | - | - | - | - | 2 | 1 | 2 | - | - | 5 |
| Pharmacist | 9 | - | - | 2 | - | - | - | - | - | - | - | 11 | 4 | 1 | - | - | - | 18 |
| Physiotherapist | 2 | - | - | - | - | - | - | - | - | - | - | - | 1 | - | 1 | - | - | 2 |
| Podiatrist | 2 | - | - | - | - | - | - | - | - | - | - | - | - | - | 2 | - | - | 2 |
| Psychologist | 30 | 1 | - | 3 | - | - | - | 1 | 2 | - | 4 | - | 19 | - | 6 | 2 | - | 38 |
| Student practitioner | 3 | - | 1 | - | - | - | - | - | - | - | - | - | 1 | 2 | - | - | - | 4 |
| Unregistered practitioner | 24 | - | 21 | 1 | - | - | 4 | - | - | - | - | - | 8 | - | 3 | 1 | - | 38 |
| Unknown practitioner | 12 | 1 | 1 | - | 1 | - | - | - | - | - | 1 | 3 | 2 | - | 4 | - | - | 13 |
| Total | 402 | 19 | 23 | 63 | 14 | - | 7 | 14 | 5 | - | 11 | 58 | 124 | 23 | 165 | 14 | 0 | 540 |

* The figures reported in this column are a count of the number of health practitioners identified in complaints during the reporting period. A single complaint may identify more than one health practitioner and/or health service organisation. In circumstances where a health practitioner is identified in relation to multiple complaints, the health practitioner would be counted per complaint. For example, a health practitioner identified in three complaints would be counted three times in this column.

** 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 issues identified |
| Administrative service | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Aged care facility | 6 | - | - | - | - | - | 2 | 1 | - | - | 1 | - | - | - | 5 | - | - | 9 |
| Allied health service | 8 | 1 | - | 1 | - | - | - | 1 | 3 | - | - | - | 3 | - | 2 | 1 | - | 12 |
| Ambulance service | 4 | 1 | - | 1 | - | - | - | - | - | - | - | 1 | 1 | - | - | - | - | 4 |
| Community health service | 14 | 3 | 1 | - | 3 | 1 | 3 | - | - | - | - | 2 | - | - | 4 | 1 | - | 18 |
| Correctional facility | 142 | 61 | - | 1 | 1 | - | 8 | - | 1 | - | 3 | 50 | - | - | 27 | 1 | - | 153 |
| Dental service | 18 | 7 | - | 1 | - | - | 1 | 2 | 2 | - | - | - | - | - | 10 | - | - | 23 |
| Health promotion service | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Hospital and Health Service | 15 | 1 | 1 | 3 | 1 | 1 | 2 | - | - | - | - | - | 1 | - | 7 | - | - | 17 |
| Laboratory service | 12 | 1 | - | 2 | - | - | 4 | 1 | 1 | - | 1 | - | - | - | 5 | - | - | 15 |
| Licensed day hospital | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Licensed private hospital | 31 | 5 | - | 6 | - | 4 | 4 | 3 | 5 | - | - | 2 | 4 | - | 17 | - | - | 50 |
| Medical centre | 100 | 36 | 1 | 12 | - | - | 12 | 9 | 8 | - | 14 | 9 | 4 | - | 11 | 4 | - | 120 |
| Mental health service | 26 | 1 | - | - | 8 | 3 | - | - | - | - | 2 | 6 | 2 | - | 7 | 1 | - | 30 |
| Nursing service | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 | - | - | 1 |
| Optical Store | 2 | - | - | 1 | - | - | - | 1 | - | - | - | - | - | - | - | - | - | 2 |
| Other government department | 9 | 1 | - | 1 | - | - | 2 | 1 | - | - | 1 | 1 | 2 | - | - | - | - | 9 |
| Other support service | 5 | - | - | 1 | - | - | 2 | - | 1 | - | - | - | - | - | 1 | 1 | - | 6 |
| Paramedical service | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Pharmaceutical service | 16 | - | - | 3 | - | - | 1 | 3 | 2 | - | 1 | 9 | 4 | - | 3 | - | - | 26 |
| Private organisation | 26 | 2 | - | 3 | 1 | - | 2 | 7 | 3 | - | 5 | - | - | - | 6 | 2 | - | 31 |
| Public health service | 7 | - | - | 1 | - | 2 | 1 | - | 2 | - | - | 1 | 1 | - | 3 | - | - | 11 |
| Public hospital | 200 | 20 | 1 | 37 | 11 | 24 | 17 | 2 | 20 | - | 9 | 10 | 14 | - | 159 | 3 | - | 327 |
| Residential care service | 3 | - | - | - | - | - | 2 | - | - | - | - | 2 | 1 | - | 3 | - | - | 8 |
| Social work service | 1 | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 |
| Specialised health service | 9 | 1 | - | 2 | - | - | 1 | 3 | 2 | - | - | 2 | - | - | 5 | - | - | 16 |
| Unknown organisation | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 | - | - | 1 |
| Welfare service | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Total | 656 | 142 | 4 | 76 | 25 | 35 | 64 | 34 | 50 | 0 | 37 | 95 | 37 | 0 | 277 | 14 | 0 | 890 |

