

Office of the Health Ombudsman

Performance report September 2014

October 2014



Office of the
**HEALTH
OMBUDSMAN**

Listen. Respond. Resolve.

Office of the Health Ombudsman—Performance report September 2014

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Introduction

This document contains our performance data for September 2014. 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 Agency (AHPRA) matters to determine those that are most appropriately dealt with by the OHO, and those that will continue to be dealt with by AHPRA. This is in conjunction with the notification of new serious matters by AHPRA to the OHO for determination and action, as appropriate. These matters are also included within the data of this report.

Data in this report is correct as at 3 October 2014, but is subject to change.

Number of contacts

Number of contacts

Type of contact	Number	Percentage
Complaint	360	51.21
Enquiry	283	40.26
Yet to be classified	60	8.53
Total	703	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 in the first instance to allow for a determination, and additional information is being sought. They can also be 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 that are '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 next month's reporting. In addition, decisions recorded in the following table may have resulted from contacts received last month.

Decisions

Number of decisions made

Number of decisions made	Number	Percentage
Accepted	278	83.73
Not accepted	25	7.53
Decision pending	29	8.74
Total	332	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	233	76.90
No	70	23.10
Total	303	100.00

Reason for decisions being made outside of seven days

The impact of higher than expected levels of new health service complaints being made to the Office of the Health Ombudsman has continued in September. Steps have already been taken, and processes commenced, in order to build capacity and improve the timeliness of decision making, while still ensuring all matters are reviewed thoroughly and impartially by trained staff.

As noted in previous performance reports, the office has commenced recruitment of extra staff to assist in the processing of complaints. In addition, the office is refining existing, and implementing new, operational processes to improve the processing of complaints, in alignment with our commitment to continually look for ways of improving our service delivery to meet the needs of Queenslanders. It is expected the results of these actions will start to become apparent in the coming months.

Improvement is already being seen, with a reduction in decisions not made within seven days from 38 per cent in August, to 23 per cent in September.

Health service complaints profile

Main issues raised in complaints

Issue	Number	Percentage
Access	9	2.30
Communication/information	41	10.49
Consent	10	2.56
Discharge/transfer arrangements	4	1.02
Environment/management of facilities	5	1.28
Enquiry service only	1	0.26
Fees/cost	20	5.12
Grievance processes	5	1.28
Medical records	7	1.79
Medication	34	8.70
Professional conduct	45	11.51
Professional health	18	4.60
Professional performance	159	40.66
Reports/certificates	2	0.51
Treatment	31	7.93
Total	391	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	-	-	-	-	-	-	-	-	-	-	1	-	1	-	-	2
Dentistry	1	3	-	-	1	-	2	-	2	-	-	1	17	-	-	27
Emergency care	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	1
General medical	-	7	2	-	1	-	3	1	2	10	16	7	38	1	8	96
Medical radiation	-	-	-	-	-	-	-	-	-	-	1	1	-	-	-	2
Medical specialty	-	3	-	-	-	-	-	-	-	1	3	-	14	-	2	23
Nursing	-	3	-	1	-	-	4	-	1	6	9	4	8	-	-	36
Optometry	-	1	1	-	-	-	2	1	-	-	-	-	3	-	-	8
Other	-	1	-	-	-	-	-	-	-	1	2	1	2	-	-	7
Pharmacy	-	1	-	-	-	-	-	-	-	5	4	-	-	-	-	10
Physiotherapy	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	2
Podiatry	-	1	-	-	-	-	-	-	-	-	1	-	-	-	-	2
Psychology	-	1	-	-	-	-	-	-	-	-	1	2	1	-	-	5
Surgical	-	6	4	-	-	-	3	-	-	-	-	-	12	-	7	32
Not yet known	-	3	-	-	-	-	-	-	-	1	1	2	2	-	-	9
Total	1	30	7	1	3	-	15	2	5	24	39	18	100	1	17	263

