

Quarterly performance report

Quarter one 2018-19



Office of the
**HEALTH
OMBUDSMAN**

Listen. Respond. Resolve.

Quarterly performance report—Quarter one 2018–19

Published by the Office of the Health Ombudsman, February 2019



This document is licensed under a Creative Commons Attribution 3.0 Australia licence. You are free to copy, communicate and adapt the work, as long as you attribute the Office of the Health Ombudsman. To view a copy of this licence, visit creativecommons.org/licenses/by/3.0/au.

© Office of the Health Ombudsman 2019

For more information contact:

Office of the Health Ombudsman, PO Box 13281 George Street, Brisbane Qld 4003, email communications@oho.qld.gov.au.

An electronic version of this document is available at www.oho.qld.gov.au.

Disclaimer:

The content presented in this publication is distributed by the Office of the Health Ombudsman as an information source only. The Office of the Health Ombudsman makes no statements, representations or warranties about the accuracy, completeness or reliability of any information contained in this publication. The Office of the Health Ombudsman disclaims all responsibility and all liability (including without limitation for liability in negligence) for all expenses, losses, damages and costs you might incur as a result of the information being inaccurate or incomplete in any way, and for any reason reliance was placed on such information.

Table of contents

| | |
|---|-----------|
| Introduction | 4 |
| Intake of complaints | 5 |
| Type of contacts | 5 |
| Type of complaints | 5 |
| Complaint decisions | 6 |
| Health service complaints profile | 8 |
| Main issues raised in complaints | 8 |
| Number and type of issues by health practitioner | 9 |
| Number and type of issues by health service organisation | 10 |
| Assessment | 11 |
| Assessments started and completed | 11 |
| Completed assessment timeframes | 11 |
| Assessment decisions | 12 |
| Local resolution | 13 |
| Local resolutions started and completed | 13 |
| Completed local resolution | 13 |
| Decisions for matters that were not resolved | 14 |
| Conciliation | 15 |
| Conciliations started and closed | 15 |
| Agreement to participate in conciliation | 15 |
| Completed conciliations | 16 |
| Decisions for conciliations that were not successful | 17 |
| Open conciliation timeframes | 17 |
| Investigation | 18 |
| Investigations started and closed | 18 |
| Closed investigations | 18 |
| Open investigations | 20 |
| Monitoring investigation recommendations | 23 |
| OHO recommendations monitoring | 23 |
| Health service provider recommendations monitoring | 23 |
| Open recommendations monitoring case timeframes | 23 |
| Director of Proceedings | 24 |
| Matters referred to the Director of Proceedings by practitioner type | 24 |
| Matters currently with the Director of Proceedings by practitioner type | 25 |
| Outcomes of matters reviewed by the Director of Proceedings | 26 |
| Offences against the <i>Health Ombudsman Act 2013</i> | 27 |

| | |
|--|-----------|
| Immediate action | 28 |
| Show cause notices | 28 |
| Immediate registration actions | 28 |
| Interim prohibition orders | 29 |
| Monitoring practitioner compliance | 30 |
| Practitioner monitoring cases | 30 |
| Open monitoring cases | 30 |
| Australian Health Practitioner Regulation Agency | 34 |
| Notifications from AHPRA | 34 |
| Consultation on matters | 34 |
| Number of practitioners referred to AHPRA by practitioner type | 37 |
| Number of issues referred to AHPRA by practitioner type | 38 |
| Demographics | 39 |
| Gender | 39 |
| Age | 40 |
| Location of healthcare consumers | 41 |
| Location of health service providers | 42 |

Introduction

This document reports on the quarter one (Q1) performance of the Office of the Health Ombudsman (OHO) for the 2018–19 financial year.

The OHO is the agency responsible for health service complaints management in Queensland. We are committed to protecting the health and safety of the public by assessing, investigating and resolving complaints made about health services provided in Queensland.

We are impartial and independent, and our vision is to be the cornerstone of a transparent, accountable and fair health complaints management system. As testament to this, our performance reports—which are published monthly, quarterly and yearly—are available to the public on our website www.oho.qld.gov.au.

Data in this report is correct as at 25 January 2019, though figures may differ from those published in previous reports due to subsequent adjustments which occurred after the publication of those reports.

Intake of complaints

Type of contacts

| Type of contact | July | | August | | September | | Q1 total | |
|----------------------|-------------|---------------|-------------|---------------|------------|---------------|-------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Complaint | 679 | 63.28 | 668 | 61.62 | 605 | 62.63 | 1952 | 62.50 |
| Enquiry | 394 | 36.72 | 415 | 38.28 | 361 | 37.37 | 1170 | 37.46 |
| Yet to be classified | 0 | 0.00 | 1 | 0.09 | 0 | 0.00 | 1 | 0.03 |
| Total | 1073 | 100.00 | 1084 | 100.00 | 966 | 100.00 | 3123 | 100.00 |

The total for the quarter differs from the total monthly figures due to matters 'yet to be classified' being classified as either a complaint or enquiry during the reporting period.

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 may 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.

Type of complaints

| Type of complaints | July | | August | | September | | Q1 total | |
|------------------------------|------------|---------------|------------|---------------|------------|---------------|-------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Health consumer complaint | 611 | 89.99 | 588 | 88.02 | 543 | 89.75 | 1742 | 89.24 |
| Mandatory notification* | 15 | 2.21 | 13 | 1.95 | 9 | 1.49 | 37 | 1.90 |
| Voluntary notification* | 47 | 6.92 | 51 | 7.63 | 43 | 7.11 | 141 | 7.22 |
| Self-notification* | 3 | 0.44 | 3 | 0.45 | 1 | 0.17 | 7 | 0.36 |
| Referral from another agency | 3 | 0.44 | 13 | 1.95 | 9 | 1.49 | 25 | 1.28 |
| Total | 679 | 100.00 | 668 | 100.00 | 605 | 100.00 | 1952 | 100.00 |

*Notifications are made by health service providers which do not otherwise meet the definition of a health consumer complaint, as required in the *Health Practitioner Regulation National Law (Queensland)*.

