

Office of the Health Ombudsman

Performance report August 2015



Office of the
**HEALTH
OMBUDSMAN**

Listen. Respond. Resolve.

Office of the Health Ombudsman—Performance report August 2015

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Introduction

This document contains our performance data for August 2015. Over time, our monthly data will identify trends which will inform our work in promoting improved health service delivery by health service providers, and in identifying systemic issues. As we continue to monitor our performance data, we will also look for areas of improvement, innovation and greater efficiency.

Importantly, our monthly performance reporting highlights our commitment to transparency and accountability, and our desire to ensure Queenslanders have confidence in the management of health service complaints.

The Office of the Health Ombudsman (OHO) commenced operation on 1 July 2014 as Queensland's health service complaints management agency. On commencement, the OHO not only started receiving enquiries and health service complaints, but assumed responsibility for 289 matters previously managed by the Health Quality and Complaints Commission. All matters transitioned from the commission that have been reviewed, audited and processed within the OHO's health service complaints management system are integrated within this data.

In addition, during August 2014, the OHO began reviewing current matters from the Australian Health Practitioner Regulation Agency (AHPRA) and the national boards to determine those that were most appropriately dealt with by the OHO, and those that should continue to be dealt with by AHPRA. The OHO took on this existing work in conjunction with the notification (after 1 July) of new serious matters by AHPRA to the OHO for determination and action, as appropriate. These matters are included within the data of this report.

Data in this report is correct as at 11 September 2015, but is subject to change.

Number of contacts

Type of contact	Number	Percentage
Complaint	251	38.26
Enquiry	310	47.26
Yet to be classified	95	14.48
Total	656	100.00

This data is based on contacts with the OHO during the month. Matters that are 'yet to be classified' are contacts in which not enough information was provided initially to allow for a determination and additional information is being sought, or are matters that came in just before the end of the reporting period and were still being processed.

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

Contacts 'yet to be classified' at the time of running this report will continue to be allocated as complaints (and enquiries) as additional information is received. However, decisions on these complaints will be registered in the next reporting period.

Type of complaints

Type of complaints	Number	Percentage
Health consumer complaint	196	78.09
Mandatory notification*	28	11.16
Voluntary notification*	6	2.39
Self-notification*	9	3.59
Referral**	12	4.77
Total	251	100.00

*Notifications are made by health service providers, as required in the Health Practitioner Regulation National Law (Queensland).

**Referrals are matters referred by government and non-government agencies to the OHO.

Decisions

Number of decisions made

Number of decisions made	Number	Percentage
Accepted	269	66.92
Not accepted	73	18.16
Decision pending	60	14.92
Total	402	100.00

'Decision pending' relates to matters where more information is required before deciding whether to accept or not accept a complaint, or because a matter came in just before the end of the reporting period and is still to be processed.

Decisions made within seven days

Decision made within seven days of receiving a complaint	Number	Percentage
Yes	128	37.43
No	214	62.57
Total	342	100.00

In the month of August, a similar number of contacts were received by the OHO when compared to July. These continued high contact volumes, in conjunction with staff illness during the month, has impacted the OHO's ability to meet the seven day timeframe.

System and process reviews to identify opportunities for consolidation and streamlining of resources are expected to provide greater capacity for legislative timeframes to be met in the future.

Health service complaints profile

Main issues raised in complaints

Issue	Number	Percentage
Access	4	2.02
Communication/information	19	9.60
Consent	3	1.52
Discharge/transfer arrangements	14	7.07
Environment/management of facilities	4	2.02
Fees/cost	2	1.01
Grievance processes	2	1.01
Medical records	12	6.06
Medication	20	10.10
Professional conduct	28	14.14
Professional health	4	2.02
Professional performance	84	42.42
Reports/certificates	1	0.51
Treatment	1	0.51
Total	198	100.00

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

Number and type of complaints by health practitioner

Practitioner type	Access	Communication and information	Consent	Discharge/transfer arrangements	Environment/management of facility	Enquiry service	Fees and costs	Grievance process	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/certificates	Treatment	Total
Alternative care	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Chinese medicine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Chiropractor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dentistry	-	1	-	-	-	-	-	-	1	-	-	-	4	-	-	6
Emergency care	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	2
General medical	-	6	2	2	-	-	1	1	4	6	14	1	19	-	-	56
Medical radiation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical specialty	-	3	-	2	-	-	-	-	1	1	3	-	15	-	-	25
Nursing	-	-	-	-	-	-	-	-	-	6	4	1	2	-	-	13
Occupational therapy	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Optometry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Osteopathy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	3
Pathology	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmacy	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	1
Physiotherapy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Podiatry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Psychology	-	1	-	-	-	-	1	-	2	-	2	2	1	-	-	9
Speech pathology	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Surgical	-	-	1	-	-	-	-	-	-	-	-	-	5	-	-	6
Not yet known	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	1	11	3	5	-	-	2	1	8	14	26	4	47	-	-	122

