

Office of the Health Ombudsman

Performance report January 2015

February 2015



Office of the
**HEALTH
OMBUDSMAN**

Listen. Respond. Resolve.

Office of the Health Ombudsman—Performance report January 2015

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Introduction

This document contains our performance data for January 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 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 office not only started receiving enquiries and health service complaints, but assumed responsibility for 289 matters previously managed by the Health Quality and Complaints Commission (HQCC). All matters transitioned from the HQCC 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, the OHO began reviewing current Australian Health Practitioner Regulation Agency (AHPRA) and the National Boards matters 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 this existing work on in conjunction with the notification (post 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 6 February 2014, but is subject to change.

Number of contacts

Type of contact	Number	Percentage
Complaint	341	45.29
Enquiry	382	50.79
Yet to be classified	30	3.98
Total	753	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	276	83.38
Mandatory notification*	22	6.64
Voluntary notification*	16	4.83
Self-notification*	8	2.41
Referral	9	2.72
Total	331	100.00

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

Decisions

Number of decisions made

Number of decisions made	Number	Percentage
Accepted	213	68.93
Not accepted	29	9.39
Decision pending	67	21.68
Total	309	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 be processed.

Decisions made within seven days

Decision made within seven days of receiving a complaint	Number	Percentage
Yes	190	78.51
No	52	21.49
Total	242	100.00

Reason for decisions being made outside of seven days

The number of decisions made within seven days was impacted by the eight day office closure over the Christmas and New Year period.

Steps taken to build capacity and improve the timeliness of decision-making has been yielding positive results over the last few months. It is expected, following the Christmas and New Year period, that improvements will continue to be seen.

Health service complaints profile

Main issues raised in complaints

Issue	Number	Percentage
Access	5	3.88
Communication/information	15	11.63
Consent	2	1.55
Discharge/transfer arrangements	2	1.55
Enquiry service only	0	0.00
Environment/management of facilities	2	1.55
Fees/cost	4	3.10
Grievance processes	0	0.00
Medical records	9	6.98
Medication	8	6.20
Professional conduct	13	10.08
Professional health	6	4.65
Professional performance	63	48.84
Reports/certificates	0	0.00
Treatment	0	0.00
Total	129	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	-	3	-	3	-	9	-	-	16
Emergency care	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
General medical	-	9	1	1	-	-	-	-	-	1	4	-	20	-	-	36
Medical radiation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical specialty	-	-	-	-	-	-	-	-	-	-	-	1	7	-	-	8
Nursing	-	-	-	-	-	-	-	-	-	2	2	3	4	-	-	11
Optometry	-	-	1	-	-	-	-	-	1	-	-	-	2	-	-	4
Other	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	2
Pathology	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmacy	-	-	-	-	-	-	-	-	-	1	1	1	-	-	-	3
Physiotherapy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Podiatry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Psychology	-	-	-	-	-	-	-	-	-	-	1	1	-	-	-	2
Surgical	-	2	-	-	-	-	-	-	2	-	-	-	2	-	-	6
Not yet known	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	1
Total	-	11	2	1	-	-	1	-	7	4	13	6	44	-	-	89

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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ambulance service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Community health service	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Correctional facility	3	1	-	-	1	-	-	-	-	-	-	-	3	-	-	8
Dental service	-	-	-	-	-	-	1	-	1	-	-	-	-	-	-	2
Health Service District	-	-	-	-	-	-	1	-	-	-	-	-	1	-	-	2
Laboratory service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Licensed Private Hospital	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Medical Centre	1	-	-	-	-	-	1	-	1	-	-	-	2	-	-	5
Mental health service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other government department	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other support service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmaceutical service	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	2
Public health service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Hospital	1	2	-	1	1	-	-	-	-	1	-	-	11	-	-	17
Specialised health service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Not yet known	-	1	-	-	-	-	-	-	-	1	-	-	-	-	-	2
Total	5	4	-	1	2	-	3	-	2	4	-	-	19	-	-	40

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	166
Assessments completed	82

Completed assessment timeframes

Assessment timeframes	Number	Percentage
Completed within 30 days	36	43.90
Completed within 60 days*	24	29.27
Completed greater than 60 days**	22	26.83
Total	82	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 24 assessments completed within 60 days, one matter was eligible for and received an approved extension.

**Some of the 22 matters that were completed outside of 60 days were a result of delays in sourcing the necessary independent clinical advice required to appropriately assess the matters. The engagement of independent clinical experts is an important element of the assessment process for more complex complaints. Timeframes were also impacted by the eight day office closure over the Christmas and New Year period and high levels of assessment matters.

Additional temporary staff are being recruited to address the high volume of assessment matters. An internal reallocation of three staff members in February to the Triage and Assessment team will also assist in improving assessment timeframes.

Assessment decisions

Type of relevant action	Number	Percentage
Local resolution	18	15.93
Conciliation	1	0.88
Investigation	31	27.43
Referred to AHPRA and the national boards	37	32.74
Referral to another entity	0	0.00
Immediate action*	2	1.77
No further action	24	21.24
Total	113	100.00

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

The figures for the type of relevant action decided in the assessment stage 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 actions decisions being made outside of the assessment process.

Local resolution

Local resolutions started and completed

Local resolutions this month	Number
Local resolutions started	25
Local resolutions completed	58

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	54	93.10
Completed within 60 days *	4	6.90
Completed over 60 days	0	0.00
Total	58	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. All four of the local resolution matters completed within 60 days, were eligible for and received approved extensions.

