

# Office of the Health Ombudsman

Performance report November 2019



Office of the  
**HEALTH  
OMBUDSMAN**

*Listen. Respond. Resolve.*

## Office of the Health Ombudsman—Performance report November 2019

Published by the Office of the Health Ombudsman, December 2019



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## Introduction

This document reports on our performance during November 2019.

As Queensland's health service complaints agency, the Office of the Health Ombudsman (OHO) exists to protect the health and safety of the public by assessing, investigating and resolving complaints made about health services provided in Queensland.

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.

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

Data in this report is correct as at 6 December 2019, but is subject to change.

# Intake of complaints

## Type of contacts

Type of contact	Number	Percentage
Complaint	894	79.05
Enquiry	220	19.45
Information*	16	1.41
Yet to be classified	1	0.09
<b>Total</b>	<b>1131</b>	<b>100.00</b>

'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.

\*The introduction of improved business processes in August 2019 resulted in the addition of 'Information' as a new contact category. The office may receive information from other government entities, for example the Queensland Police Service, relating to health service practitioners. These matters previously would have been classified as either a complaint or enquiry depending on whether further action was required by the office but are now captured as information.

## Type of complaints

Type of complaints	Number	Percentage
Health consumer complaint	821	91.83
Mandatory notification*	23	2.57
Voluntary notification*	45	5.03
Self-notification*	1	0.11
Referral from another agency	4	0.45
<b>Total</b>	<b>894</b>	<b>100.00</b>

\*Notifications are matters raised by health service providers which do not otherwise meet the definition of a health consumer complaint as required under the *Health Practitioner Regulation National Law (Queensland)*.

## Complaint decisions

### Decision timeframes—within seven days

Decision made within seven days of receiving a complaint	Number	Percentage
Yes	880	92.63
No	70	7.37
<b>Total</b>	<b>950</b>	<b>100.00</b>

### Accepted vs not accepted

Number of decisions made	Number	Percentage
Accepted	627	55.15
Not accepted*	323	28.41
Decision pending**	187	16.45
<b>Total</b>	<b>1137</b>	<b>100.00</b>

\*'Not accepted' 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*.

\*\*The introduction of improved business processes have resulted in the definition of 'Decision pending' changing in August 2019. This figure now includes all matters in which a decision on whether to 'accept' or 'not accept' a health service complaint is outstanding. Previously this figure only included matters in which a request for information was outstanding at the close of the reporting period.

An additional 25 matters were determined to fall outside the jurisdiction of the Act.

## Accepted decision outcomes

Type of relevant action	Number	Percentage
Assessment	162	25.27
Local resolution	142	22.15
Conciliation	0	0.00
Investigation	8	1.25
Referral to AHPRA and the national boards	197	30.73
Referral to another entity	132	20.59
Referral to legal services	0	0.00
<b>Total</b>	<b>641</b>	<b>100.00</b>

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 (noted in the previous 'Accepted vs not accepted' table).



# Health service complaints profile

## Main issues raised in complaints

Issue	Number	Percentage
Access	159	11.07
Code of conduct for healthcare workers	12	0.84
Communication/information	164	11.42
Consent	22	1.53
Discharge/transfer arrangements	35	2.44
Environment/management of facilities	45	3.13
Fees/cost	49	3.41
Grievance processes	40	2.79
<i>Health Ombudsman Act 2013 offence</i>	0	0.00
Medical records	33	2.30
Medication	148	10.31
Professional conduct	159	11.07
Professional health	23	1.60
Professional performance	507	35.31
Reports/certificates	40	2.79
Research/teaching/assessment	0	0.00
<b>Total</b>	<b>1436</b>	<b>100.00</b>

