

# Office of the Health Ombudsman

Performance report October 2020



Office of the  
**HEALTH  
OMBUDSMAN**

*Listen. Respond. Resolve.*

## Office of the Health Ombudsman—Performance report October 2020

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# Introduction

This document reports on our performance during October 2020.

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 7 October 2020, but is subject to change.

# Intake of complaints

## Type of contacts

Type of contact	Number	Percentage
Complaint	797	75.26
Enquiry	220	20.77
Information	35	3.31
Yet to be classified	7	0.66
<b>Total</b>	<b>1059</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.

## Type of complaints

Type of complaints	Number	Percentage
Health consumer complaint	728	91.34
Mandatory notification*	19	2.38
Voluntary notification*	45	5.65
Self-notification*	4	0.50
Referral from another agency	1	0.13
<b>Total</b>	<b>797</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

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	726	91.55
No	67	8.45
<b>Total</b>	<b>793</b>	<b>100.00</b>

### Decisions made

Number of decisions made	Number	Percentage
Accepted and further relevant action taken	502	63.30
Accepted and no further action taken*	173	21.82
Not accepted under s35A**	118	14.88
<b>Total</b>	<b>793</b>	<b>100.00</b>

\*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 19 matters were determined to fall outside the jurisdiction of the Act.

## Accepted decision outcomes

Type of relevant action taken	Number	Percentage
Assessment	134	26.53
Local resolution	100	19.80
Conciliation	0	0.00
Investigation	4	0.79
Referral to Ahpra and the national boards	161	31.88
Referral to another entity	106	20.99
Referral to legal services	0	0.00
<b>Total</b>	<b>505</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 where further relevant action was taken (noted in category 'Accepted and further relevant action taken' included the previous 'Decisions made' table).



# Health service complaints profile

## Main issues raised in complaints

Issue	Number	Percentage
Access	153	11.72
Code of conduct for healthcare workers	16	1.23
Communication/information	149	11.42
Consent	23	1.76
Discharge/transfer arrangements	23	1.76
Environment/management of facilities	81	6.21
Fees/cost	37	2.84
Grievance processes	54	4.14
<i>Health Ombudsman Act 2013 offence</i>	1	0.08
Medical records	45	3.45
Medication	110	8.43
Professional conduct	122	9.35
Professional health	26	1.99
Professional performance	444	34.02
Reports/certificates	21	1.61
Research/teaching/assessment	0	0.00
<b>Total</b>	<b>1305</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.

## Subcategories of professional performance issues raised in complaints

Issue	Number	Percentage
Competence	9	2.03
Coordination of treatment	40	9.01
Delay in treatment	31	6.98
Diagnosis	43	9.68
Inadequate care	33	7.43
Inadequate consultation	37	8.33
Inadequate prosthetic equipment	3	0.68
Inadequate treatment	133	29.95
Infection control	6	1.35
No or inappropriate referral	20	4.50
Public or private election	0	0.00
Rough and painful treatment	7	1.58
Teamwork and supervision	0	0.00
Unexpected treatment outcome or complications	67	15.09
Withdrawal of treatment	4	0.90
Wrong or inappropriate treatment	11	2.48
<b>Total</b>	<b>444</b>	<b>100.00</b>

