

Office of the Health Ombudsman

Performance report March 2015

April 2015



Office of the
**HEALTH
OMBUDSMAN**

Listen. Respond. Resolve.

Office of the Health Ombudsman—Performance report March 2015

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Introduction

This document contains our performance data for March 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 8 April 2014, but is subject to change.

Number of contacts

Type of contact	Number	Percentage
Complaint	333	41.57
Enquiry	395	49.31
Yet to be classified	73	9.11
Total	801	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	259	77.78
Mandatory notification*	39	11.71
Voluntary notification*	13	3.90
Self-notification*	7	2.10
Referral**	15	4.50
Total	333	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	256	73.99
Not accepted	35	10.12
Decision pending	55	15.89
Total	346	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	177	60.82
No	114	39.18
Total	291	100.00

The percentage of decisions made within seven days decreased in March. This is due in part to a very high number of contacts received by the office in March, the highest since commencing operation on 1 July 2014. This increase in volume impacted on the ability to process matters within the seven day timeframe. This was compounded by reduced staff capacity due to the recruiting, induction and training of new staff, and general leave commitments.

The OHO is continuing to focus on improvements to its processes in order to meet its commitment to making timely, well-informed decisions.

Health service complaints profile

Main issues raised in complaints

Issue	Number	Percentage
Access	6	1.99
Communication/information	41	13.58
Consent	7	2.32
Discharge/transfer arrangements	4	1.32
Environment/management of facilities	3	0.99
Fees/cost	4	1.32
Grievance processes	6	1.99
Medical records	5	1.66
Medication	19	6.29
Professional conduct	41	13.58
Professional health	9	2.98
Professional performance	142	47.02
Reports/certificates	4	1.32
Treatment	11	3.64
Total	302	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	-	-	-	-	2	-	-	-	-	-	14	-	-	17
Emergency care	-	-	-	-	-	-	-	-	-	1	1	-	3	-	-	5
General medical	1	10	1	-	-	-	-	-	1	7	5	-	39	1	1	66
Medical radiation	-	-	-	-	-	-	-	-	1	-	-	-	1	-	-	2
Medical specialty	-	1	-	-	-	-	-	2	1	2	5	1	9	-	-	21
Nursing	-	3	-	-	-	-	-	-	1	1	15	4	12	1	-	37
Occupational therapy	-	-	-	-	-	-	1	-	-	-	1	-	-	-	-	2
Optometry	-	-	-	-	-	-	-	-	-	-	-	-	4	-	-	4
Other	-	1	-	-	-	-	-	-	-	1	5	2	-	-	-	9
Pathology	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Pharmacy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Physiotherapy	1	-	-	-	-	-	-	-	-	-	-	1	1	-	-	3
Podiatry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Psychology	-	1	-	-	-	-	-	-	-	-	-	-	1	-	-	2
Speech pathology	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	2
Surgical	-	2	1	-	1	-	-	-	-	1	1	1	9	-	-	16
Not yet known	-	-	-	-	-	-	-	-	-	-	2	-	1	1	-	4
Total	2	19	2	-	1	-	3	2	4	13	37	9	95	3	1	191

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	-	-	-	-	-	-	-	-	-	2	-	-	3
Ambulance service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Community health service	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	3
Correctional facility	2	1	-	-	-	-	-	-	-	2	1	-	4	-	-	10
Dental service	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	1
Health Service District	-	2	1	1	-	-	-	-	-	-	-	-	2	-	-	6
Laboratory service	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Licensed Private Hospital	-	3	1	-	-	-	-	-	-	-	-	-	1	-	1	6
Medical Centre	-	1	-	-	1	-	1	-	1	-	-	-	1	1	-	6
Mental health service	-	1	2	-	-	-	-	1	-	2	2	-	1	-	-	9
Other government department	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other support service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmaceutical service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public health service	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Public Hospital	2	11	-	3	1	-	-	2	-	2	1	-	31	-	9	62
Specialised health service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Not yet known	-	1	-	-	-	-	-	-	-	-	-	-	2	-	-	3
Total	4	22	5	4	2	-	1	4	1	6	4	-	47	1	10	111

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	148
Assessments completed	158

Completed assessment timeframes

Assessment timeframes	Number	Percentage
Completed within 30 days	25	15.82
Completed within 60 days*	32	20.25
Completed greater than 60 days**	101	63.92
Total	158	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 32 assessments completed within 60 days, seven matters were eligible for and received an approved extension.

**101 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.

During March, there was a focus on finalising assessments, particularly those greater than 60 days. This approach delivered strong results, with 158 assessments completed during March, the highest for the quarter. To help increase capacity and improve assessment timeframes, additional staff have been recruited and will commence in April. Three staff were reallocated internally in February to the Triage and Assessment team, which should also enhance the capacity of the unit.

Assessment decisions

Type of relevant action	Number	Percentage
Local resolution	5	2.99
Conciliation	7	4.19
Investigation	8	4.79
Referred to AHPRA and the national boards	68	40.72
Referral to another entity	7	4.19
Immediate action*	0	0.00
No further action	72	43.11
Total	167	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	67
Local resolutions completed	46

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	43	93.48
Completed within 60 days *	3	6.52
Completed over 60 days**	0	0.00
Total	46	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. One of the local resolution matters completed within 60 days was eligible for and received an approved extension.