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	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Chiropractor	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Dental practitioner	41	-	-	4	-	-	-	3	1	-	2	1	4	1	33	-	-	49
Medical practitioner	255	8	-	48	3	2	-	11	5	-	12	36	44	5	137	22	-	333
Medical radiation practitioner	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Midwife	2	-	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	3
Nurse	61	-	-	3	-	-	1	-	-	-	-	5	43	16	8	2	-	78
Occupational therapist	3	-	-	-	-	-	-	-	-	-	1	-	1	-	1	1	-	4
Optometrist	2	-	-	-	-	-	-	-	1	-	-	-	-	-	1	-	-	2
Osteopath	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Paramedic	5	-	-	-	-	-	-	-	-	-	-	-	2	-	3	-	-	5
Pharmacist	8	-	-	-	-	-	2	-	-	-	-	3	3	-	-	-	-	8
Physiotherapist	3	-	-	-	-	-	-	-	-	-	-	-	1	-	2	-	-	3
Podiatrist	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Psychologist	32	-	-	7	-	-	-	1	-	-	1	-	17	1	7	5	-	39
Student practitioner	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Unknown practitioner	41	5	-	10	-	-	1	1	-	-	1	4	7	-	14	5	-	48
Unregistered practitioner	17	-	11	-	-	-	1	1	-	-	-	-	5	-	1	-	-	19
<b>Total</b>	<b>473</b>	<b>13</b>	<b>12</b>	<b>72</b>	<b>3</b>	<b>2</b>	<b>5</b>	<b>17</b>	<b>7</b>	<b>0</b>	<b>17</b>	<b>49</b>	<b>131</b>	<b>23</b>	<b>208</b>	<b>35</b>	<b>0</b>	<b>594</b>

\* 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																Total issues identified
		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	14	-	-	1	2	-	4	-	-	-	1	4	2	-	9	-	-	23
Allied health service	6	-	-	-	-	-	-	2	-	-	1	-	1	-	2	-	-	6
Ambulance service	6	1	-	1	-	-	-	2	-	-	1	2	-	-	-	-	-	7
Community health service	7	-	-	2	1	-	1	1	-	-	-	1	-	-	6	-	-	12
Correctional facility	154	69	-	3	-	-	1	-	-	-	-	61	-	-	40	2	-	176
Dental service	38	19	-	3	-	1	2	2	2	-	-	1	3	-	11	-	-	44
Health promotion service	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Hospital and Health Service	2	1	-	-	-	-	-	-	1	-	-	-	-	-	1	-	-	3
Laboratory service	7	1	-	-	1	-	-	3	2	-	-	-	1	-	1	-	-	9
Licensed private hospital	23	4	-	5	-	-	1	3	3	-	-	4	1	-	19	-	-	40
Medical centre	48	9	-	10	-	-	6	5	-	-	6	1	6	-	9	-	-	52
Mental health service	56	2	-	14	5	6	4	-	4	-	1	12	5	-	28	-	-	81
Nursing service	1	-	-	-	-	-	-	-	1	-	-	-	-	-	1	-	-	2
Optical Store	2	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1	-	2
Other government department	7	2	-	1	1	-	1	-	-	-	-	-	1	-	1	-	-	7
Other support service	3	-	-	1	-	-	-	1	-	-	-	-	1	-	-	-	-	3

Pharmaceutical service	8	-	-	2	-	-	-	2	1	-	-	3	-	-	1	-	-	9
Private organisation	12	1	-	2	-	-	3	3	1	-	-	-	1	-	1	1	-	13
Public health service	6	2	-	3	-	1	1	1	-	-	-	-	1	-	2	-	-	11
Public hospital	227	33	-	41	8	25	15	3	17	-	5	9	5	-	154	1	-	316
Residential care service	2	-	-	1	-	-	-	-	-	-	-	1	-	-	2	-	-	4
Specialised health service	16	2	-	2	1	-	1	4	1	-	-	-	-	-	9	-	-	20
Licensed day hospital	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Welfare service	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
<b>Total</b>	<b>646</b>	<b>146</b>	<b>0</b>	<b>92</b>	<b>19</b>	<b>33</b>	<b>40</b>	<b>32</b>	<b>33</b>	<b>0</b>	<b>16</b>	<b>99</b>	<b>28</b>	<b>0</b>	<b>298</b>	<b>5</b>	<b>0</b>	<b>841</b>

\* 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, a health service organisation identified in three complaints would be counted three times in this column.

\*\* This data is a count of the number of issues identified within the reporting period. A complaint may also identify more than one issue per health service organisation.