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																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 process	Health Ombudsman Act 2013 Offence	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/certificates	Research/Teaching/Assessment	
Aboriginal and Torres Strait Islander health practitioner	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Chinese medicine practitioner	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Chiropractor	4	-	-	-	-	-	-	-	-	-	-	2	1	1	-	-	-	4
Dental practitioner	24	-	-	4	-	-	-	-	2	-	1	1	3	2	19	-	-	32
Medical practitioner	239	11	-	51	6	2	1	9	2	1	13	35	35	8	137	13	-	324
Medical radiation practitioner	2	-	-	-	-	-	-	-	-	-	-	-	1	-	1	-	-	2
Midwife	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Nurse	44	-	-	2	-	-	-	1	-	-	2	2	28	9	10	-	-	54
Occupational therapist	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Optometrist	3	1	-	1	-	-	-	-	-	-	-	-	2	-	1	-	-	5
Osteopath	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Paramedic	8	-	-	-	-	-	-	-	-	-	-	-	3	4	1	-	-	8
Pharmacist	11	-	-	1	-	-	-	-	1	-	-	7	2	1	1	-	-	13
Physiotherapist	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Podiatrist	3	-	-	-	-	-	-	1	-	-	-	-	-	-	3	-	-	4
Psychologist	22	-	-	4	-	-	-	1	1	-	2	-	10	-	6	3	-	27
Student practitioner	2	-	-	-	-	-	-	-	-	-	-	-	1	1	-	-	-	2
Unregistered practitioner	13	-	12	-	-	-	-	-	-	-	-	-	4	-	-	-	-	16
Unknown practitioner	20	2	1	3	1	-	-	2	-	-	1	1	4	-	8	-	-	23
<b>Total</b>	<b>398</b>	<b>14</b>	<b>13</b>	<b>66</b>	<b>7</b>	<b>2</b>	<b>1</b>	<b>14</b>	<b>6</b>	<b>1</b>	<b>19</b>	<b>46</b>	<b>98</b>	<b>26</b>	<b>188</b>	<b>16</b>	<b>0</b>	<b>517</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	2	-	-	-	-	-	-	-	-	-	1	-	1	-	-	-	-	2
Aged care facility	6	-	-	1	-	-	1	-	-	-	-	-	-	-	4	-	-	6
Allied health service	7	1	-	-	-	-	3	-	-	-	-	-	1	-	2	-	-	7
Ambulance service	3	1	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	4
Community health service	7	-	1	2	-	1	-	-	-	-	-	1	2	-	4	-	-	11
Correctional facility	147	90	-	4	-	-	1	-	-	-	2	35	1	-	20	-	-	153
Dental service	23	8	-	3	-	-	4	1	3	-	-	-	-	-	8	-	-	27
Health information service	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Health promotion service	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1
Hospital and Health Service	5	1	-	-	-	-	1	-	1	-	-	-	-	-	2	-	-	5
Laboratory service	4	-	-	-	-	-	-	2	1	-	-	-	-	-	2	-	-	5
Licensed day hospital	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Licensed private hospital	26	2	-	4	2	3	7	6	2	-	1	1	-	-	12	-	-	40
Medical centre	47	6	-	8	-	-	8	1	8	-	10	3	3	-	15	1	-	63
Mental health service	23	3	-	1	4	2	7	-	1	-	-	2	-	-	11	2	-	33
Nursing service	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Optical Store	2	-	-	1	-	-	-	1	1	-	-	-	-	-	-	-	-	3
Other government department	10	-	-	-	-	-	7	1	-	-	-	1	-	-	-	1	-	10
Other support service	5	-	1	1	-	-	1	-	-	-	-	1	2	-	2	-	-	8
Paramedical service	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Pharmaceutical service	13	-	-	3	-	-	2	2	2	-	1	5	-	-	-	-	-	15
Private organisation	11	-	-	1	-	-	5	-	1	-	-	1	2	-	3	-	-	13

Public health service	10	1	-	2	-	-	1	1	1	-	-	-	1	-	9	-	-	16
Public hospital	212	26	1	51	9	15	29	1	23	-	9	14	10	-	150	1	-	339
Residential care service	3	-	-	-	-	-	1	1	2	-	-	-	-	-	-	-	-	4
Specialised health service	12	-	-	1	-	-	-	6	2	-	2	-	1	-	6	-	-	18
Welfare service	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Unknown organisation	3	-	-	-	1	-	1	-	-	-	-	-	-	-	1	-	-	3
<b>Total</b>	<b>584</b>	<b>139</b>	<b>3</b>	<b>83</b>	<b>16</b>	<b>21</b>	<b>80</b>	<b>23</b>	<b>48</b>	<b>0</b>	<b>26</b>	<b>64</b>	<b>24</b>	<b>0</b>	<b>256</b>	<b>5</b>	<b>0</b>	<b>788</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	156
Assessments completed	135

## Completed assessment timeframes

Of the 135 assessments finalised in October, 131 were completed within 30 days or 60 days with an approved extension, representing a finalisation rate within statutory timeframes of 97.04 per cent.

Of the 72 assessments completed within 60 days, all were approved for extension.