Complaint decisions

Decisions timeframes—within seven days

| Decision made | July | | August | | September | | Q1 total | |
|---------------|------------|---------------|------------|---------------|------------|---------------|-------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Yes | 541 | 89.72 | 571 | 91.36 | 533 | 88.69 | 1645 | 89.94 |
| No | 62 | 10.28 | 54 | 8.64 | 68 | 11.31 | 184 | 10.06 |
| Total | 603 | 100.00 | 625 | 100.00 | 601 | 100.00 | 1829 | 100.00 |

Accepted vs not accepted

| Number of decisions made | July | | August | | September | | Q1 total | |
|--------------------------|------------|---------------|------------|---------------|------------|---------------|-------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Accepted | 332 | 55.06 | 393 | 62.88 | 393 | 65.39 | 1118 | 61.13 |
| Not accepted | 271 | 44.94 | 232 | 37.12 | 208 | 34.61 | 711 | 38.84 |
| Total | 603 | 100.00 | 625 | 100.00 | 601 | 100.00 | 1829 | 100.00 |

'Not accepted' decisions relate to complaints in which the Health Ombudsman has decided to take no further action under section 44 of the *Health Ombudsman Act 2013* (the Act).

An additional 77 matters were determined by the office to fall outside the jurisdiction of the Act, and therefore have been excluded from the tables above.

Accepted decision outcomes

| Type of relevant action | July | | August | | September | | Q1 total | |
|---|------------|---------------|------------|---------------|------------|---------------|-------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Assessment | 125 | 33.42 | 135 | 32.17 | 175 | 40.89 | 435 | 35.60 |
| Local resolution | 88 | 23.53 | 110 | 26.19 | 84 | 19.63 | 282 | 23.08 |
| Conciliation | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Investigation | 10 | 2.67 | 8 | 1.90 | 6 | 1.40 | 24 | 1.96 |
| Referred to AHPRA and the national boards | 151 | 40.37 | 166 | 39.52 | 163 | 38.08 | 480 | 39.28 |
| Referred to another entity | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Referred to legal services | 0 | 0.00 | 1 | 0.24 | 0 | 0.00 | 1 | 0.08 |
| Immediate registration action | 0 | 0.0 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Interim prohibition order | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Total | 374 | 100.00 | 420 | 100.00 | 428 | 100.00 | 1222 | 100.00 |

Accepted decisions may result in multiple issues and/or practitioners being identified, each requiring its own action. The data in the above 'Accepted decision outcomes' table includes all identified issues/practitioners requiring action that were identified in the accepted complaints (noted in the 'Accepted vs not accepted' table on page 6).

Health service complaints profile

Main issues raised in complaints

| Issue | July | | August | | September | | Q1 total | |
|--|------------|---------------|-------------|---------------|------------|---------------|-------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Access | 72 | 7.23 | 60 | 5.86 | 65 | 7.37 | 197 | 6.79 |
| Code of conduct for healthcare workers | 9 | 0.90 | 9 | 0.88 | 7 | 0.79 | 25 | 0.86 |
| Communication/information | 124 | 12.45 | 139 | 13.57 | 105 | 11.90 | 368 | 12.68 |
| Consent | 16 | 1.61 | 14 | 1.37 | 11 | 1.25 | 41 | 1.41 |
| Discharge/transfer arrangements | 15 | 1.51 | 23 | 2.25 | 19 | 2.15 | 57 | 1.96 |
| Environment/management of facilities | 23 | 2.31 | 27 | 2.64 | 23 | 2.61 | 73 | 2.52 |
| Fees/cost | 33 | 3.31 | 32 | 3.13 | 28 | 3.17 | 93 | 3.20 |
| Grievance processes | 19 | 1.91 | 24 | 2.34 | 20 | 2.27 | 63 | 2.17 |
| <i>Health Ombudsman Act 2013 offence</i> | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Medical records | 23 | 2.31 | 30 | 2.93 | 17 | 1.93 | 70 | 2.41 |
| Medication | 128 | 12.85 | 112 | 10.94 | 104 | 11.79 | 344 | 11.85 |
| Professional conduct | 87 | 8.73 | 117 | 11.43 | 75 | 8.50 | 279 | 9.61 |
| Professional health | 22 | 2.21 | 25 | 2.44 | 13 | 1.47 | 60 | 2.07 |
| Professional performance | 397 | 39.86 | 394 | 38.48 | 367 | 41.61 | 1158 | 39.90 |
| Reports/certificates | 28 | 2.81 | 18 | 1.76 | 24 | 2.72 | 70 | 2.41 |
| Research/teaching/assessment | 0 | 0.00 | 0 | 0.00 | 4 | 0.45 | 4 | 0.14 |
| Total | 996 | 100.00 | 1024 | 100.00 | 882 | 100.00 | 2902 | 100.00 |

These figures are based on issues recorded during the reporting period. A single complaint can contain multiple issues. Reporting on all issues identified in complaints allows comprehensive monitoring of trends, which can in turn inform a range of health complaint management system functions, such as education and information provision.