# Assessment

## Assessments started and completed

Assessments this month	Number
Assessments started	192
Assessments completed	153

## Completed assessment timeframes

Of the 153 assessments finalised in November, 136 were completed within 30 days or 60 days with an approved extension, representing a finalisation rate within statutory timeframes of 88.89 per cent.

Of the 68 assessments completed within 60 days, 66 were approved for extension.

Assessment timeframes	Number	Percentage
Completed within 30 days	70	45.75
Completed within 60 days*	68	44.44
Completed in more than 60 days	15	9.80
<b>Total</b>	<b>153</b>	<b>100.00</b>

\*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	1	0.63
Conciliation	8	5.06
Investigation	8	5.06
Referred to AHPRA and the national boards	22	13.92
Referral to another entity	15	9.49
No further action	104	65.82
<b>Total</b>	<b>158</b>	<b>100.00</b>

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	149
Local resolutions completed	142

## Completed local resolutions

### Timeframes

Of the 142 local resolutions finalised in November, 137 were completed within 30 days or 60 days with an approved extension, representing a finalisation rate within statutory timeframes of 96.48 per cent.

Local resolution timeframes	Number	Percentage
Completed within 30 days	120	84.51
Completed within 60 days*	21	14.79
Completed in more than 60 days	1	0.70
<b>Total</b>	<b>142</b>	<b>100.00</b>

\*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	108	76.06
Not resolved	20	14.08
Complaint withdrawn*	12	8.45
Local resolution did not commence**	2	1.41
<b>Total</b>	<b>142</b>	<b>100.00</b>

\*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	0	0.00
Conciliation	0	0.00
Investigation	0	0.00
Referral to AHPRA and the national boards	1	8.33
Referral to another entity	0	0.00
No further action	11	91.67
<b>Total</b>	<b>12</b>	<b>100.00</b>



# Conciliation

## Conciliations started and closed

Conciliations this month	Number
Conciliations open at the start of the month	35
Conciliations started	10
Conciliations closed	13

\*One matter was referred for conciliation, and placed on hold pending the finalisation of another relevant action. This conciliation was recorded after the close of the prior reporting period and, as such, this figure has been adjusted accordingly.

The number of conciliations started in the reporting period may not match the number of decisions to refer for conciliation noted in other areas of the report 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. 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	3
Party/ies did not agree to conciliation	4
Decision pending at end of month	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.

'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	22.22
3–6 months	5	55.56
6–9 months	2	22.22
9–12 months	0	0.00
More than 12 months	0	0.00
<b>Total</b>	<b>9</b>	<b>100.00</b>

The data above relates to matters where parties 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 agreed to participate and the conciliation process was completed.

### Outcomes

Conciliation outcomes	Number	Percentage
Successful	6	66.67
Not successful	3	33.33
Ended by Health Ombudsman	0	0.00
<b>Total</b>	<b>9</b>	<b>100.00</b>

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 rare instances, the Health Ombudsman ending it. 'Completed conciliations' differ from 'closed conciliations'—in the table on page 15—in that they only relate to matters where parties agreed to participate and the conciliation process was completed.

## 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
Immediate action	0	0.00
No further action	3	100.00
<b>Total</b>	<b>3</b>	<b>100.00</b>

## Open conciliation timeframes

Open conciliation timeframes	Number	Percentage
Less than 3 months	19	59.38
3–6 months	3	9.38
6–9 months	3	9.38
9–12 months	2	6.25
More than 12 months	5	15.63
<b>Total</b>	<b>32</b>	<b>100.00</b>

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

There are 5 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, 1 that has been open for 3–6 months, 1 that has been open for 6 – 9 months, 1 that has been open for 9–12 months, and 1 that has been open for more than 12 months.

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 month	Number
Investigations open at the beginning of the month	167
Investigations started	19
Investigations closed	18
Investigations amalgamated under s40(2)	4
Investigations separated under s40(2)	0

## Closed investigations

### Timeframes

Of the 18 investigations closed in November, 66.67 per cent were closed within twelve months of commencement.