Local resolution outcomes

Local resolution outcomes	Number	Percentage
Resolution reached	41	89.13
No resolution reached	5	10.87
Complaint withdrawn*	0	0.00
Total	46	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	1	20.00
Referral to another entity	0	0.00
Immediate action	0	0.00
No further action	4	80.00
Total	5	100.00

Conciliation

Conciliations started and closed

Conciliations this month	Number
Conciliations open at the start of the month	17
Conciliations started	7
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*	2
Party/ies did not agree to conciliation*	0
Decision pending at end of month**	10

*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	0	0.00
3–6 months	1	20.00
6–9 months	0	0.00
9–12 months	3	60.00
More than 12 months	1	20.00
Total	5	100.00

Closed conciliation outcome

Conciliation outcomes	Number	Percentage
Agreement reached	4	80.00
No agreement reached	1	20.00
Ended by Health Ombudsman	0	0.00
Total	5	100.00

The above data does not include matters where parties did not agree to participate in conciliation due to these matters being closed without the conciliation process commencing.

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	1	100.00
Total	1	100.00

Open conciliation timeframes

Conciliations open	Number	Percentage
Less than 3 months	10	52.63
3–6 months	1	5.27
6–9 months	4	21.05
9–12 months	4	21.05
More than 12 months	0	0.00
Total	19	100.00

Investigation

Investigations started and completed

Investigations this month	Number
Investigations open at the beginning of the month	197
Investigations started	28
Investigations completed	18

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	1	5.56
3–6 months	9	50.00
6–9 months	7	38.89
9–12 months	0	0.00
More than 12 months	1	5.56
Total	18	100.00

Closed investigation outcome

Closed investigation outcome	Number
Report	0
Referral to AHPRA	3
Referral to another agency	2
No further action	13

Open investigation categories

Type of investigation	Number
Health service complaint	190
Systemic issue	0
Another matter*	16

*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	46	22.22
3–6 months	49	23.67
6–9 months	45	21.74
9–12 months	19	9.18
More than 12 months*	48	23.19
Total	207	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 March.

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 registered nurse, resulting in suspension for issues relating to their 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.

Prohibition orders

An existing corresponding interstate prohibition order was updated to reflect changes to the conditions imposed on the practitioner in New South Wales.

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 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

Notifications from AHPRA

Six new notifications (s193 of the Act) about possible serious matters were received this month. Two matters were requested for referral to the health ombudsman. The remaining four matters are currently under consideration.

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	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	2
Dental	-	-	-	-	-	-	2	-	-	-	3	1	13	-	-	19
Medical	-	6	2	-	1	-	-	-	2	6	13	8	38	2	-	78
Medical Student	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical Radiation	-	-	-	-	-	-	-	-	1	-	2	-	1	-	-	4
Nursing and Midwifery	-	3	-	-	-	-	-	-	1	3	37	16	-	2	-	71
Nursing student	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	1
Occupational Therapy	-	-	-	-	-	-	1	-	-	-	2	-	-	-	-	3
Optometry	-	-	-	-	-	-	-	-	-	-	2	-	2	-	-	4
Osteopathy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pathology	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Pharmacy	-	-	-	-	-	-	-	-	-	1	-	2	9	-	-	3
Physiotherapy	-	-	-	-	-	-	-	-	-	-	2	1	-	-	-	3
Podiatry	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Psychology	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Total	-	9	2	-	1	-	3	-	4	10	65	29	64	4	-	191

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	82	55.41
Male	65	43.92
Unknown	1	0.68
Total	148	100.00

Age

Age	Number	Percentage
Less than 18	6	4.05
18–24 years	1	0.68
25–34 years	20	13.51
35–44 years	28	18.92
45–54 years	26	17.57
55–64 years	30	20.27
65–74 years	17	11.49
Over 75 years	7	4.73
Unknown*	13	8.78

*Not recorded or not provided for a particular matter.

Location of healthcare consumers

Location of healthcare consumers	Number	Percentage
Brisbane	57	38.51
Central West	0	0
Darling Downs	5	3.38
Far North	4	2.70
Fitzroy	9	6.08
Gold Coast	20	13.51
Mackay	6	4.05
North West	1	0.68
Northern	5	3.38
South West	2	1.35
Sunshine Coast	19	12.84
West Moreton	0	0
Wide Bay-Burnett	10	6.76
Outside Queensland	7	4.73
Unknown	3	2.03

The above data is based on health consumer location

Location of health service providers

Location of health service providers	Number	Percentage
Brisbane	89	42.18
Central West	0	0
Darling Downs	7	3.32
Far North	4	1.90
Fitzroy	11	5.21
Gold Coast	29	13.74
Mackay	11	5.21
North West	3	1.42
Northern	6	2.84
South West	1	0.47
Sunshine Coast	27	12.80
West Moreton	1	0.47
Wide Bay-Burnett	10	4.74
Outside Queensland	5	2.37
Unknown	7	3.32

The above data is based on health service provider location.



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