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

Number and type of complaints by health service organisation

Organisation type	Access	Communication and information	Consent	Discharge/transfer arrangements	Environment/management of facility	Enquiry service	Fees and costs	Grievance process	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/certificates	Treatment	Total
Aged care facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Allied health service	-	-	-	-	1	-	-	-	-	-	1	-	2	-	-	4
Ambulance service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Community health service	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Correctional facility	-	-	-	-	1	-	-	-	-	1	-	-	2	-	-	4
Dental service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Health service district	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2
Laboratory service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Licensed private hospital	-	-	-	2	-	-	-	-	1	-	-	-	7	1	-	11
Medical centre	-	1	-	-	1	-	-	1	-	-	-	-	-	-	-	3
Mental health service	-	-	-	-	-	-	-	-	2	-	1	-	6	-	-	9
Nursing service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other government department	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other support service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmaceutical service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public health service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public hospital	-	7	-	7	1	-	-	-	1	5	-	-	19	-	1	41
Specialised health service	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Not yet known	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	3	8	-	9	4	-	-	1	4	6	2	-	37	1	1	76

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

Assessment

Assessments started and completed

Assessments this month	Number
Assessments started	112
Assessments completed	85

Completed assessment timeframes

Assessment timeframes	Number	Percentage
Completed within 30 days	18	21.18
Completed within 60 days*	18	21.18
Completed in more than 60 days**	49	57.64
Total	85	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. Of the 18 assessments completed within 60 days, 8 matters were eligible for and received an approved extension.

**49 matters were completed outside of 60 days due to high levels of assessment matters, the complexity of certain matters, and delays in receiving information from parties or in sourcing the necessary independent clinical advice required to appropriately assess the matters.

As with the seven-day decision-making timeframe, assessment process and system improvements have been a focus of the OHO over recent months. It is expected that as these steps take effect, there will be improvements in completed assessment timeframes.

The need to balance timeliness with quality decision making does at times result in matters taking longer to assess, but results in well-informed, impartial decisions that are fair to both complainants and health service providers.

Assessment decisions

Type of relevant action	Number	Percentage
Local resolution	8	8.42
Conciliation	7	7.37
Investigation	7	7.37
Interim prohibition order	1	1.05
Referred to AHPRA and the national boards	25	26.32
Referral to another entity	6	6.32
Immediate action*	2	2.11
No further action	39	41.05
Total	95	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.

The figures for the type of relevant action decided in the assessment stage may not correspond with totals for respective relevant actions (e.g. local resolution, conciliation, investigation etc.) due to the time between a decision being made and an action being taken crossing over different reporting periods.

*Immediate action assessment decision figures may not align with the immediate action figures later in the report due to immediate action decisions being made outside of the assessment process.

Local resolution

Local resolutions started and completed

Local resolutions this month	Number
Local resolutions started	90
Local resolutions completed	110

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

Completed local resolution timeframes

Local resolution timeframes	Number	Percentage
Completed within 30 days	93	84.55
Completed within 60 days*	16	14.55
Completed in more than 60 days**	1	0.91
Total	110	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. Of the 16 local resolution matters completed within 60 days, 13 were eligible for and received an approved extension, while the remaining three ran over due to high volumes of local resolution matters received during July and August, in conjunction with staff illness, resulting in high caseloads for local resolution officers.

**The one matter completed in more than 60 days was due to a delay in sourcing and obtaining independent clinical advice.