Closed investigation timeframes	Number	Percentage
Less than 3 months	4	22.22
3–6 months	2	11.11
6–9 months	1	5.56
9–12 months	5	27.78
12–24 months	5	27.78
More than 2 years	1	5.56
<b>Total</b>	<b>18</b>	<b>100.00</b>

## Investigation outcomes

Outcome	Number	Percentage
Recommended for referral to Director of Proceedings*	9	39.13
Referred to AHPRA	3	13.04
Referred to another agency	4	17.39
No further action	7	30.43
Referred to legal services**	0	0.00
Conciliation	0	0.00
<b>Total</b>	<b>23</b>	<b>100.00</b>

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. For example, a matter of criminal conduct identified in the course of an investigation being referred to the Queensland Police Service.

\*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.

\*\*These matters are referred to the Executive Director, Legal Services Division within the office for consideration as to whether there is evidence of a breach of the Act that constitutes an offence that should be prosecuted in the courts. These matters differ to those referred to the Director of Proceedings, which require an independent determination of whether the matter should be put before QCAT.

## 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	37	29.60
3–6 months	22	17.60
6–9 months	19	15.20
9–12 months	14	11.20
12–24 months*	26	20.80
More than 2 years*	7	5.60
<b>Total</b>	<b>125</b>	<b>100.00</b>

\* 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	1	2.56
3–6 months	7	17.95
6–9 months	5	12.82
9–12 months	6	15.38
12–24 months	16	41.03
More than 2 years	4	10.26
<b>Total</b>	<b>39</b>	<b>100.00</b>

Certain matters may be referred to an external agency, such as the Queensland Police Service while criminal proceedings take place, or to the coroner if it relates to reportable deaths (under section 92 of the *Health Ombudsman Act 2013*). As a result, investigation of these matters will be put on pause until the external agency finalises its processes.

## Total open investigation timeframes

Total open investigation timeframes	Number	Percentage
Less than 3 months	38	23.17
3–6 months	29	17.68
6–9 months	24	14.63
9–12 months	20	12.20
12–24 months	42	25.61
More than 2 years	11	6.71
<b>Total</b>	<b>164</b>	<b>100.00</b>

## Total open investigation categories

Type of investigation	Number
Health service complaint	94
Systemic issue	5
Ministerial directed investigation	1
Another matter	55
s105 matters	9
<b>Total</b>	<b>164</b>

## 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 recommendations monitoring program to track the implementation of the recommendations.

### OHO recommendations monitoring

Cases this month	Number
Cases open at the beginning of the month	3
Recommendations monitoring cases started	0
Recommendations monitoring cases closed	1

### Open recommendations monitoring timeframes

Open case timeframes	Number	Percentage
Less than 6 months	1	50.00
6–12 months	0	0.00
More than 12 months	1	50.00
<b>Total</b>	<b>2</b>	<b>100.00</b>



## Director of Proceedings

### Matters referred to the Director of Proceedings by practitioner type

Practitioner type	Number	Percentage
Assistant in nursing	1	10.00
Medical practitioner	4	40.00
Osteopath	1	10.00
Pharmacist	1	10.00
Registered nurse	3	30.00
<b>Total</b>	<b>10</b>	<b>100.00</b>

### Matters currently with the Director of Proceedings by practitioner type

Practitioner type	Number	Percentage
Assistant in nursing	5	8.93
Audiologist	2	3.57
Chinese medicine practitioner	1	1.79
Dentist	2	3.57
Holding out as an enrolled nurse	1	1.79
Holding out as a paramedic	1	1.79
Holding out as a psychologist	1	1.79
Massage therapist	2	3.57
Medical assistant	1	1.79
Medical practitioner	20	35.71
Natural therapist	1	1.79
Osteopath	2	3.57
Paramedic	2	3.57

Practitioner type	Number	Percentage
Pharmacist	3	5.36
Physiotherapist	1	1.79
Psychologist	1	1.79
Registered nurse	8	14.29
Social worker	1	1.79
Unregistered chiropractor	1	1.79
<b>Total</b>	<b>56</b>	<b>100.00</b>

These are matters that have been referred to the Director of Proceedings, but have not been filed in QCAT or referred back to the Health Ombudsman. This includes matters where there has been a decision to refer the matter to QCAT, but no referral has been filed QCAT at this stage.