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	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Allied health service	-	1	-	-	-	-	1	-	-	-	2	-	-	-	-	4
Ambulance service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Community health service	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-	2
Correctional facility	-	-	-	-	1	-	1	1	1	4	1	-	8	-	1	18
Dental service	-	-	-	-	-	-	1	-	-	-	1	-	2	-	-	4
Health Service District	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	3
Laboratory service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Licensed Private Hospital	1	-	1	2	-	-	-	-	-	-	-	-	6	-	2	12
Medical Centre	-	2	-	-	-	-	-	-	-	1	-	-	4	-	-	7
Mental health service	-	2	-	-	-	-	-	-	-	2	-	-	6	-	-	10
Other government department	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other support service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmaceutical service	1	-	-	-	-	-	-	-	-	1	-	-	-	-	-	2
Public health service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Hospital	4	5	2	1	1	1	-	2	1	2	2	-	28	1	11	61
Specialised health service	1	1	-	-	-	-	-	-	-	-	-	-	1	-	-	3
Not yet known	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	1
Total	8	11	3	3	2	1	5	3	2	10	6	-	59	1	14	128

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	282
Assessments completed	250

Completed assessment timeframes

Assessment timeframes	Number	Percentage
Completed within 30 days	207	82.80
Completed within 60 days*	41	16.40
Completed greater than 60 days**	2	0.80
Total	250	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 41 assessments completed within 60 days, 11 matters were eligible for and received an approved extension, while the remaining 30 matters ran over due to a higher than expected level of complaints.

**The two matters that were completed outside of 60 days were also as a result of higher than expected levels of complaints.

As [noted earlier in this report](#), steps are being taken to build capacity and improve timeliness, with improvements expected over the coming months.

Assessment decisions (relevant action)

Type of relevant action	Number	Percentage
Local resolution	75	29.41
Conciliation	9	3.53
Investigation	14	5.49
Referred to AHPRA and the national boards	102	40.00
Referral to another entity	0	0.00
Immediate action	1	0.39
No further action	54	21.18
Total	255	100.00

Total assessment decisions (relevant action) 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 taken crossing over different reporting periods.

Local resolution

Local resolutions started and completed

Local resolution this month	Number
Local resolutions started	81
Local resolutions completed	121

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	114	94.21
Completed within 60 days*	7	5.79
Total	121	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 seven local resolutions completed within 60 days, one matter was eligible for and received an approved extension, while the remaining six matters ran over due to a higher than expected level of complaints.

As [noted earlier in this report](#), steps are being taken to build capacity and improve timeliness, with improvements expected over the coming months.

Local resolution outcomes

Local resolution outcomes	Number	Percentage
Resolution reached	111	91.74
No resolution reached	10	8.26
Total	121	100.00

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	5	50.00
Referral to another entity	0	0.00
Immediate action	0	0.00
No further action	5	50.00
Total	10	100.00

Conciliation

Conciliations started and closed

Conciliations this month	Number
Conciliations open at the beginning of the month	38
Conciliations started	11
Conciliations closed	1

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 participate*	1
Party/ies did not agree to participate*	0
Decision pending**	14

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 to participate, the conciliation is closed.

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

**Decisions pending are all decisions still to be made at the end of the reporting period.

Closed conciliation timeframes

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

Closed conciliation outcome

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

Open conciliation timeframes

Conciliations open	Number	Percentage
Less than 3 months	15	31.25
3–6 months	23	47.92
6–9 months	2	4.17
9–12 months	0	0.00
More than 12 months	8	16.67
Total	48	100.00

*28 of these 48 open conciliations are matters that transferred to the OHO from the HQCC.

Investigation

Investigations started and completed

Investigations this month	Number
Investigations open at the beginning of the month	65
Investigations started	53
Investigations completed	6

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	0	0.00
3–6 months	0	0.00
6–9 months	4	66.70
9–12 months	0	0.00
More than 12 months	2	33.30
Total	6	100.00

Open investigation categories

Type of investigation	Number
Health service complaint	110
Systemic issue	0
Another matter*	2

*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	51.79
3–6 months	9	8.03
6–9 months	19	16.96
9–12 months	15	13.39
More than 12 months*	11	9.82
Total	112	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

One show cause notice was issued in September.

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 one medical practitioner for professional misconduct, with conditions imposed.

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 unregistered practitioners, temporarily restrict or prohibit a practitioner from providing a particular health service.

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	116	46.40
Male	96	38.40
Unknown*	38	15.20
Total	250	100.00

Age

Age	Number	Percentage
Less than 18	11	4.40
18–24 years	4	1.60
25–34 years	23	9.20
35–44 years	37	14.80
45–54 years	39	15.60
55–64 years	28	11.20
65–74 years	20	8.00
Over 75 years	13	5.20
Unknown*	75	30.00

*Not recorded or not provided for a particular matter.