Local resolution outcomes

Local resolution outcomes	Number	Percentage
Resolved	103	93.64
Not resolved	5	4.55
Complaint withdrawn*	2	1.81
Total	110	100.00

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

Decisions for matters that were not resolved

Type of relevant action	Number	Percentage
Conciliation	0	0.00
Investigation	0	0.00
Referred to AHPRA and the national boards	3	60.00
Referral to another entity	0	0.00
Immediate action	0	0.00
No further action	2	40.00
Total	5	100.00

Conciliation

Conciliations started and closed

Conciliations this month	Number
Conciliations open at the start of the month	28
Conciliations started	8
Conciliations closed	1

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

Conciliations started includes all matters (including matters where agreement to participate has or has not been reached or the decision is pending) that entered the conciliation workflow during the reporting period following the OHO assessing them as being suitable for conciliation. Similarly, conciliations closed are all matters that were closed during the reporting period, whether due to parties not agreeing to participate or the matter being closed after completing the conciliation process. 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
Parties did not agree to conciliation	3
Decision pending at end of month	16

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, as well as matters that have been referred to a national board and will not commence conciliation until the national board concludes its processes.

Completed conciliation timeframes

Conciliations completed	Number	Percentage
Less than 3 months	0	0.00
3–6 months	1	100.00
6–9 months	0	0.00
9–12 months	0	0.00
More than 12 months	0	0.00
Total	1	100.00

The above data relates to matters where parties agreed to participate in conciliation and the conciliation process was completed within the above timeframes. Completed conciliations differ from closed conciliations (in the table above) as they only relate to matters where parties agreed to participate and the conciliation process was completed.

Completed conciliation outcomes

Conciliation outcomes	Number	Percentage
Conciliated	1	100.00
Not conciliated	0	0.00
Ended by Health Ombudsman	0	0.00
Total	1	100.00

The above data relates to matters where parties agreed to participate in conciliation. After agreeing, the conciliation process was completed with the matter either being conciliated or not conciliated (or in rare instances, the Health Ombudsman ending it). Completed conciliations differ from closed conciliations (in the table above) as they only relate to matters where parties agreed to participate and the conciliation process was completed.

Decisions for matters that were not conciliated

Type of relevant action	Number	Percentage
Local resolution	0	0.00
Investigation	0	0.00
Referred to AHPRA and the National Boards	0	0.00
Referral to another entity	0	0.00
Immediate action	0	0.00
No further action	0	0.00
Total	0	100.00

Open conciliation timeframes

Conciliations open	Number	Percentage
Less than 3 months	26	74.28
3–6 months	8	22.86
6–9 months	0	0.00
9–12 months	0	0.00
More than 12 months	1	2.86
Total	35	100.00

The above conciliation case that has been open for more than 12 months has been on hold since 3 October 2014. The case remains on hold pending the finalisation of the AHPRA process.

Investigation

Investigations started and completed

Investigations this month	Number
Investigations open at the beginning of the month	275
Investigations started	16
Investigations completed	26
Investigations paused*	5
Investigations re-commenced **	2

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

*Certain matters may be referred to an external agency, such as the Queensland Police Service (QPS) while criminal proceedings take place, or to the coroner if it relates to reportable deaths (under s92 of the Act). From an OHO perspective, these matters are not closed but effectively paused within the OHO's complaints management system as in these circumstances it is not appropriate for the OHO to conduct any investigations that may impede on an external agency's processes. As a result, investigation of these matters will be put on hold until the external agency finalises its processes.

**These are matters that have been re-commenced by the OHO following an external agency completing their processes.

Closed investigation timeframes

Investigations closed	Number	Percentage
Less than 3 months	3	11.54
3–6 months	3	11.54
6–9 months	1	3.85
9–12 months	8	30.77
More than 12 months	11	42.31
Total	26	100.00

This does not include the five investigations paused after referral to an external agency.

Closed investigation outcome

Closed investigation outcome	Number
Referred to Director of Proceedings	0
Report	0
Referred to AHPRA	5
Referred to another agency	0
No further action	21

This does not include the five investigations paused after referral to an external agency.

Open investigation categories

Type of investigation	Number
Health service complaint	232
Systemic issue	0
Another matter*	30

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

Open investigation timeframes

Investigations open	Number	Percentage
Less than 3 months	58	22.14
3–6 months	48	18.32
6–9 months	38	14.50
9–12 months	27	10.31
More than 12 months*	91	34.73
Total	262	100.00

This does not include the 33 paused matters currently with an external agency, but does include the two investigations re-commenced.

*All investigations that have been open for more than 12 months are published on our investigations register which is available on our website

Immediate action

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

Show cause notices

One show cause notice was issued in August.

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 action

The Health Ombudsman took immediate registration action against one registered nurse in August for issues relating to conduct, and one registered dentist for issues relating to conduct and performance.