Number and type of issues by health practitioner

| Practitioner type | Access | Code of conduct for healthcare workers | Communication and information | Consent | Discharge/transfer arrangements | Environment/management of facility | Fees and costs | Grievance process | Health Ombudsman Act 2013 Offence | Medical records | Medication | Professional conduct | Professional health | Professional performance | Reports/certificates | Research/Teaching/Assessment | Total |
|----------------------|-----------|--|-------------------------------|-----------|---------------------------------|------------------------------------|----------------|-------------------|-----------------------------------|-----------------|------------|----------------------|---------------------|--------------------------|----------------------|------------------------------|-------------|
| Alternative care | - | 8 | - | - | - | - | - | - | - | - | - | 3 | - | 3 | 2 | - | 16 |
| Chinese medicine | - | - | - | - | - | - | 1 | - | - | - | - | - | - | - | - | - | 1 |
| Chiropractor | - | - | - | - | - | - | - | - | - | - | - | 6 | - | 4 | - | - | 10 |
| Dentistry | 4 | - | 6 | 2 | - | 1 | 9 | 1 | - | 4 | - | 22 | 1 | 83 | - | 1 | 134 |
| Emergency care | 1 | 3 | 2 | - | 1 | - | - | - | - | - | - | - | 4 | 5 | 1 | - | 17 |
| General medical | 17 | - | 93 | 7 | 3 | 3 | 10 | 2 | - | 12 | 109 | 79 | 19 | 204 | 36 | - | 594 |
| Medical radiation | - | - | - | - | - | - | - | - | - | - | - | - | 1 | 5 | - | - | 6 |
| Medical specialty | 4 | - | 21 | 1 | 1 | - | 2 | 1 | - | 1 | 12 | 11 | 5 | 82 | 12 | - | 153 |
| Nursing | - | 2 | 7 | - | - | 2 | - | - | - | 7 | 15 | 48 | 19 | 28 | - | 2 | 130 |
| Occupational therapy | - | - | - | - | - | - | - | - | - | - | - | - | - | 2 | - | - | 2 |
| Optometry | - | - | 1 | - | - | - | - | - | - | - | 1 | 2 | 1 | 4 | - | - | 9 |
| Osteopathy | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Other | - | 9 | 9 | - | - | - | - | - | - | - | 2 | 31 | 5 | 3 | 1 | 1 | 61 |
| Pathology service | - | - | - | - | - | - | - | - | - | - | - | 2 | 1 | 1 | - | - | 4 |
| Pharmacy | - | - | 6 | - | - | - | - | - | - | - | 19 | 11 | 1 | 4 | - | - | 41 |
| Physiotherapy | - | - | - | 1 | - | - | 1 | - | - | - | - | 1 | - | 2 | - | - | 5 |
| Podiatry | - | - | - | - | - | - | - | - | - | 1 | - | 3 | - | 2 | - | - | 6 |
| Psychology | 1 | 1 | 15 | - | - | - | 2 | - | - | 4 | 4 | 21 | - | 12 | 6 | - | 66 |
| Speech pathology | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Surgical | 3 | - | 13 | 3 | 1 | - | 1 | 2 | - | 4 | 2 | 5 | 3 | 79 | 2 | - | 118 |
| Total | 30 | 23 | 173 | 14 | 6 | 6 | 26 | 6 | 0 | 33 | 164 | 245 | 60 | 523 | 60 | 4 | 1373 |

These figures are based on issues recorded during the reporting period. A single complaint can contain multiple issues.

Number and type of issues by health service organisation

| Organisation type | Access | Code of conduct for healthcare workers | Communication and information | Consent | Discharge/ transfer arrangements | Environment/ management of facility | Fees and costs | Grievance processes | Health Ombudsman Act 2013 Offence | Medical records | Medication | Professional conduct | Professional health | Professional performance | Reports/ certificates | Research/ Teaching/ Assessment | Total |
|-----------------------------|------------|--|-------------------------------|-----------|----------------------------------|-------------------------------------|----------------|---------------------|-----------------------------------|-----------------|------------|----------------------|---------------------|--------------------------|-----------------------|--------------------------------|-------------|
| Aged care facility | - | - | 3 | 1 | - | 9 | 1 | 1 | - | 4 | 5 | - | - | 16 | - | - | 40 |
| Allied health service | - | - | 2 | - | - | - | 4 | - | - | - | - | 1 | - | 9 | - | - | 16 |
| Ambulance service | 1 | - | 5 | 2 | - | - | 2 | 1 | - | - | 1 | 1 | - | 4 | - | - | 17 |
| Community health service | 9 | - | 5 | - | - | 1 | - | 2 | - | - | 1 | 1 | - | 9 | 1 | - | 29 |
| Correctional facility | 67 | - | 3 | - | - | 1 | 1 | 1 | - | 3 | 99 | - | - | 97 | 2 | - | 274 |
| Dental service | 9 | - | 5 | - | - | 5 | 6 | 5 | - | 1 | - | - | - | 17 | - | - | 48 |
| Hospital and Health Service | 2 | - | 1 | - | - | 1 | - | 1 | - | 1 | - | 1 | - | 2 | - | - | 9 |
| Laboratory service | - | 2 | 1 | - | - | 3 | 1 | - | - | 1 | - | - | - | 2 | 1 | - | 11 |
| Licensed private hospital | 3 | - | 19 | 1 | 3 | 11 | 10 | 6 | - | 4 | 9 | 3 | - | 53 | 1 | - | 123 |
| Medical centre | 21 | - | 21 | 2 | - | 8 | 9 | 4 | - | 11 | 5 | 6 | - | 31 | 3 | - | 121 |
| Mental health service | 9 | - | 12 | 9 | 4 | 4 | 1 | 3 | - | 1 | 8 | 4 | - | 27 | - | - | 82 |
| Nursing service | - | - | - | - | - | - | - | - | - | - | - | 1 | - | - | - | - | 1 |
| Other government department | - | - | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 |
| Other support service | - | - | - | - | - | - | - | - | - | - | - | - | - | 4 | - | - | 4 |
| Pharmaceutical service | - | - | 2 | - | - | 1 | 7 | 3 | - | - | 18 | 1 | - | - | - | - | 32 |
| Private organisation | 2 | - | 1 | - | - | 2 | - | 1 | - | 1 | 1 | 2 | - | 7 | - | - | 17 |
| Public health service | 2 | - | 2 | - | 5 | 5 | - | 1 | - | - | 3 | - | - | 14 | - | - | 32 |
| Public hospital | 40 | - | 104 | 11 | 39 | 12 | 13 | 24 | - | 10 | 28 | 8 | - | 328 | 2 | - | 619 |
| Residential care service | - | - | - | - | - | - | - | 1 | - | - | 1 | - | - | 2 | - | - | 4 |
| Specialised health service | 2 | - | 6 | 1 | - | 3 | 9 | 1 | - | - | 1 | 3 | - | 8 | - | - | 34 |
| Health information service | - | - | - | - | - | - | 1 | - | - | - | - | - | - | - | - | - | 1 |
| Licensed day hospital | - | - | 1 | - | - | 1 | - | 1 | - | - | - | - | - | 2 | - | - | 5 |
| Optical store | - | - | 1 | - | - | - | 2 | 1 | - | - | - | - | - | 1 | - | - | 5 |
| Paramedical service | - | - | - | - | - | - | - | - | - | - | - | 2 | - | 1 | - | - | 3 |
| Total | 167 | 2 | 195 | 27 | 51 | 67 | 67 | 57 | 0 | 37 | 180 | 34 | 0 | 635 | 10 | 0 | 1529 |

