

Office of the Health Ombudsman

Performance report June 2015



Office of the
**HEALTH
OMBUDSMAN**

Listen. Respond. Resolve.

Office of the Health Ombudsman—Performance report June 2015

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Introduction

This document contains our performance data for June 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 7 July 2015, but is subject to change.

Number of contacts

Type of contact	Number	Percentage
Complaint	250	39.06
Enquiry	286	44.69
Yet to be classified	104	16.25
Total	640	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	193	77.20
Mandatory notification*	34	13.60
Voluntary notification*	9	3.60
Self-notification*	2	0.80
Referral**	12	4.80
Total	250	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	314	72.35
Not accepted	28	6.45
Decision pending	92	21.20
Total	434	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	133	38.89
No	209	61.11
Total	342	100.00

The office has focussed over the last couple of months on implementing process improvements to improve the timeliness of decision-making while maintaining the quality. The effects of these improvements can be seen in the 38 per cent increase in decisions made within seven days from May to June (from 28.19 per cent in May to 38.89 per cent in June).

The OHO is continuing to focus on improvements in its processes in order to meet its commitment to making timely, well-informed decisions. Improvements in the percentage of decisions made within seven days will continue to be a focus of the office and further improvements are expected in the coming reporting periods.

Health service complaints profile

Main issues raised in complaints

Issue	Number	Percentage
Access	3	1.17
Communication/information	39	15.18
Consent	7	2.72
Discharge/transfer arrangements	3	1.17
Environment/management of facilities	4	1.56
Fees/cost	3	1.17
Grievance processes	1	0.39
Medical records	8	3.11
Medication	23	8.95
Professional conduct	31	12.06
Professional health	4	1.56
Professional performance	128	49.81
Reports/certificates	2	0.78
Treatment	1	0.39
Total	257	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	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Chiropractor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dentistry	-	1	-	-	-	-	-	-	-	1	1	-	3	-	-	6
Emergency care	-	-	-	-	-	-	-	-	-	-	1	1	1	-	-	3
General medical	-	10	3	-	-	-	-	-	-	6	2	1	40	1	1	64
Medical radiation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical specialty	-	1	-	-	-	-	-	-	-	2	1	-	7	-	-	11
Nursing	-	2	-	-	-	-	-	-	-	-	9	2	3	-	-	16
Occupational therapy	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Optometry	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Osteopathy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other	-	2	-	-	-	-	-	-	-	-	3	-	2	-	-	7
Pathology	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmacy	-	1	-	-	-	-	-	-	1	5	-	-	1	-	-	8
Physiotherapy	-	-	-	-	-	-	1	-	-	-	1	-	1	-	-	3
Podiatry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Psychology	-	3	-	-	-	-	-	-	1	-	6	-	3	1	-	14
Speech pathology	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Surgical	-	3	1	-	-	-	1	-	1	-	4	-	7	-	-	17
Not yet known	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	24	4	-	-	-	2	-	3	14	30	4	68	2	1	152

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	-	2	1	-	-	-	-	-	2	3	-	-	11	-	-	19
Allied health service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ambulance service	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Community health service	-	2	-	-	-	-	-	-	-	-	-	-	3	-	-	5
Correctional facility	1	-	-	-	-	-	-	-	-	2	-	-	5	-	-	8
Dental service	-	1	-	-	-	-	1	-	-	-	-	-	-	-	-	2
Health Service District	-	-	-	1	-	-	-	-	-	-	-	-	3	-	-	4
Laboratory service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Licensed Private Hospital	-	1	-	-	1	-	-	-	1	-	-	-	3	-	-	6
Medical Centre	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	1
Mental health service	-	-	-	-	-	-	-	-	1	2	-	-	5	-	-	8
Nursing service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other government department	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other support service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmaceutical service	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	2
Public health service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public hospital	2	7	2	2	3	-	-	1	-	-	1	-	28	-	-	46
Residential care service	-	1	-	-	-	-	-	-	-	-	-	-	2	-	-	3
Specialised health service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Not yet known	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	3	15	3	3	4	-	1	1	5	9	1	-	60	-	-	105

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	138
Assessments completed	122

Completed assessment timeframes

Assessment timeframes	Number	Percentage
Completed within 30 days	21	17.21
Completed within 60 days*	29	23.77
Completed greater than 60 days**	72	59.02
Total	122	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 29 assessments completed within 60 days, 11 matters were eligible for and received an approved extension.

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

The continued goal of conducting high quality assessments in a timely way while managing competing timeframes is challenging, however the office strives to ensure the complainant and health provider experience continues to be positive and engaging.

A range of process improvements are being implemented to better streamline assessments, with the results of this work expected to be seen in the coming reporting periods.

Assessment decisions

Type of relevant action	Number	Percentage
Local resolution	9	5.92
Conciliation	4	2.63
Investigation	6	3.95
Referred to AHPRA and the national boards	46	30.26
Referral to another entity	7	4.61
Immediate action*	1	0.66
No further action	79	51.97
Total	152	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	89
Local resolutions completed	90

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	74	82.22
Completed within 60 days *	16	17.78
Completed over 60 days	0	0.00
Total	90	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 sixteen of the local resolution matters completed within 60 days were eligible for and received an approved extension.