* The figures reported in this column are a count of the number of health service organisations identified in complaints during the reporting period. A single complaint may identify more than one health practitioner and/or health service organisation. In circumstances where a health service organisation is identified in relation to multiple complaints, the health service organisation would be counted per complaint. For example,

health service organisation identified in three complaints would be counted three times in this column. ** This data is a count of the number of issues identified within the reporting period. A complaint may also identify more than one issue per health service organisation.

Assessment

Assessments started and completed

| Assessments this month | Number |
|------------------------|--------|
| Assessments started | 87 |
| Assessments completed | 87 |

Completed assessment timeframes

Of the 87 assessments finalised in June, 79 were completed within 30 days or 60 days with an approved extension, representing a finalisation rate within statutory timeframes of 90.8 per cent.

Of the 51 assessments completed within 60 days, all were approved for extension.

| Assessment timeframes | Number | Percentage |
|--------------------------------|-----------|---------------|
| Completed within 30 days | 28 | 32.18 |
| Completed within 60 days* | 51 | 58.62 |
| Completed in more than 60 days | 8 | 9.20 |
| Total | 87 | 100.00 |

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

Assessment decisions

| Type of relevant action | Number | Percentage |
|---|-----------|---------------|
| Local resolution | 0 | 0.00 |
| Conciliation | 5 | 5.15 |
| Investigation | 10 | 10.31 |
| Referred to Ahpra and the national boards | 20 | 20.62 |
| Referral to another entity | 15 | 15.46 |
| No further action | 47 | 48.46 |
| Total | 97 | 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 month | Number |
|------------------------------|--------|
| Local resolutions started | 86 |
| Local resolutions completed | 129 |

Completed local resolutions

Timeframes

Of the 129 local resolutions finalised in June, 98 were completed within 30 days or 60 days with an approved extension, representing a finalisation rate within statutory timeframes of 75.97 per cent.

| Local resolution timeframes | Number | Percentage |
|--------------------------------|------------|---------------|
| Completed within 30 days | 65 | 50.39 |
| Completed within 60 days* | 48 | 37.21 |
| Completed in more than 60 days | 16 | 12.40 |
| Total | 129 | 100.00 |

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

Outcomes

| Local resolution outcomes | Number | Percentage |
|-------------------------------------|------------|---------------|
| Resolved | 92 | 71.32 |
| Not resolved | 31 | 24.03 |
| Complaint withdrawn* | 5 | 3.88 |
| Local resolution did not commence** | 1 | 0.78 |
| Total | 129 | 100.00 |

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

**A local resolution may not commence where the complaint is resolved directly with the health care provider prior to the commencement of the process.

Decisions for matters that were not resolved

| Type of relevant action | Number | Percentage |
|---|-----------|---------------|
| Assessment | 1 | 3.23 |
| Conciliation | 0 | 0.00 |
| Investigation | 0 | 0.00 |
| Referral to Ahpra and the national boards | 2 | 6.45 |
| Referral to another entity | 0 | 0.00 |
| No further action | 28 | 90.32 |
| Total | 31 | 100.00 |

Conciliation

Conciliations started and closed

| Conciliations this month | Number |
|--|--------|
| Conciliations open at the start of the month | 27 |
| Conciliations started | 4 |
| Conciliations closed | 8 |

'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 agreed to participate and the conciliation process was completed.