These figures are based on issues recorded during the reporting period. A single complaint can contain multiple issues.

Assessment

Assessments started and completed

| Assessments this quarter | July | August | September | Q1 total |
|--------------------------|------|--------|-----------|----------|
| Assessments started | 136 | 143 | 192 | 471 |
| Assessments completed | 133 | 157 | 177 | 467 |

Completed assessment timeframes

| Assessment timeframes | July | | August | | September | | Q1 total | |
|--------------------------------|------------|---------------|------------|---------------|------------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Within legislative timeframes* | 121 | 90.98 | 156 | 99.36 | 176 | 99.44 | 453 | 97.00 |
| Outside legislative timeframes | 12 | 9.02 | 1 | 0.64 | 1 | 0.56 | 14 | 3.00 |
| Total | 133 | 100.00 | 157 | 100.00 | 177 | 100.00 | 467 | 100.00 |

*Includes matters completed within 30 days or 60 days with an approved extension.

Assessment decisions

| Type of relevant action | July | | August | | September | | Q1 total | |
|---|------------|---------------|------------|---------------|------------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Local resolution | 0 | 0.00 | 1 | 0.62 | 0 | 0.00 | 1 | 0.21 |
| Conciliation | 9 | 6.62 | 8 | 4.97 | 8 | 4.44 | 25 | 5.24 |
| Investigation | 10 | 7.35 | 8 | 4.97 | 4 | 2.22 | 22 | 4.61 |
| Referred to AHPRA and the national boards | 6 | 4.41 | 19 | 11.80 | 21 | 11.67 | 46 | 9.64 |
| Referred to another entity | 47 | 34.56 | 54 | 33.54 | 75 | 41.67 | 176 | 36.90 |
| Immediate registration action* | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Interim prohibition order* | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| No further action | 64 | 47.06 | 71 | 44.10 | 72 | 40.00 | 207 | 43.40 |
| Total | 136 | 100.00 | 161 | 100.00 | 180 | 100.00 | 477 | 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.

Local resolution

Local resolutions started and completed

| Local resolutions this quarter | July | August | September | Q1 total |
|--------------------------------|------|--------|-----------|----------|
| Local resolutions started | 84 | 117 | 86 | 287 |
| Local resolutions completed | 127 | 100 | 98 | 325 |

The number of local resolutions started in the quarter 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 timeframe | July | | August | | September | | Q1 total | |
|--------------------------------|------------|---------------|------------|---------------|-----------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Within legislative timeframes* | 127 | 100.00 | 100 | 100.00 | 98 | 100.00 | 325 | 100.00 |
| Outside legislative timeframes | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Total | 127 | 100.00 | 100 | 100.00 | 98 | 100.00 | 325 | 100.00 |

*Includes matters completed within 30 days or 60 days with an approved extension

Outcomes

| Local resolution outcomes | July | | August | | September | | Q1 total | |
|-------------------------------------|------------|---------------|------------|---------------|-----------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Resolution reached | 108 | 85.04 | 77 | 77.00 | 80 | 81.63 | 265 | 81.54 |
| No resolution reached | 13 | 10.24 | 14 | 14.00 | 9 | 9.18 | 36 | 11.08 |
| Complaint withdrawn* | 5 | 3.94 | 8 | 8.00 | 5 | 5.10 | 18 | 5.54 |
| Local resolution did not commence** | 1 | 0.79 | 1 | 1.00 | 4 | 4.08 | 6 | 1.85 |
| Total | 127 | 100.00 | 100 | 100.00 | 98 | 100.00 | 325 | 100.00 |

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

**A local resolution may not commence where the complaint is resolved directly with the health care provider prior to the commencement of the process. Prior to October 2017, these matters were classified as 'Complaint withdrawn'.