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

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

Prohibition orders

In August, the Health Ombudsman issued three separate interim prohibition orders. Interim prohibition orders were issued to two masseurs and to the registered nurse above, in conjunction with taking immediate registration action.

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

The Health Ombudsman can issue an interim prohibition order if an unregistered health practitioner's health, conduct or performance means they pose a serious risk to people and immediate action is necessary to protect public health and safety.

An interim prohibition order can *prohibit* or *restrict* a health practitioner from providing any health service, or a specific health service.

The Health Ombudsman can also enforce a prohibition order or an interim prohibition order issued in another state or territory where that interstate prohibition order corresponds (or substantially corresponds) to the type of prohibition order that can be made in Queensland.

Australian Health Practitioner Regulation Agency

Notifications from AHPRA

Six new notifications (s193 of the Act) about possible serious matters were received this month. One matter is currently under consideration.

Number of practitioners referred to AHPRA by practitioner type

Practitioner type	Number
Aboriginal and Torres Strait Islander health	-
Chinese medicine	1
Chiropractic	1
Dental	11
Medical	57
Medical radiation	-
Nursing and midwifery	38
Occupational therapy	1
Optometry	-
Osteopathy	-
Other	-
Pathology	-
Pharmacy	5
Physiotherapy	1
Podiatry	-
Psychology	6
Unregistered practitioner	-
Total	121

Number of issues referred to AHPRA by practitioner type

Registered practitioner type	Access	Communication and information	Consent	Discharge/transfer arrangements	Environment/management of facility	Enquiry service	Fees and costs	Grievance process	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/certificates	Treatment	Total
Aboriginal and Torres Strait Islander health	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Chinese medicine	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Chiropractic	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Dental	-	-	-	-	-	-	-	-	1	1	1	2	9	-	-	14
Medical	-	7	-	1	-	-	-	2	5	13	13	7	24	2	-	74
Medical student	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical radiation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nursing and midwifery	-	2	-	-	1	-	-	-	-	6	11	17	7	-	-	44
Nursing student	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Occupational therapy	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	1
Optometry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Osteopathy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pathology	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmacy	-	1	-	-	-	-	-	-	-	3	1	-	-	-	-	5
Physiotherapy	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	2
Podiatry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Psychology	-	2	-	-	-	-	-	-	2	-	2	3	2	-	-	11
Unregistered	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	12	-	1	1	-	-	2	8	23	34	28	42	2	-	153

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

Demographics

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

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

Gender

Gender	Number	Percentage
Female	50	56.18
Male	28	31.46
Unknown	10	11.24
Both	1	1.12
Total	89	100.00

Age

Age	Number	Percentage
Less than 18	6	6.74
18–24 years	3	3.37
25–34 years	9	10.11
35–44 years	14	15.73
45–54 years	11	12.36
55–64 years	17	19.10
65–74 years	7	7.87
More than 75 years	10	11.24
Unknown*	12	13.48

*Not recorded or not provided for a particular matter.

Location of healthcare consumers

Location of healthcare consumers	Number	Percentage
Brisbane	39	43.82
Central West	1	1.12
Darling Downs	4	4.49
Far North	4	4.49
Fitzroy	1	1.12
Gold Coast	14	15.73
Mackay	1	1.12
North West	0	0.00
Northern	3	3.37
South West	0	0.00
Sunshine Coast	6	6.74
West Moreton	1	1.12
Wide Bay-Burnett	7	7.87
Outside Queensland	7	7.87
Unknown	1	1.12

The above data is based on health consumer location.

Location of health service providers

Location of health service providers	Number	Percentage
Brisbane	55	50.93
Central West	1	0.93
Darling Downs	7	6.48
Far North	4	3.70
Fitzroy	3	2.78
Gold Coast	15	13.89
Mackay	0	0.00
North West	0	0.00
Northern	3	2.78
South West	0	0.00
Sunshine Coast	7	6.48
West Moreton	3	2.78
Wide Bay-Burnett	5	4.63
Outside Queensland*	5	4.63
Unknown	0	0.00

The above data is based on health service provider location.

*Health service provider location is taken from the primary address of the provider recorded in the OHO complaints management system. Complaints can be made about health service providers from other states who have provided health services in Queensland. This could include locums travelling to Queensland from interstate or providers who previously lived in Queensland providing services but have since moved interstate (as the OHO can deal with complaints up to two years old).



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