Agreement to participate in conciliation

| Agreement to participate in conciliation | Number |
|--|--------|
| Parties agreed to conciliation | 1 |
| Party/ies did not agree to conciliation | 2 |
| Decision pending at end of month | 13 |

Once the decision is made to attempt conciliation, both parties must agree to participate in the process. If either one, or both, of the parties do not agree, the conciliation process does not commence and the matter is closed.

'Decisions pending' includes matters where parties are still deciding whether to participate in conciliation at the end of the reporting period. It also includes matters that have been referred to another relevant action, where conciliation may not commence until this relevant action has been finalised.

Completed conciliations

Timeframes

| Completed conciliation timeframes | Number | Percentage |
|-----------------------------------|----------|---------------|
| Less than 3 months | 2 | 33.33 |
| 3–6 months | 1 | 16.67 |
| 6–9 months | 2 | 33.33 |
| 9–12 months | 1 | 16.67 |
| More than 12 months | 0 | 0.00 |
| Total | 6 | 100.00 |

The data above relates to matters where parties initially agreed to participate in conciliation and the conciliation process was completed within the specified timeframes. 'Completed conciliations' differ from 'closed conciliations'—in the table on page 15—as they only relate to matters where parties initially agreed to participate.

Outcomes

| Conciliation outcomes | Number | Percentage |
|--|----------|---------------|
| Successful | 5 | 83.33 |
| Not successful | 1 | 16.67 |
| Ended by Health Ombudsman | 0 | 0.00 |
| Parties withdrew prior to conciliation conference* | 0 | 0.00 |
| Total | 6 | 100.00 |

The data above relates to matters where parties agreed to participate in conciliation. After agreeing, the conciliation process was completed with the matter either being successful or not successful—or in some instances, the Health Ombudsman may end a conciliation or parties involved may withdraw from the process prior to conciliation occurring. ‘Completed conciliations’ differ from ‘closed conciliations’—in the table on page 16—in that they only relate to matters where parties agreed to participate in conciliation.

*Improvements to the office’s systems and processes have enabled the inclusion of this outcome in September 2020. Previously matters where parties initially agreed to participate in conciliation, and subsequently withdrew from the process were reported as Not successful.

Decisions for conciliations that were not successful

| Type of relevant action | Number | Percentage |
|---|----------|---------------|
| Local resolution | 0 | 0.00 |
| Investigation | 0 | 0.00 |
| Referral to Ahpra and the national boards | 0 | 0.00 |
| Referral to another entity | 0 | 0.00 |
| No further action | 1 | 100.00 |
| Total | 1 | 100.00 |

Open conciliation timeframes

| Open conciliation timeframes | Number | Percentage |
|------------------------------|-----------|---------------|
| Less than 3 months | 10 | 43.48 |
| 3–6 months | 3 | 13.04 |
| 6–9 months | 1 | 4.35 |
| 9–12 months | 3 | 13.04 |
| More than 12 months | 6 | 26.09 |
| Total | 23 | 100.00 |

Matters can be referred simultaneously to conciliation and another relevant action. Conciliation may not commence until after the other relevant action has been finalised. 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.

There are 10 matters on hold until the outcome of another process is finalised (e.g. the process of another agency such as Ahpra). This includes 1 matter that has been open for less than 3 months, 2 that have been open for 3–6 months, 0 that have been open for 6 – 9 months, 3 that have been open for 9–12 months, and 4 that have been open for more than 12 months.

Investigation

Investigations started and closed

| Investigations this month | Number |
|--|--------|
| Investigations open at start of month | 140 |
| Investigations started | 16 |
| Investigations closed | 9 |
| Investigations amalgamated under s40(2)* | 2 |
| Investigations separated under s40(2)** | 0 |

* Matters that involve similar allegations against a health service provider may be combined and dealt with together under section 40(2) of the Act.

**The office may decide to separate an investigation in cases where, as the investigation progresses, it becomes apparent that the matter is not suitable to be dealt with together under s40(2) of the Act.