Decisions for matters that were not resolved

| Type of relevant action | July | | August | | September | | Q1 total | |
|---|-----------|---------------|-----------|---------------|-----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Assessment | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Conciliation | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Investigation | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Referred to AHPRA and the national boards | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Referred to another entity | 0 | 0.00 | 1 | 7.14 | 0 | 0.00 | 1 | 2.78 |
| Immediate action | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| No further action | 13 | 100.00 | 13 | 92.86 | 9 | 100.00 | 35 | 97.22 |
| Total | 13 | 100.00 | 14 | 100.00 | 9 | 100.00 | 36 | 100.00 |

Conciliation

Conciliations started and closed

| Conciliations this quarter | July | August | September | Q1 total |
|----------------------------|------|--------|-----------|----------|
| Conciliations started | 14 | 8 | 10 | 32 |
| Conciliations closed | 13 | 9 | 8 | 30 |

The number of conciliations started in the reporting period 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 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 | July | August | September | Q1 total |
|--|------|--------|-----------|----------|
| Parties agreed to participate | 4 | 8 | 3 | 15 |
| Party/ies did not agree to participate | 7 | 3 | 4 | 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, 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. It also includes matters that have been referred to another relevant action, where conciliation may not commence until this relevant action has been finalised.

Completed conciliations

Timeframes

| Conciliations completed | July | | August | | September | | Q1 total | |
|-------------------------|----------|---------------|----------|---------------|-----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Less than 3 months | 4 | 66.67 | 1 | 16.67 | 1 | 25.00 | 6 | 37.50 |
| 3–6 months | 1 | 16.67 | 5 | 83.33 | 2 | 50.00 | 8 | 50.00 |
| 6–9 months | 0 | 0.00 | 0 | 0.00 | 1 | 25.00 | 1 | 6.25 |
| 9–12 months | 1 | 16.67 | 0 | 0.00 | 0 | 0.00 | 1 | 6.25 |
| More than 12 months | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Total | 6 | 100.00 | 6 | 100.00 | 4 | 100.00 | 16 | 100.00 |

Outcomes

| Conciliation outcomes | July | | August | | September | | Q1 total | |
|-------------------------------|----------|---------------|----------|---------------|-----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Successful | 3 | 50.00 | 5 | 83.33 | 0 | 0.00 | 8 | 50.00 |
| Not successful | 3 | 50.00 | 1 | 16.67 | 4 | 100.00 | 8 | 50.00 |
| Ended by the Health Ombudsman | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Total | 6 | 100.00 | 6 | 100.00 | 4 | 100.00 | 16 | 100.00 |

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

Decisions for conciliations that were not successful

| Type of relevant action | July | | August | | September | | Q1 total | |
|---|----------|---------------|----------|---------------|-----------|---------------|----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Local resolution | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Investigation | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Referred to AHPRA and the national boards | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Referred to another entity | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Immediate action | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| No further action | 3 | 100.00 | 1 | 100.00 | 4 | 100.00 | 8 | 100.00 |
| Total | 3 | 100.00 | 1 | 100.00 | 4 | 100.00 | 8 | 100.00 |

Open conciliation timeframes

| Conciliations open | July | | August | | September | |
|---------------------|-----------|---------------|-----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % |
| Less than 3 months | 23 | 62.16 | 24 | 66.67 | 22 | 57.89 |
| 3–6 months | 10 | 27.03 | 5 | 13.89 | 9 | 23.68 |
| 6–9 months | 2 | 5.41 | 4 | 11.11 | 4 | 10.53 |
| 9–12 months | 0 | 0.00 | 1 | 2.78 | 1 | 2.63 |
| More than 12 months | 2 | 5.41 | 2 | 5.56 | 2 | 5.26 |
| Total | 37 | 100.00 | 36 | 100.00 | 38 | 100.00 |

Investigation

Investigations started and closed

| Investigations this quarter | July | August | September | Q1 total |
|---|------|--------|-----------|----------|
| Investigations started | 21 | 24 | 10 | 55 |
| Investigations closed | 9 | 25 | 17 | 51 |
| Investigations amalgamated under s40(2) | 3 | 5 | 3 | 11 |

Closed investigations

Timeframes

| Closed investigation timeframes | July | | August | | September | | Q1 total | |
|---------------------------------|----------|---------------|-----------|---------------|-----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Less than 3 months | 3 | 33.33 | 3 | 12.00 | 3 | 17.65 | 9 | 17.65 |
| 3–6 months | 0 | 0.00 | 3 | 12.00 | 3 | 17.65 | 6 | 11.76 |
| 6–9 months | 2 | 22.22 | 3 | 12.00 | 2 | 11.76 | 7 | 13.73 |
| 9–12 months | 1 | 11.11 | 6 | 24.00 | 2 | 11.76 | 9 | 17.65 |
| 12–24 months | 3 | 33.33 | 7 | 28.00 | 6 | 35.29 | 16 | 31.37 |
| More than 24 months | 0 | 0.00 | 3 | 12.00 | 1 | 5.88 | 4 | 7.84 |
| Total | 9 | 100.00 | 25 | 100.00 | 17 | 100.00 | 51 | 100.00 |

Outcomes

| Investigation outcomes | July | | August | | September | | Q1 total | |
|--|-----------|---------------|-----------|---------------|-----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Recommended for referral to Director of Proceedings* | 4 | 40.00 | 16 | 59.26 | 9 | 50.00 | 29 | 52.73 |
| Referred to AHPRA | 5 | 50.00 | 5 | 18.52 | 3 | 16.67 | 13 | 23.64 |
| Referred to another agency | 0 | 0.00 | 1 | 3.70 | 2 | 11.11 | 3 | 5.45 |
| No further action | 1 | 10.00 | 5 | 18.52 | 4 | 22.22 | 10 | 18.18 |
| Referred for conciliation | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Total | 10 | 100.00 | 27 | 100.00 | 18 | 100.00 | 55 | 100.00 |

A single investigation may result in multiple outcomes, and as such the total number of outcomes in this table may not match the number of closed investigations detailed in the table above.

*Matters determined suitable for referral to the Director of Proceedings at the conclusion of an investigation are sent to the Health Ombudsman for consideration and determination on whether referral to the Director of Proceedings is appropriate.

Open investigations

Open investigations consist of two categories—active investigations and paused investigations.