Location of healthcare consumers

Location of healthcare consumers	Number	Percentage
Brisbane	93	37.20
Central West	0	0.00
Darling Downs	14	5.60
Far North	15	6.00
Fitzroy	10	4.00
Gold Coast	24	9.60
Mackay	7	2.80
North West	1	0.40
Northern	9	3.60
South West	0	0.00
Sunshine Coast	22	8.80
West Moreton	4	1.60
Wide Bay-Burnett	12	4.80
Outside Queensland	18	7.20
Unknown	20	8.00
Total	250	100.00

The above data is based on health consumer location

Location of health service providers

Location of health service providers	Number	Percentage
Brisbane	112	44.98
Central West	0	0.00
Darling Downs	13	5.22
Far North	15	6.02
Fitzroy	10	4.02
Gold Coast	25	10.04
Mackay	8	3.21
North West	0	0.00
Northern	11	4.42
South West	0	0.00
Sunshine Coast	19	7.63
West Moreton	1	0.40
Wide Bay-Burnett	14	5.62
Outside Queensland	11	4.42
Unknown	6	2.41
Total	249	100.00

The above data is based on health service provider location.

Australian Health Practitioner Regulation Agency (AHPRA)

Transitional matters

The OHO received an overview of current AHPRA matters on 29 July 2014, with further information requested and provided in August. A review and audit of these matters was carried out to determine the most appropriate action, including identifying those serious matters most appropriately dealt with by the OHO, and those that would continue to be dealt with by AHPRA.

From this review of matters, the OHO initially identified 38 matters to be transitioned from AHPRA to the OHO in August 2014. These matters are now being investigated by the OHO.

During August, the OHO also requested information from AHPRA for 114 additional matters. Of these, 21 matters were identified for transition during September. A final decision is still to be made in relation to the transition of 11 further matters. All other matters are to remain with AHPRA.

It is expected that the transition of files from AHPRA will be completed in October 2014.

Notifications from AHPRA

In addition to the transitional matters above, AHPRA have notified the Health Ombudsman of serious matters, as prescribed under Section 193 of the Health Practitioner Regulation National Law (Queensland) (National Law), since 1 July 2014.

Of these matters, the Health Ombudsman:

- requested 20 be referred to the Office of the Health Ombudsman (Section 193(2)(a) National Law)
- asked the National Board to continue to deal with 20 matters (Section 193(2)(b) National Law).

Matters referred to AHPRA

	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	-	2	-	-	3
Dental	-	2	-	-	1	-	-	-	1	-	-	1	10	-	-	15
Medical	-	4	2	-	1	-	1	-	1	4	8	7	32	-	3	63
Medical Student	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	2
Medical Radiation	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	1
Nursing and Midwifery	-	2	-	1	-	-	4	-	1	9	11	5	5	-	-	38
Occupational Therapy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Optometry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Osteopathy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmacy	-	1	-	-	-	-	-	-	-	5	3	-	-	-	-	9
Physiotherapy	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	2
Podiatry	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Psychology	-	1	-	-	-	-	-	-	-	-	1	2	-	-	-	4
Total	-	10	2	1	-	-	5	-	3	18	25	18	51	-	3	139

Health Quality and Complaints Commission

The OHO assumed responsibility for existing Health Quality and Complaints Commission (HQCC) matters on 1 July 2014. A total of 289 matters were transitioned to the OHO from the HQCC.

The OHO reviewed these 289 matters and identified the relevant part of the complaints management process to which each matter related and the numbers of matters in each:

- Triage (69)—these are complaints received by HQCC for which further information had been requested and received just prior to 1 July. These matters had not progressed to assessment or resolution by 30 June. These matters were processed as new complaints received by the OHO.
- Assessment (155)
- Local resolution (7)
- Conciliations (31)
- Investigations (12)
- Applications for review (15)—these are applications requesting a review of HQCC complaint management decisions made prior to 1 July 2014. These matters are being dealt with as new complaints.

HQCC matters post-1 July

Of the 289 matters transitioned to the OHO on 1 July, 280 have been processed and are being actioned appropriately within the relevant stages of the OHO health service complaints management process. These matters are reported in the performance data within this document.

The final 9 matters, of the 289 transitioned, have been reviewed in a staged approach and will be entered into the OHO complaints management system in October.