Closed investigations

Timeframes

Of the 9 investigations, 88.89 per cent were closed within twelve months of commencement.

| Closed investigation timeframes | Number | Percentage |
|---------------------------------|----------|---------------|
| Less than 3 months | 1 | 11.11 |
| 3–6 months | 3 | 33.33 |
| 6–9 months | 2 | 22.22 |
| 9–12 months | 2 | 22.22 |
| 12–24 months | 1 | 11.11 |
| More than 2 years | 0 | 0.00 |
| Total | 9 | 100.00 |

Investigation outcomes

| Outcome | Number | Percentage |
|---|-----------|---------------|
| Recommended for referral to Director of Proceedings* | 3 | 30.00 |
| Recommended that the Health Ombudsman issue a Permanent Prohibition Order | 2 | 20.00 |
| Referred to Ahpra | 1 | 10.00 |
| Referred to another agency | 1 | 10.00 |
| No further action | 3 | 30.00 |
| Conciliation | 0 | 0.00 |
| Total | 10 | 100.00 |

Total investigation outcomes may not equal the total number of investigations completed (in previous tables) as a single investigation may result in multiple outcomes. In certain circumstances it may also be appropriate for the office to take action prior to the investigation being completed.

*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 by the office, while paused investigations are not able to be investigated by the office until such time as another agency—such as the Queensland Police Service or the Office of the State Coroner—concludes their own processes. Despite the office being unable to progress paused investigations, they are still considered to be open investigations.

Active investigation timeframes

| Active investigation timeframes | Number | Percentage |
|---------------------------------|-----------|---------------|
| Less than 3 months | 33 | 33.33 |
| 3–6 months | 24 | 24.24 |
| 6–9 months | 9 | 9.09 |
| 9–12 months | 10 | 10.10 |
| 12–24 months* | 15 | 15.15 |
| More than 2 years* | 8 | 8.08 |
| Total | 99 | 100.00 |

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

Paused investigation timeframes

| Paused investigation timeframes | Number | Percentage |
|---------------------------------|-----------|---------------|
| Less than 3 months | 2 | 4.35 |
| 3–6 months | 8 | 17.39 |
| 6–9 months | 7 | 15.22 |
| 9–12 months | 5 | 10.87 |
| 12–24 months | 18 | 39.13 |
| More than 2 years | 6 | 13.04 |
| Total | 46 | 100.00 |

Total open investigation timeframes

| Total open investigation timeframes | Number | Percentage |
|-------------------------------------|------------|---------------|
| Less than 3 months | 35 | 24.14 |
| 3–6 months | 32 | 22.07 |
| 6–9 months | 16 | 11.03 |
| 9–12 months | 15 | 10.34 |
| 12–24 months | 33 | 22.76 |
| More than 2 years | 14 | 9.66 |
| Total | 145 | 100.00 |

Total open investigation categories

| Type of investigation | Number |
|------------------------------------|------------|
| Health service complaint | 83 |
| Systemic issue | 2 |
| Ministerial directed investigation | 0 |
| Another matter | 56 |
| s105 matters | 4 |
| Total | 145 |

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

| Cases this month | Number |
|--|--------|
| Cases open at the beginning of the month | 2 |
| Recommendations monitoring cases started | 0 |
| Recommendations monitoring cases closed | 0 |

Open recommendations monitoring timeframes

| Open case timeframes | Number | Percentage |
|----------------------|----------|---------------|
| Less than 6 months | 0 | 0.00 |
| 6–12 months | 0 | 0.00 |
| More than 12 months | 2 | 100.00 |
| Total | 2 | 100.00 |

Director of Proceedings

Matters referred to the Director of Proceedings by practitioner type

| Practitioner type | Number | Percentage |
|-------------------|----------|---------------|
| Paramedic | 1 | 50.00 |
| Psychologist | 1 | 50.00 |
| Total | 2 | 100.00 |

Matters currently with the Director of Proceedings by practitioner type

| Practitioner type | Number | Percentage |
|----------------------|-----------|---------------|
| Dentist | 1 | 3.90 |
| Medical practitioner | 19 | 73.10 |
| Paramedic | 1 | 3.90 |
| Pharmacist | 2 | 7.70 |
| Psychologist | 1 | 3.90 |
| Registered nurse | 2 | 7.70 |
| Total | 26 | 100.00 |