Active investigations are being currently investigated, while paused investigations are not able to be investigated until such time as another agency—such as the Queensland Police Service or the Coroner’s Court of Queensland—concludes their own processes. Despite being unable to progress paused investigations, they are still considered to be open investigations.

Active investigation timeframes

| Active investigation timeframes | July | | August | | September | |
|---------------------------------|------------|---------------|------------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % |
| Less than 3 months | 43 | 34.13 | 47 | 40.52 | 34 | 32.38 |
| 3–6 months | 16 | 12.70 | 17 | 14.66 | 24 | 22.86 |
| 6–9 months | 21 | 16.67 | 16 | 13.79 | 9 | 8.57 |
| 9–12 months | 10 | 7.94 | 8 | 6.90 | 14 | 13.33 |
| 12–24 months* | 24 | 19.05 | 18 | 15.52 | 15 | 14.29 |
| More than 24 months* | 12 | 9.52 | 10 | 8.62 | 9 | 8.57 |
| Total | 126 | 100.00 | 116 | 100.00 | 105 | 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).

Paused investigation timeframes

| Paused investigation timeframes | July | | August | | September | |
|---------------------------------|-----------|---------------|-----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % |
| Less than 3 months | 2 | 5.56 | 6 | 15.00 | 6 | 14.63 |
| 3–6 months | 10 | 27.78 | 7 | 17.50 | 6 | 14.63 |
| 6–9 months | 5 | 13.89 | 8 | 20.00 | 11 | 26.83 |
| 9–12 months | 7 | 19.44 | 7 | 17.50 | 3 | 7.32 |
| 12–24 months | 9 | 25.00 | 9 | 22.50 | 12 | 29.27 |
| More than 24 months | 3 | 8.33 | 3 | 7.50 | 3 | 7.32 |
| Total | 36 | 100.00 | 40 | 100.00 | 41 | 100.00 |

Open investigation timeframes

| Total open investigation timeframes | July | | August | | September | |
|-------------------------------------|------------|---------------|------------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % |
| Less than 3 months | 45 | 27.78 | 53 | 33.97 | 40 | 27.40 |
| 3–6 months | 26 | 16.05 | 24 | 15.38 | 30 | 20.55 |
| 6–9 months | 26 | 16.05 | 24 | 15.38 | 20 | 13.70 |
| 9–12 months | 17 | 10.49 | 15 | 9.62 | 17 | 11.64 |
| 12–24 months | 33 | 20.37 | 27 | 17.31 | 27 | 18.49 |
| More than 24 months | 15 | 9.26 | 13 | 8.33 | 12 | 8.22 |
| Total | 162 | 100.00 | 156 | 100.00 | 146 | 100.00 |

Open investigation categories

| Type of investigation | July | August | September |
|--|------------|------------|------------|
| Health service complaint | 102 | 96 | 89 |
| Systemic issue | 13 | 12 | 10 |
| Another matter* | 45 | 47 | 46 |
| Matters identified for further investigation** | 2 | 1 | 1 |
| Total | 162 | 156 | 146 |

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

**Matters referred for further investigation by the Health Ombudsman under s105 of the Act following referral to Director of Proceedings

Monitoring investigation recommendations

We monitor the implementation of recommendations made as an outcome of two types of investigation processes—recommendations made as a result of an investigation completed by our office and recommendations made as a result of an investigation completed by a health service provider.

OHO recommendations monitoring

At the completion of certain investigations, the Health Ombudsman makes recommendations to health services for how they can improve service delivery and/or prevent recurrence of the issues identified in the investigation. In these instances, we put in place a recommendations monitoring program to track the implementation of the recommendations.

Monitoring cases started and closed

| OHO monitoring cases | July | August | September |
|--|------|--------|-----------|
| Cases open at the beginning of the month | 5 | 5 | 5 |
| Recommendations monitoring cases started | 0 | 0 | 0 |
| Recommendations monitoring cases closed | 0 | 0 | 0 |

Health service provider recommendations monitoring

A health service provider may also conduct its own investigation, or engage another entity to conduct an independent investigation, resulting in recommendations for improvement. The Health Ombudsman may decide to monitor the implementation of these recommendations.

Monitoring cases started and closed

| Health service provider monitoring cases | July | August | September |
|--|------|--------|-----------|
| Cases open at the beginning of the month | 0 | 0 | 0 |
| Recommendations monitoring cases started | 0 | 0 | 0 |
| Recommendations monitoring cases closed | 0 | 0 | 0 |

Open recommendations monitoring case timeframes

| Monitoring case timeframes* | July | | August | | September | |
|-----------------------------|----------|---------------|----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % |
| Less than 6 months | 2 | 40.00 | 1 | 20.00 | 0 | 0.00 |
| 6–12 months | 1 | 20.00 | 2 | 40.00 | 3 | 60.00 |
| More than 12 months | 2 | 40.00 | 2 | 40.00 | 2 | 40.00 |
| Total | 5 | 100.00 | 5 | 100.00 | 5 | 100.00 |

*Open recommendations monitoring cases include those resulting from recommendations by the Health Ombudsman, and those resulting from an investigation conducted by a health service provider.

Director of Proceedings

The role of the Director of Proceedings is to independently assess the merits of an investigation and determine whether the matter is suitable to be run to Queensland Civil and Administrative Tribunal (QCAT) for a determination.

In relation to investigation and prosecution, the Health Ombudsman has established a different approach to that undertaken by AHPRA and the national boards. Where the Director of Proceedings determines that an investigation has produced evidence of issues relating to health, conduct and/or performance that require intervention by QCAT, a comprehensive brief of evidence is prepared and in-house or external lawyers are briefed to represent the Health Ombudsman before QCAT. This model represents the *model-litigant* approach to presenting matters before QCAT that have the potential to have a significant and long-term impact on the livelihoods of practitioners. This is a more efficient and cost-effective approach than what has been used in the Queensland health regulatory system previously.