Assessment timeframes	Number	Percentage
Completed within 30 days	59	43.70
Completed within 60 days*	72	53.33
Completed in more than 60 days	4	2.96
<b>Total</b>	<b>135</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	0	0.00
Conciliation	3	2.11
Investigation	7	4.93
Referred to Ahpra and the national boards	29	20.42
Referral to another entity	14	9.86
No further action	89	62.68
<b>Total</b>	<b>142</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	108
Local resolutions completed	119

## Completed local resolutions

### Timeframes

Of the 119 local resolutions finalised in October, 114 were completed within 30 days or 60 days with an approved extension, representing a finalisation rate within statutory timeframes of 95.80 per cent.

Local resolution timeframes	Number	Percentage
Completed within 30 days	93	78.15
Completed within 60 days*	26	21.85
Completed in more than 60 days	0	0.00
<b>Total</b>	<b>119</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. An extension may be granted in cases where either; an outcome could not be reached due to the time taken to obtain information under notice, or where resolution was not achieved in 30 days and there is a reasonable belief resolution may be achieved with an extension of time. In considering a request for extension, consideration must also be given to the actual management of the case; for example, in cases where the management of the case was delayed due to factors such as the Christmas closure period, an extension may not be approved.

## Outcomes

Local resolution outcomes	Number	Percentage
Resolved	95	79.83
Not resolved	8	6.72
Complaint withdrawn*	10	8.40
Local resolution did not commence**	6	5.04
<b>Total</b>	<b>119</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	0	0.00
Referral to another entity	0	0.00
No further action	8	100.00
<b>Total</b>	<b>8</b>	<b>100.00</b>



# Conciliation

## Conciliations started and closed

Conciliations this month	Number
Conciliations open at the start of the month	44
Conciliations started	3
Conciliations closed	6

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	2
Party/ies did not agree to conciliation	2
Decision pending at end of month	15

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

'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	0	0.00
3–6 months	3	75.00
6–9 months	0	0.00
9–12 months	1	25.00
More than 12 months	0	0.00
<b>Total</b>	<b>4</b>	<b>100.00</b>

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 16—as they only relate to matters where parties initially agreed to participate.

### Outcomes

Conciliation outcomes	Number	Percentage
Successful	4	100.00
Not successful	0	0.00
Ended by Health Ombudsman	0	0.00
Parties withdrew prior to conciliation conference*	0	0.00
<b>Total</b>	<b>4</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 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	0	0.00
<b>Total</b>	<b>0</b>	<b>0.00</b>

## Open conciliation timeframes

Open conciliation timeframes	Number	Percentage
Less than 3 months	13	31.71
3–6 months	17	41.46
6–9 months	2	4.88
9–12 months	3	7.32
More than 12 months	6	14.63
<b>Total</b>	<b>41</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. 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 12 matters on hold until the outcome of another process is finalised (e.g. the process of another agency such as Ahpra). This includes 4 matters that have been open for less than 3 months, 3 that has been open for 3–6 months, 1 that has been open for 6 – 9 months, 1 that have been open for 9–12 months, and 3 that have 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	141
Investigations started	14
Investigations closed	15
Investigations amalgamated under s40(2)*	5
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 15 investigations, 60 per cent were closed within twelve months of commencement.

Closed investigation timeframes	Number	Percentage
Less than 3 months	0	0.00
3–6 months	4	26.67
6–9 months	3	20.00
9–12 months	2	13.33
12–24 months	5	33.33
More than 2 years	1	6.67
<b>Total</b>	<b>15</b>	<b>100.00</b>

## Investigation outcomes

Outcome	Number	Percentage
Recommended for referral to Director of Proceedings*	8	53.33
Recommended that the Health Ombudsman issue a Permanent Prohibition Order	1	6.67
Referred to Ahpra	4	26.67
Referred to another agency	0	0.00
No further action	2	13.33
Conciliation	0	0.00
<b>Total</b>	<b>15</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.