Outcomes of matters reviewed by Director of Proceedings

Matters filed in in the Queensland Civil and Administrative Tribunal

| Practitioner type | Number | Percentage |
|----------------------|----------|---------------|
| Medical Practitioner | 1 | 25.00 |
| Pharmacist | 1 | 25.00 |
| Psychologist | 1 | 25.00 |
| Registered Nurse | 1 | 25.00 |
| Total | 4 | 100.00 |

Matters to be referred back to the Health Ombudsman

| Practitioner type | Number | Percentage |
|----------------------|----------|---------------|
| Medical practitioner | 1 | 50.00 |
| Psychologist | 1 | 50.00 |
| Total | 2 | 100.00 |

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 the practitioner poses a serious risk to the health and safety of the public, or it is otherwise in the public interest.

Show cause notices

In August, three show cause notices were issued to:

- one paramedic
- two nurses

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

Immediate registration actions

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

Interim prohibition orders

| Practitioner type | Number | Action taken | Reasons/s for taking action* | |
|-------------------------------|--------|--------------|------------------------------|--------------|
| | | | Public Interest | Serious Risk |
| Massage therapist | 1 | | | ✓ |
| Health Support Worker | 1 | | | ✓ |
| Nurse | 1 | | ✓ | ✓ |
| Chinese Medicine Practitioner | 1 | | ✓ | ✓ |
| Massage therapist | 1 | | ✓ | ✓ |

Monitoring practitioner compliance

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

For interim prohibition orders, this means monitoring compliance with the restriction(s) on or prohibition of service. For immediate registration actions, this means monitoring compliance with condition(s) on or suspension of a practitioner's registration.

The Health Ombudsman may take immediate action against a single practitioner with both immediate registration action and an interim prohibition order. This can occur, for example, in instances where there is a risk that a registered practitioner may also practice in an unregistered capacity.

Practitioner monitoring cases

| Cases this month | Number |
|--|--------|
| Cases open at the beginning of the month | 168 |
| Practitioner monitoring cases started | 12 |
| Practitioner monitoring cases closed | 1 |

Open monitoring cases

Timeframes

| Open case timeframes | Number | Percentage |
|----------------------|------------|---------------|
| Less than 6 months | 51 | 28.49 |
| 6–12 months | 40 | 22.35 |
| More than 12 months | 88 | 49.16 |
| Total | 179 | 100.00 |

Immediate action types

| Open cases by immediate action type | Number | Percentage |
|--|------------|---------------|
| Interim prohibition order – restrictions | 27 | 15.08 |
| Interim prohibition order – prohibited | 33 | 18.44 |
| Immediate registration action - conditions | 55 | 30.73 |
| Immediate registration action - suspension | 21 | 11.73 |
| QCAT disciplinary decision | 29 | 16.20 |
| QCAT interim decision | 1 | 0.56 |
| Permanent prohibition order | 13 | 7.26 |
| Total | 179 | 100.00 |

Registered practitioners being monitored by practitioner type

| Open cases by practitioner type | Number | Percentage |
|------------------------------------|-----------|---------------|
| Chinese medicine practitioner | 5 | 6.49 |
| Chiropractor | 2 | 2.60 |
| Dental practitioner | 3 | 3.90 |
| Medical practitioner | 28 | 36.36 |
| Nursing and midwifery practitioner | 23 | 29.87 |
| Osteopath | 2 | 2.60 |
| Paramedic | 3 | 3.90 |
| Pharmacist | 2 | 2.60 |
| Physiotherapist | 4 | 5.19 |
| Psychologist | 5 | 6.49 |
| Total | 77 | 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 being monitored by type

| Open cases by practitioner type | Number | Percentage |
|---|-----------|---------------|
| Aboriginal and Torres strait islander health worker | 1 | 1.09 |
| Aged care health worker | 9 | 9.78 |
| Alternative health provider | 1 | 1.09 |
| Assistant in nursing | 12 | 13.04 |
| Ayurvedic medicine practitioner | 1 | 1.09 |
| Cosmetic therapist | 2 | 2.17 |
| Counsellor | 1 | 1.09 |
| Disability support worker | 1 | 1.09 |
| Former registered health practitioner | 16 | 17.39 |
| Holding Out | 3 | 3.26 |
| Kinesiologist | 2 | 2.17 |
| Massage therapist | 26 | 28.26 |
| Medical assistant | 3 | 3.26 |
| Naturopath | 1 | 1.09 |
| Non-clinical support worker | 1 | 1.09 |
| Other health educator | 1 | 1.09 |
| Other health support worker | 2 | 2.17 |
| Other natural or alternative health care provider | 2 | 2.17 |
| Personal carer | 3 | 3.26 |
| Social Worker | 1 | 1.09 |
| Unregistered paramedic** | 3 | 3.26 |
| Total | 92 | 100.00 |