## Outcomes of matters reviewed by Director of Proceedings

### Matters filed in in the Queensland Civil and Administrative Tribunal

Practitioner type	Number	Percentage
Counsellor	1	20.00
Massage therapist	1	20.00
Podiatrist	1	20.00
Registered nurse	2	40.00
<b>Total</b>	<b>5</b>	<b>100.00</b>

### Matters to be referred back to the Health Ombudsman

Practitioner type	Number	Percentage
Medical practitioner	2	100.00
<b>Total</b>	<b>2</b>	<b>100.00</b>

## 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

In November three show cause notices were issued to:

- three medical practitioners for reasons relating to conduct

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

Practitioner type	Number	Action taken	Reasons/s for taking action*	
			Public Interest	Serious Risk
Psychologist	1	Conditions		✓

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

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

## Interim prohibition orders

Practitioner type	Number	Action taken	Reasons/s for taking action*	
			Public Interest	Serious Risk
Enrolled nurse	2	Prohibition		✓
Massage therapist	1	Prohibition		✓
Holding out as a registered nurse	1	Prohibition		✓

The Health Ombudsman has powers to issue interim prohibitions orders to unregistered practitioners and registered practitioners practicing outside their field of registration. An interim prohibition order can prohibit or restrict the practitioner from providing any health service, or a specific health service.

The details for current prohibition orders can be found on the OHO website ([www.oho.qld.gov.au](http://www.oho.qld.gov.au)) on the prohibition order register.

## 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	118*
Practitioner monitoring cases started	5
Practitioner monitoring cases closed	4

\*One monitoring case was finalised in October, but was not recorded in the office's case management system until November.

### Open monitoring cases

#### Timeframes

Open case timeframes	Number	Percentage
Less than 6 months	32	26.89
6–12 months	31	26.05
More than 12 months	56	47.06
<b>Total</b>	<b>119</b>	<b>100.00</b>

#### Immediate action types

Open cases by immediate action type	Number	Percentage
Interim prohibition order – restrictions	19	15.97
Interim prohibition order – prohibited	39	32.77
Immediate registration action - conditions	38	31.93
Immediate registration action - suspension	16	13.45

Open cases by immediate action type	Number	Percentage
QCAT disciplinary decision	6	5.04
QCAT interim decision	1	0.84
<b>Total</b>	<b>119</b>	<b>100.00</b>

### 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	3	5.36
Chiropractor	0	0.00
Dental practitioner	4	7.14
Medical practitioner	26	46.43
Medical radiation practitioner	0	0.00
Nursing and midwifery practitioner	19	33.93
Occupational therapist	0	0.00
Optometrist	0	0.00
Osteopath	0	0.00
Pharmacist	0	0.00
Physiotherapist	2	3.57
Podiatrist	0	0.00
Psychologist	2	3.57
<b>Total</b>	<b>56</b>	<b>100.00</b>

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	1.72
Aged care worker	1	1.72
Assistant in nursing	9	15.52
Audiologist	2	3.45
Counsellor	1	1.72
Former registered health practitioner	12	20.69
Health support worker	1	1.72
Holding out*	3	5.17
Kinesiologist	2	3.45
Medical assistant	2	3.45
Massage therapist	16	27.59
Natural therapist	1	1.72
Paramedic	5	8.62
Personal carer	1	1.72
Social worker	1	1.72
<b>Total</b>	<b>58</b>	<b>100.00</b>

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.

\*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.

# Australian Health Practitioner Regulation Agency

## Notifications from AHPRA

No new notifications and no requests (s193 of the Act) relating to possible serious matters were made in November.

## 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 *Health Ombudsman Act 2013*, 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.