Local resolution outcomes

Local resolution outcomes	Number	Percentage
Resolution reached	74	82.22
No resolution reached	16	17.78
Complaint withdrawn*	0	0
Total	90	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	1	6.25
Investigation	0	0.00
Referred to AHPRA and the national boards	1	6.25
Referral to another entity	0	0.00
Immediate action	0	0.00
No further action	14	87.50
Total	16	100.00

Conciliation

Conciliations started and closed

Conciliations this month	Number
Conciliations open at the start of the month	17
Conciliations started*	5
Conciliations closed*	2

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.

*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 as a result of the OHO assessing the matters as being suitable for conciliation. Similarly, conciliations closed are all matters in the conciliation workflow 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.

Agreement to participate in conciliation

Agreement to participate in conciliation	Number
Party/ies agreed to conciliation*	1
Party/ies did not agree to conciliation*	0
Decision pending at end of month**	5

*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.

Closed conciliation timeframes

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

Closed conciliation outcomes

Conciliation outcomes	Number	Percentage
Agreement reached	2	100.00
No agreement reached	0	0.00
Ended by Health Ombudsman	0	0.00
Total	2	100.00

The above data includes matters where parties agreed to participate in conciliation. After agreeing, the conciliation process occurred and concluded with parties either reaching or not reaching agreement (or in some rare instances, the Health Ombudsman ending it).

Decisions for matters where agreement 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	0	0.00
Total	0	0.00

Open conciliation timeframes

Conciliations open	Number	Percentage
Less than 3 months	12	60.00
3–6 months	7	35.00
6–9 months	0	0.00
9–12 months	1	5.00
More than 12 months	0	0.00
Total	20	100.00

Investigation

Investigations started and completed

Investigations this month	Number
Investigations open at the beginning of the month	229
Investigations started	25
Investigations completed	3

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, or as a result of investigations being started via other processes (e.g. own-motion investigation).

Closed investigation timeframes

Investigations closed	Number	Percentage
Less than 3 months	1	33.33
3–6 months	0	0.00
6–9 months	1	33.33
9–12 months	1	33.33
More than 12 months	0	0.00
Total	3	100.00

Closed investigation outcomes

Closed investigation outcome	Number
Referred to Director of Proceedings	2
Report	0
Referred to AHPRA	1
Referred to another agency	0
No further action	0

Open investigation categories

Type of investigation	Number
Health service complaint	232
Systemic issue	0
Another matter*	19

*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	57	22.71
3–6 months	39	15.54
6–9 months	46	18.33
9–12 months	46	18.33
More than 12 months*	63	25.10
Total	251	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

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

No show cause notices were issued in June.

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

Immediate registration action was taken against a medical practitioner, with conditions placed on their registration for issues relating to conduct.

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

One prohibition order was issued in June.

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

Three new notifications (s193 of the Act) about possible serious matters were received this month. The matters are currently under consideration regarding whether the Health Ombudsman will take carriage of the matters.

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	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Chiropractic	-	2	-	-	-	-	-	-	-	-	1	-	-	-	-	3
Dental	-	1	-	-	-	-	-	-	-	-	2	1	2	-	-	6
Medical	-	10	2	-	1	-	1	-	1	3	6	3	38	1	-	66
Medical student	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical radiation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nursing and midwifery	-	-	-	-	-	-	-	-	1	2	17	16	3	-	-	39
Nursing student	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Occupational therapy	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Optometry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Osteopathy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pathology	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmacy	-	1	-	-	-	-	-	-	-	5	-	-	1	-	-	7
Physiotherapy	-	-	-	-	-	-	2	-	-	-	2	-	1	-	-	5
Podiatry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Psychology	-	4	-	-	-	-	-	-	-	-	4	2	3	2	-	15
Unregistered	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	18	2	-	1	-	3	-	2	10	34	22	48	3	-	143

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	68	60.18
Male	43	38.05
Unknown	2	1.77
Total	113	100.00

Age

Age	Number	Percentage
Less than 18	6	5.31
18–24 years	5	4.42
25–34 years	14	12.39
35–44 years	24	21.24
45–54 years	22	19.47
55–64 years	11	9.73
65–74 years	8	7.08
Over 75 years	16	14.16
Unknown*	7	6.19

*Not recorded or not provided for a particular matter.

Location of healthcare consumers

Location of healthcare consumers	Number	Percentage
Brisbane	46	40.71
Central West	0	0.00
Darling Downs	2	1.77
Far North	9	7.96
Fitzroy	8	7.08
Gold Coast	18	15.93
Mackay	0	0.00
North West	0	0.00
Northern	7	6.19
South West	4	3.54
Sunshine Coast	12	10.62
West Moreton	0	0.00
Wide Bay-Burnett	5	4.42
Outside Queensland	2	1.77
Unknown	0	0.00

The above data is based on health consumer location

Location of health service providers

Location of health service providers	Number	Percentage
Brisbane	65	43.92
Central West	0	0.00
Darling Downs	2	1.35
Far North	13	8.78
Fitzroy	8	5.41
Gold Coast	19	12.84
Mackay	0	0.00
North West	2	1.35
Northern	7	4.73
South West	1	0.68
Sunshine Coast	21	14.19
West Moreton	0	0.00
Wide Bay-Burnett	7	4.73
Outside Queensland*	3	2.03
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 used to live 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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