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

**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 matters that are considered to be appropriate for Ahpra to manage. For matters that we are considering referring to Ahpra under section 91 of the Act, we provide Ahpra with all necessary information in order for Ahpra to form a view as to whether they need to discuss or accept and progress the referral.

| Consultation matters | Number |
|----------------------------------|--------|
| Matters consulted on* | 239 |
| Matters referred | 244 |
| Matters retained by the office** | 5 |
| Decision pending | 27 |

*The number of matters consulted on may not equal the total number of matters referred, withdrawn and pending as a matter may have commenced consultation prior to the start of the reporting period.

**Under certain circumstances additional information may be received in the course of consultation resulting in the office retaining carriage of the matter and/or taking other relevant action.

Relevant action proposing referral

| Relevant action | Number | Percentage |
|-------------------------|------------|---------------|
| Intake and triage | 204 | 85.36 |
| Assessment | 31 | 12.97 |
| Conciliation | 0 | 0.00 |
| Local resolution | 2 | 0.84 |
| Internal review | 0 | 0.00 |
| Investigations | 2 | 0.84 |
| Director of Proceedings | 0 | 0.00 |
| Total | 239 | 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 for 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 | 31–60 days | More than 60 days |
|-------------------------|------------|-----------|------------|------------|-------------------|
| Intake and triage | 201 | 2 | 0 | 0 | 1 |
| Assessment | 4 | 3 | 1 | 17 | 6 |
| Local resolution | 0 | 0 | 0 | 2 | 0 |
| Conciliation | 0 | 0 | 0 | 0 | 0 |
| Internal review | 0 | 0 | 0 | 0 | 0 |
| Investigation | 0 | 0 | 0 | 1 | 1 |
| Director of Proceedings | 0 | 0 | 0 | 0 | 0 |
| Total | 205 | 5 | 1 | 20 | 8 |

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

Consultation duration

| Consultation duration | Number | Percentage |
|-----------------------|------------|---------------|
| 0–3 days | 131 | 54.81 |
| 4–7 days | 87 | 36.40 |
| 8–11 days | 16 | 6.69 |
| More than 12 days | 5 | 2.09 |
| Total | 239 | 100.00 |