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	Number
Matters consulted on*	268
Matters referred	238
Matters retained by the office**	10
Decision pending	31

\*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	229	85.45
Assessment	31	11.57
Conciliation	0	0.00
Local resolution	4	1.49
Internal review	1	0.37
Investigations	3	1.12
Director of Proceedings	0	0.00
<b>Total</b>	<b>268</b>	<b>100.00</b>

## 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 and triage	223	2	2	2	0
Assessment	1	1	14	12	3
Local resolution	0	0	3	1	0
Conciliation	0	0	0	0	0
Internal review	0	0	0	0	1
Investigation	0	0	0	0	3
Director of Proceedings	0	0	0	0	0
<b>Total</b>	<b>224</b>	<b>3</b>	<b>19</b>	<b>15</b>	<b>7</b>

'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	185	69.03
4–7 days	78	29.10
8–11 days	3	1.12
More than 12 days	2	0.75
<b>Total</b>	<b>268</b>	<b>100.00</b>

## 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	1	0.42
Chiropractor	0	0.00
Dental practitioner	20	8.40
Medical practitioner	146	61.34
Medical radiation practitioner	1	0.42
Nursing and midwifery practitioner	38	15.97
Occupational therapist	3	1.26
Optometrist	2	0.84
Osteopathy	1	0.42
Paramedic	2	0.84
Pharmacist	8	3.36
Physiotherapy	3	1.26
Podiatrist	1	0.42
Psychologist	12	5.04
Student practitioner	0	0.00
<b>Total</b>	<b>238</b>	<b>100.00</b>

## 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	-	-	-	2
Dental practitioner	-	2	-	-	-	-	-	1	-	2	-	19	-	24
Medical practitioner	5	25	4	3	-	-	-	6	21	19	4	114	9	210
Medical radiation practitioner	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Nursing and midwifery practitioner	-	3	1	-	-	-	-	-	2	25	13	10	1	55
Occupational therapist	-	-	-	-	-	-	-	-	-	-	2	-	1	3
Optometrist	-	-	-	-	-	-	1	-	-	-	-	2	-	3
Osteopath	-	-	-	-	-	-	-	-	-	1	-	-	-	1
Paramedic	-	-	-	-	-	-	-	-	-	1	-	1	-	2
Pharmacist	-	-	-	-	-	-	-	-	5	3	-	-	-	8
Physiotherapist	-	-	-	-	-	-	-	1	-	2	-	1	-	4
Podiatrist	-	-	-	-	-	-	-	-	-	-	-	1	-	1
Psychologist	-	3	-	-	-	-	-	-	-	5	1	3	1	13
Student practitioner	-	-	-	-	-	-	-	-	-	-	-	-	-	0
<b>Total</b>	<b>5</b>	<b>33</b>	<b>5</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>8</b>	<b>28</b>	<b>60</b>	<b>21</b>	<b>151</b>	<b>12</b>	<b>327</b>

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

## Gender

Gender	Number	Percentage
Female	390	44.93
Male	453	52.19
Prefer not to specify	4	0.46
Unknown*	21	2.42
<b>Total</b>	<b>868</b>	<b>100.00</b>

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

## Age

Age	Number	Percentage
Less than 18 years	58	6.68
18–24 years	53	6.11
25–34 years	154	17.74
35–44 years	166	19.12
45–54 years	134	15.44
55–64 years	109	12.56
65–74 years	82	9.45
More than 75 years	54	6.22
Unknown*	58	6.68
<b>Total</b>	<b>868</b>	<b>100.00</b>

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

## Location of healthcare consumers

Location of healthcare consumers	Number	Percentage
Brisbane	389	44.82
Central West	2	0.23
Darling Downs	29	3.34
Far North	45	5.18
Fitzroy	22	2.53
Gold Coast	91	10.48
Mackay	19	2.19
North West	2	0.23
Northern	33	3.80
South West	3	0.35
Sunshine Coast	47	5.41
West Moreton	28	3.23
Wide Bay–Burnett	47	5.41
Outside Queensland	31	3.57
Unknown*	80	9.22
<b>Total</b>	<b>868</b>	<b>100.00</b>

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

## Location of health service providers

Location of health service providers	Number	Percentage
Brisbane	452	45.20
Central West	2	0.20
Darling Downs	37	3.70
Far North	47	4.70
Fitzroy	25	2.50
Gold Coast	110	11.00
Mackay	23	2.30
North West	1	0.10
Northern	41	4.10
South West	1	0.10
Sunshine Coast	55	5.50
West Moreton	22	2.20
Wide Bay-Burnett	47	4.70
Outside Queensland*	6	0.60
Unknown**	131	13.10
<b>Total</b>	<b>1000</b>	<b>100.00</b>

\*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.



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