## 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	31	32.29
3–6 months	9	9.38
6–9 months	14	14.58
9–12 months	11	11.46
12–24 months*	27	28.13
More than 2 years*	4	4.17
<b>Total</b>	<b>96</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	5	12.82
3–6 months	2	5.13
6–9 months	10	25.64
9–12 months	4	10.26
12–24 months	10	25.64
More than 2 years	8	20.51
<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	36	26.67
3–6 months	11	8.15
6–9 months	24	17.78
9–12 months	15	11.11
12–24 months	37	27.41
More than 2 years	12	8.89
<b>Total</b>	<b>135</b>	<b>100.00</b>

## Total open investigation categories

Type of investigation	Number
Health service complaint	85
Systemic issue	1
Ministerial directed investigation	0
Another matter	46
s105 matters	3
<b>Total</b>	<b>135</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 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	2	100.00
6–12 months	0	0.00
More than 12 months	0	0.00
<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
Dental practitioner	1	14.29
Medical practitioner	4	57.14
Registered nurse	2	28.57
<b>Total</b>	<b>7</b>	<b>100.00</b>

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

Practitioner type	Number	Percentage
Chinese medicine practitioner	1	2.50
Dental practitioner	2	5.00
Medical practitioner	30	75.00
Pharmacist	1	2.50
Psychologist	2	5.00
Registered nurse	4	10.00
<b>Total</b>	<b>40</b>	<b>100.00</b>

### Outcomes of matters reviewed by Director of Proceedings

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

Practitioner type	Number	Percentage
Registered nurse	1	100.00
<b>Total</b>	<b>1</b>	<b>100.00</b>

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

Practitioner type	Number	Percentage
Medical practitioner	1	20.00

Practitioner type	Number	Percentage
Paramedic	1	20.00
Registered nurse	3	60.00
<b>Total</b>	<b>5</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 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 October 2020, two show cause notices were issued to:

- one disability support worker
- one psychologist

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
Registered nurse	1	Suspension		✓

### Interim prohibition orders

Practitioner type	Number	Action taken	Reasons/s for taking action	
			Public Interest	Serious Risk
Disability support worker	1	Restrictions		✓
Massage therapist	1	Prohibition		✓

\*From July 2019 the reason/s for taking action included in this table have been updated to more accurately reflect the immediate action process. 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	153
Practitioner monitoring cases started	3
Practitioner monitoring cases closed	2

### Open monitoring cases

#### Timeframes

Open case timeframes	Number	Percentage
Less than 6 months	43	27.92
6–12 months	30	19.48
More than 12 months	81	52.60
<b>Total</b>	<b>154</b>	<b>100.00</b>

#### Immediate action types

Open cases by immediate action type	Number	Percentage
Interim prohibition order – restrictions	22	14.29
Interim prohibition order – prohibited	35	22.73
Immediate registration action - conditions	48	31.17
Immediate registration action - suspension	26	16.88
QCAT disciplinary decision	19	12.34

Open cases by immediate action type	Number	Percentage
QCAT interim decision	1	0.65
Permanent prohibition order	3	1.95
<b>Total</b>	<b>154</b>	<b>100.00</b>

### Registered practitioners being monitored by practitioner type

Open cases by practitioner type	Number	Percentage
Aboriginal and Torres Strait Islander health worker	0	0.00
Chinese medicine practitioner	3	3.85
Chiropractor	0	0.00
Dental practitioner	3	3.85
Medical practitioner	35	44.87
Medical radiation practitioner	0	0.00
Nursing and midwifery practitioner	28	35.90
Occupational therapist	0	0.00
Optometrist	0	0.00
Osteopath	1	1.28
Paramedic	2	2.56
Pharmacist	0	0.00
Physiotherapist	4	5.13
Podiatrist	0	0.00
Psychologist	2	2.56
<b>Total</b>	<b>78</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 being monitored by type

Open cases by practitioner type	Number	Percentage
Aboriginal and Torres strait islander health worker	1	1.45
Aged care health worker	6	8.70
Assistant in nursing	7	10.14
Cosmetic therapist	1	1.45
Counsellor	3	4.35
Disability support worker	2	2.90
Former registered health practitioner	12	17.39
Health educator	1	1.45
Health support worker	1	1.45
Holding out*	5	7.25
Kinesiologist	2	2.90
Massage therapist	19	27.54
Medical assistant	2	2.90
Natural therapist	0	0.00
Naturopath	2	2.90
Personal carer	1	1.45
Social worker	1	1.45
Student practitioner	0	0.00
Unregistered paramedic**	3	4.35
<b>Total</b>	<b>69</b>	<b>100.00</b>

\*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*	240
Matters referred	236
Matters retained by the office**	5
Decision pending	18