Number of practitioners referred to Ahpra by practitioner type

| Practitioner type | Number | Percentage |
|---|------------|---------------|
| Aboriginal and Torres Strait Islander health practitioner | 0 | 0.00 |
| Chinese medicine practitioner | 0 | 0.00 |
| Chiropractor | 5 | 2.05 |
| Dental practitioner | 19 | 7.79 |
| Medical practitioner | 129 | 52.87 |
| Medical radiation practitioner | 1 | 0.41 |
| Nursing and midwifery practitioner | 51 | 20.90 |
| Occupational therapist | 2 | 0.82 |
| Optometrist | 2 | 0.82 |
| Osteopath | 0 | 0.00 |
| Paramedic | 5 | 2.05 |
| Pharmacist | 9 | 3.69 |
| Physiotherapist | 2 | 0.82 |
| Podiatrist | 3 | 1.23 |
| Psychologist | 14 | 5.74 |
| Student practitioner | 2 | 0.82 |
| Total | 244 | 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 process | Medical records | Medication | Professional conduct | Professional health | Professional performance | Reports/ certificates | Total |
|---|----------|-------------------------------|----------|----------------------------------|-------------------------------------|----------------|-------------------|-----------------|------------|----------------------|---------------------|--------------------------|-----------------------|------------|
| Aboriginal and Torres Strait Islander health practitioner | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Chinese medicine practitioner | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Chiropractor | - | - | - | - | - | - | - | - | - | 2 | - | 4 | - | 6 |
| Dental practitioner | 2 | 2 | 1 | - | - | 3 | - | 2 | - | 6 | - | 20 | - | 36 |
| Medical practitioner | 1 | 19 | 7 | 1 | - | 1 | - | 7 | 27 | 18 | 5 | 91 | 2 | 179 |
| Medical radiation practitioner | - | - | - | - | - | - | - | - | - | 2 | - | - | - | 2 |
| Nursing and midwifery practitioner | - | 7 | - | - | - | - | - | 3 | 8 | 31 | 12 | 8 | - | 69 |
| Occupational therapist | - | - | - | - | - | - | - | - | - | 3 | - | - | - | 3 |
| Optometrist | - | - | 1 | - | - | - | - | - | - | - | - | 2 | - | 3 |
| Osteopath | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Paramedic | - | - | - | - | - | - | - | - | - | 3 | 1 | 2 | - | 6 |
| Pharmacist | - | - | - | - | - | - | - | - | 7 | 6 | 2 | - | - | 15 |
| Physiotherapist | - | 1 | - | - | - | - | - | - | - | 1 | - | 1 | - | 3 |
| Podiatrist | - | - | - | - | - | - | - | - | - | 2 | - | 1 | - | 3 |
| Psychologist | - | - | - | - | - | - | - | 5 | - | 9 | 1 | 1 | - | 16 |
| Student practitioner | - | - | - | - | - | - | - | - | - | 2 | 1 | - | - | 3 |
| Total | 3 | 29 | 9 | 1 | 0 | 4 | 0 | 17 | 42 | 85 | 22 | 130 | 2 | 344 |

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 of healthcare consumers

Gender of healthcare consumers

| Gender | Number | Percentage |
|-----------------------|------------|---------------|
| Female | 461 | 50.33 |
| Male | 413 | 45.09 |
| Prefer not to specify | 18 | 1.97 |
| Unknown* | 24 | 2.62 |
| Total | 916 | 100.00 |

*Not recorded or not provided for a particular matter.

Age of healthcare consumers

| Age | Number | Percentage |
|--------------------|------------|---------------|
| Less than 18 years | 53 | 5.79 |
| 18–24 years | 45 | 4.91 |
| 25–34 years | 162 | 17.69 |
| 35–44 years | 195 | 21.29 |
| 45–54 years | 153 | 16.70 |
| 55–64 years | 106 | 11.57 |
| 65–74 years | 72 | 7.86 |
| More than 75 years | 66 | 7.21 |
| Unknown* | 64 | 6.99 |
| Total | 916 | 100.00 |

*Not recorded or not provided for a particular matter.

Location of healthcare consumers

| Location of healthcare consumers | Number | Percentage |
|----------------------------------|------------|---------------|
| Brisbane | 367 | 40.07 |
| Central West | 3 | 0.33 |
| Darling Downs | 40 | 4.37 |
| Far North | 45 | 4.91 |
| Fitzroy | 43 | 4.69 |
| Gold Coast | 95 | 10.37 |
| Mackay | 18 | 1.97 |
| North West | 4 | 0.44 |
| Northern | 45 | 4.91 |
| South West | 4 | 0.44 |
| Sunshine Coast | 45 | 4.91 |
| West Moreton | 21 | 2.29 |
| Wide Bay–Burnett | 60 | 6.55 |
| Outside Queensland | 47 | 5.13 |
| Unknown* | 79 | 8.62 |
| Total | 916 | 100.00 |

*Not recorded or not provided for a particular matter.

Location of health service providers

| Location of health service providers | Number | Percentage |
|--------------------------------------|-------------|---------------|
| Brisbane | 474 | 45.58 |
| Central West | 5 | 0.48 |
| Darling Downs | 41 | 3.94 |
| Far North | 46 | 4.42 |
| Fitzroy | 43 | 4.13 |
| Gold Coast | 135 | 12.98 |
| Mackay | 27 | 2.60 |
| North West | 4 | 0.38 |
| Northern | 57 | 5.48 |
| South West | 0 | 0.00 |
| Sunshine Coast | 52 | 5.00 |
| West Moreton | 14 | 1.35 |
| Wide Bay-Burnett | 59 | 5.67 |
| Outside Queensland* | 12 | 1.15 |
| Unknown** | 71 | 6.83 |
| Total | 1040 | 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.

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