Matters referred to the Director of Proceedings by practitioner type

| Practitioner type | July | | August | | September | | Q1 total | |
|-----------------------------------|----------|---------------|-----------|---------------|-----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Chinese medicine practitioner | 0 | 0.00 | 0 | 0.00 | 1 | 11.11 | 1 | 3.70 |
| Holding out as a registered nurse | 0 | 0.00 | 1 | 7.14 | 0 | 0.00 | 1 | 3.70 |
| Medical practitioner | 3 | 75.00 | 5 | 35.71 | 3 | 33.33 | 11 | 40.74 |
| Pharmacist | 1 | 25.00 | 2 | 14.29 | 2 | 22.22 | 5 | 18.52 |
| Registered nurse | 0 | 0.00 | 6 | 42.86 | 3 | 33.33 | 9 | 33.33 |
| Total | 4 | 100.00 | 14 | 100.00 | 9 | 100.00 | 27 | 100.00 |

Matters determined suitable for referral to the Director of Proceedings at the conclusion of an investigation are sent to the Health Ombudsman for consideration and determination on whether referral to the Director of Proceedings is appropriate. As a result, these figures will differ from the 'Closed investigation outcomes' figures on page 20.

Matters currently with the Director of Proceedings by practitioner type

| Practitioner type | Number | Percentage |
|-----------------------------------|------------|---------------|
| Chinese medicine practitioner | 3 | 1.69 |
| Dentist | 6 | 3.37 |
| Medical practitioner | 60* | 33.71 |
| Medical radiation practitioner | 2 | 1.12 |
| Pharmacist | 12 | 6.74 |
| Physiotherapist | 1 | 0.56 |
| Podiatrist | 2 | 1.12 |
| Psychologist | 9** | 5.06 |
| Registered nurse | 66*** | 37.64 |
| Advanced care paramedic | 2 | 1.12 |
| Assistant in nursing | 3 | 1.69 |
| Audiologist | 2 | 1.12 |
| Dental assistant | 1 | 0.56 |
| Holding out as a psychologist | 1 | 0.56 |
| Holding out as a registered nurse | 2 | 1.12 |
| Massage therapist | 2 | 1.12 |
| Natural therapist | 1 | 0.56 |
| Social worker | 1 | 0.56 |
| Student nurse | 1 | 0.56 |
| Unregistered chiropractor | 1 | 0.56 |
| Total | 178 | 100.00 |

Data in this table is as at the last day of Q1 2018-19.

*One medical practitioner held dual registration as a dentist

**This includes two matters where the Director of Proceedings has decided to file the matter in QCAT, but the filing has not yet occurred.

***One registered nurse held dual registration as a midwife.

Outcomes of matters reviewed by the Director of Proceedings

Matters filed in the Queensland Civil and Administrative Tribunal

| Practitioner type | July | | August | | September | | Q1 total | |
|----------------------|----------|---------------|----------|------------|-----------|---------------|----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Dentist | 0 | 0.00 | 0 | 0.00 | 1 | 50.00 | 1 | 25.00 |
| Medical Practitioner | 1 | 50.00 | 0 | 0.00 | 0 | 0.00 | 1 | 25.00 |
| Physiotherapist | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Pharmacist | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Registered Nurse | 1 | 50.00 | 0 | 0.00 | 1 | 50.00 | 2 | 50.00 |
| Total | 2 | 100.00 | 0 | N/A | 2 | 100.00 | 4 | 100.00 |

The table above reflects the number of matters which the Director of Proceedings decided that a referral to QCAT would be appropriate. The filing of a matter with QCAT may occur at a later date and these figures are reflected in the table below.

*One provider held dual registration as a midwife.

Matters to be referred back to Health Ombudsman

| Practitioner type | July | | August | | September | | Q1 total | |
|----------------------|----------|-------------|----------|---------------|-----------|-------------|----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Chiropractor | 0 | 0.00 | 1 | 33.33 | 0 | 0.00 | 1 | 33.33 |
| Massage therapist | 0 | 0.00 | 1 | 33.33 | 0 | 0.00 | 1 | 33.33 |
| Medical Practitioner | 0 | 0.00 | 1 | 33.33 | 0 | 0.00 | 1 | 33.33 |
| Total | 0 | 0.00 | 3 | 100.00 | 0 | 0.00 | 3 | 100.00 |

Offences against the *Health Ombudsman Act 2013*

The *Health Ombudsman Act 2013* specifies a number of breaches of the Act which constitute either a summary or indictable offence.

Where there is evidence of such a breach, a matter may be referred to the Executive Director, Legal Services to commence prosecution within the courts.

No matters were referred for summary prosecution this quarter.

Immediate action

The *Health Ombudsman Act 2013* allows for immediate action to be taken against a registered or unregistered health practitioner if the Health Ombudsman reasonably believes:

- that a practitioner’s health, conduct or performance poses a serious risk to the health and safety of the public

or

- that action is in the public interest.

Show cause notices

There were eight show cause notices issued during the quarter.

- four medical practitioners for reasons relating to conduct.
- one enrolled nurse for reasons relating to conduct.
- one dentist for reasons relating to public interest.
- one assistant in nursing for reasons relating to conduct
- one acupuncturist for reasons relating to conduct.

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 actions

| Practitioner type | Number | Action taken | Reason/s for taking action | | |
|----------------------|--------|--------------|----------------------------|---------|-------------|
| | | | Health | Conduct | Performance |
| Medical practitioner | 1 | Conditions | | ✓ | |
| Psychiatrist | 1 | Conditions | | ✓ | |
| Enrolled nurse | 1 | Conditions | | ✓ | |

Immediate registration actions apply only to registered practitioners and may result in the Health Ombudsman issuing a suspension of, or imposing conditions upon, a registered practitioner’s registration.