Local resolution outcomes

Local resolution outcomes	Number	Percentage
Resolution reached	50	86.21
No resolution reached	8	13.79
Complaint withdrawn*	0	0.00
Total	58	100.00

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

Decisions for matters where resolution wasn't reached

Type of relevant action	Number	Percentage
Conciliation	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	8	100.00
Total	8	100.00

Conciliation

Conciliations started and closed

Conciliations this month	Number
Conciliations open at the start of the month	28
Conciliations started	0
Conciliations closed	5

The number of conciliations started in the month may not directly 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.

Agreement to participate in conciliation

Agreement to participate in conciliation	Number
Party/ies agreed to conciliation*	0
Party/ies did not agree to conciliation*	0
Decision pending at end of month**	4

*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 is closed. The above data for 'agreed/did not agree' is taken from closed conciliations.

**Decisions pending includes decisions still to be made 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.

Closed conciliation timeframes

Conciliations closed	Number	Percentage
Less than 3 months	0	0.00
3–6 months	1	20.00
6–9 months	2	40.00
9–12 months	2	40.00
More than 12 months	0	0.00
Total	5	100.00

Closed conciliation outcome

Conciliation outcomes	Number	Percentage
Closed—party/ies chose not to participate*	0	0.00
Agreement reached	4	80.00
No agreement reached	1	20.00
Ended by Health Ombudsman**	0	0.00
Total	5	100.00

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

**If the Health Ombudsman ends conciliation the reasons for this decision are to be included.

Decisions for matters where conciliation wasn't reached

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	1	100.00
Total	1	100.00

Open conciliation timeframes

Conciliations open	Number	Percentage
Less than 3 months	4	17.39
3–6 months	8	34.78
6–9 months	7	30.43
9–12 months	3	13.04
More than 12 months	1	4.35
Total	23	100.00

Investigation

Investigations started and completed

Investigations this month	Number
Investigations open at the beginning of the month	184
Investigations started	11
Investigations completed	10

The number of investigations started in the month may not directly 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.

Closed investigation timeframes

Investigations closed	Number	Percentage
Less than 3 months	4	40.00
3–6 months	3	30.00
6–9 months	0	0.00
9–12 months	0	0.00
More than 12 months	3	30.00
Total	10	100.00

Open investigation categories

Type of investigation	Number
Health service complaint	176
Systemic issue	9
Another matter*	10

*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	50	26.32
3–6 months	60	31.58
6–9 months	20	10.53
9–12 months	21	11.05
More than 12 months*	39	20.53
Total	190	100.00

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

Immediate action

Show cause notices

No show cause notices were issued in January.

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

Three immediate registration actions were taken in January:

- One medical practitioner was suspended for issues relating to conduct and performance.
- One nurse was suspended for issues relating to conduct and performance.
- One nurse had conditions imposed on their registration for issues relating to conduct and performance.

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

For registered health practitioners, the Health Ombudsman can temporarily suspend or impose conditions on registration, and for non-registered practitioners, temporarily restrict or prohibit a practitioner from providing a particular health service.

Interim prohibition orders

One interim prohibition order was issued in January. The details 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 a non-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.

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

Transitional matters

No transitional files were received from AHPRA this month. The office is still awaiting the transfer of three transitional files under s310 of the National Law, plus six files which have been requested for transfer by agreement under s193A(4) of the National Law. These files should be received in February 2015.

Notifications from AHPRA

One notification was received from AHPRA under section 193(1) of the National Law about a possible serious matter. The relevant board has been directed to refer the matter to the OHO for further investigation. The matter should be received in February 2015.

Matters referred to AHPRA

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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Chiropractic	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dental	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Medical	-	3	1	-	-	-	-	-	1	1	4	2	17	-	-	29
Medical Student	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical Radiation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nursing and Midwifery	-	-	-	-	-	-	-	-	-	2	2	5	2	-	-	11
Occupational Therapy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Optometry	-	-	-	-	-	-	-	-	1	-	-	-	3	-	-	4
Osteopathy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmacy	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	1
Physiotherapy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Podiatry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Psychology	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	1
Total	-	3	1	-	-	-	-	-	2	4	6	8	23	-	-	44

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	45	59.21
Male	29	38.16
Unknown	2	2.63
Total	76	100.00

Age

Age	Number	Percentage
Less than 18	3	3.95
18–24 years	1	1.32
25–34 years	17	22.37
35–44 years	17	22.37
45–54 years	15	19.74
55–64 years	9	11.84
65–74 years	2	2.63
Over 75 years	4	5.26
Unknown*	8	10.53

*Not recorded or not provided for a particular matter.

Location of healthcare consumers

Location of healthcare consumers	Number	Percentage
Brisbane	36	47.37
Central West	0	0.00
Darling Downs	3	3.95
Far North	3	3.95
Fitzroy	3	3.95
Gold Coast	11	14.47
Mackay	4	5.26
North West	0	0.00
Northern	2	2.63
South West	1	1.32
Sunshine Coast	3	3.95
West Moreton	2	2.63
Wide Bay-Burnett	6	7.89
Outside Queensland	0	0.00
Unknown	2	2.63

The above data is based on health consumer location

Location of health service providers

Location of health service providers	Number	Percentage
Brisbane	43	53.75
Central West	0	0.00
Darling Downs	5	6.25
Far North	3	3.75
Fitzroy	2	2.50
Gold Coast	14	17.50
Mackay	1	1.25
North West	0	0.00
Northern	4	5.00
South West	0	0.00
Sunshine Coast	2	2.50
West Moreton	0	0.00
Wide Bay-Burnett	3	3.75
Outside Queensland	3	3.75
Unknown	0	0.00

The above data is based on health service provider location.



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