\*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	184	76.67
Assessment	50	20.83
Conciliation	0	0.00
Local resolution	1	0.42
Internal review	0	0.00
Investigations	4	1.67
Director of Proceedings	1	0.42
<b>Total</b>	<b>240</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 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	184	0	0	0	0
Assessment	1	3	24	16	6
Local resolution	0	0	1	0	0
Conciliation	0	0	0	0	0
Internal review	0	0	0	0	0
Investigation	0	0	0	0	4
Director of Proceedings	0	0	0	0	1
<b>Total</b>	<b>185</b>	<b>3</b>	<b>25</b>	<b>16</b>	<b>11</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	213	88.75
4–7 days	27	11.25
8–11 days	0	0.00
More than 12 days	0	0.00
<b>Total</b>	<b>240</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	0	0.00
Chiropractor	5	2.12
Dental practitioner	21	8.90
Medical practitioner	134	56.78
Medical radiation practitioner	1	0.42
Nursing and midwifery practitioner	44	18.64
Occupational therapist	0	0.00
Optometrist	1	0.42
Osteopath	0	0.00
Paramedic	3	1.27
Pharmacist	8	3.39
Physiotherapist	4	1.69
Podiatrist	4	1.69
Psychologist	10	4.24
Student practitioner	1	0.42
<b>Total</b>	<b>236</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	1	2	-	5
Dental practitioner	-	4	1	-	-	-	2	-	1	2	3	19	-	32
Medical practitioner	-	20	9	3	-	3	2	8	21	31	6	98	11	212
Medical radiation practitioner	-	-	-	-	-	-	-	-	-	-	-	1	-	1
Nursing and midwifery practitioner	-	-	-	-	-	-	-	-	1	30	12	6	-	49
Occupational therapist	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Optometrist	-	1	-	-	-	-	-	-	-	2	-	-	-	3
Osteopath	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Paramedic	-	-	-	-	-	-	-	-	-	1	1	1	-	3
Pharmacist	-	-	-	-	-	-	-	-	5	2	1	-	-	8
Physiotherapist	-	1	-	-	-	-	-	1	-	2	-	1	-	5
Podiatrist	-	-	-	-	-	1	-	-	-	1	-	3	-	5
Psychologist	-	-	-	-	1	-	1	1	-	1	-	5	3	12
Student practitioner	-	-	-	-	-	-	-	-	-	0	1	-	-	1
<b>Total</b>	<b>0</b>	<b>26</b>	<b>10</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>5</b>	<b>10</b>	<b>28</b>	<b>74</b>	<b>25</b>	<b>136</b>	<b>14</b>	<b>336</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 of healthcare consumers

## Gender of healthcare consumers

Gender	Number	Percentage
Female	361	46.82
Male	383	49.68
Prefer not to specify	9	1.17
Unknown*	18	2.33
<b>Total</b>	<b>771</b>	<b>100.00</b>

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

## Age of healthcare consumers

Age	Number	Percentage
Less than 18 years	41	5.32
18–24 years	33	4.28
25–34 years	147	19.07
35–44 years	173	22.44
45–54 years	135	17.51
55–64 years	86	11.15
65–74 years	51	6.61
More than 75 years	49	6.36
Unknown*	56	7.26
<b>Total</b>	<b>771</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	334	43.32
Central West	2	0.26
Darling Downs	19	2.46
Far North	43	5.58
Fitzroy	28	3.63
Gold Coast	85	11.02
Mackay	18	2.33
North West	2	0.26
Northern	37	4.80
South West	2	0.26
Sunshine Coast	38	4.93
West Moreton	18	2.33
Wide Bay–Burnett	57	7.39
Outside Queensland	28	3.63
Unknown*	60	7.78
<b>Total</b>	<b>771</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	50.00
Central West	1	0.11
Darling Downs	24	2.65
Far North	47	5.20
Fitzroy	28	3.10
Gold Coast	114	12.61
Mackay	17	1.88
North West	0	0.00
Northern	43	4.76
South West	2	0.22
Sunshine Coast	42	4.65
West Moreton	9	1.00
Wide Bay-Burnett	56	6.19
Outside Queensland*	8	0.88
Unknown**	61	6.75
<b>Total</b>	<b>904</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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