Interim prohibition orders

| Practitioner type | Number | Action taken | Reason/s for taking action | | | |
|-------------------|--------|--------------|----------------------------|---------|-------------|------------|
| | | | Health | Conduct | Performance | Interstate |
| Massage therapist | 1 | Prohibition | | ✓ | | |
| Paramedic | 1 | Prohibition | | ✓ | | |
| Kinesiologist | 1 | Restrictions | | ✓ | | |

The Health Ombudsman has powers to issue interim prohibitions orders to unregistered practitioners and registered practitioners practicing outside their field of registration. An interim prohibition order can prohibit or restrict the 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.

The details for current prohibition orders can be found on the prohibition order register on the OHO website.

Monitoring practitioner compliance

When the Health Ombudsman takes immediate action against a health practitioner, we monitor the practitioner's compliance with the conditions of the order.

For interim prohibition orders, this means monitoring compliance with the restriction(s) on or prohibitions placed of service. For immediate registration actions, this means monitoring compliance with condition(s) on or suspension of a practitioner's registration.

The Health Ombudsman may take immediate action against a single practitioner with both immediate registration action and an interim prohibition order. This can occur, for example, in instances where there is a risk that a registered practitioner may also practice in an unregistered capacity.

Practitioner monitoring cases

| Cases this month | July | August | September |
|--|------|--------|-----------|
| Cases open at the beginning of the month | 92 | 92 | 93 |
| Practitioner monitoring cases started | 3 | 3 | 1 |
| Practitioner monitoring cases closed | 3 | 2 | 1 |

Open monitoring cases

Timeframes

| Open case timeframes | July | | August | | September | |
|----------------------|-----------|---------------|-----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % |
| Less than 6 months | 23 | 25.00 | 21 | 22.58 | 20 | 21.51 |
| 6–12 months | 14 | 15.22 | 18 | 19.35 | 19 | 20.43 |
| More than 12 months | 55 | 59.78 | 54 | 58.06 | 54 | 58.06 |
| Total | 92 | 100.00 | 93 | 100.00 | 93 | 100.00 |

Immediate action types

| Open cases by immediate action type | July | | August | | September | |
|--|-----------|---------------|-----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % |
| Interim prohibition order—restrictions | 16 | 17.39 | 17 | 18.28 | 17 | 18.28 |
| Interim prohibition order—prohibited | 38 | 41.30 | 40 | 43.01 | 39 | 41.94 |
| Immediate registration action—conditions | 19 | 20.65 | 18 | 19.35 | 19 | 20.43 |
| Immediate registration action—suspension | 18 | 19.57 | 17 | 18.28 | 17 | 18.28 |
| QCAT issued conditions or prohibition | 1 | 1.09 | 1 | 1.08 | 1 | 1.08 |
| Total | 92 | 100.00 | 93 | 100.00 | 93 | 100.00 |

Registered practitioners under monitoring by practitioner type*

| Practitioner type | Number | Percentage |
|---|-----------|---------------|
| Aboriginal and Torres Strait Islander health practitioner | 0 | 0.00 |
| Chinese medicine practitioner | 1 | 2.00 |
| Chiropractor | 1 | 2.00 |
| Dental practitioner | 3 | 6.00 |
| Medical practitioner | 9 | 18.00 |
| Medical radiation practitioner | 0 | 0.00 |
| Nursing and midwifery practitioner | 32 | 64.00 |
| Occupational therapist | 0 | 0.00 |
| Optometrist | 0 | 0.00 |
| Osteopath | 0 | 0.00 |
| Pharmacist | 0 | 0.00 |
| Physiotherapist | 2 | 4.00 |
| Podiatrist | 0 | 0.00 |
| Psychologist | 2 | 4.00 |
| Total | 50 | 100.00 |

These figures are based on the number of individual registered practitioners being monitored by the OHO as at the end of the reporting period. As a single practitioner may be monitored in relation to more than one immediate action, these figures may not match the total number of open monitoring cases.

Unregistered practitioners under monitoring by type

| Open cases by practitioner type | Number | Percentage |
|---|-----------|---------------|
| Aboriginal and Torres Strait Islander health worker | 1 | 2.50 |
| Assistant in nursing | 8 | 20.00 |
| Audiologist | 2 | 5.00 |
| Counsellor | 1 | 2.50 |
| Dental assistant | 1 | 2.50 |
| Dental nurse | 1 | 2.50 |
| Former nurse | 1 | 2.50 |
| Holding out* | 3 | 7.50 |
| Kinesiologist | 1 | 2.50 |
| Massage therapist | 12 | 30.00 |
| Medical assistant | 1 | 2.50 |
| Natural therapist | 1 | 2.50 |
| Naturopath | 1 | 2.50 |
| Paramedic | 4 | 10.00 |
| Personal carer | 1 | 2.50 |
| Social worker | 1 | 2.50 |
| Total | 40 | 100.00 |

*Certain titles of registered health professions are protected under the National Law. Anyone who uses a protected title (e.g. medical practitioner), without being registered for that profession, are classified as 'holding out' as a practitioner of that profession.

These figures are based on the number of individual unregistered practitioners being monitored by the OHO as at the end of the reporting period. As a single practitioner may be monitored in relation to more than one immediate action, these figures may not match the total number of open monitoring cases.

Australian Health Practitioner Regulation Agency

Notifications from AHPRA

The Australian Health Practitioner Regulation Agency (AHPRA) notified the Health Ombudsman of two serious matters during the quarter, as prescribed under section 193 of the National Law. One matter was requested for referral back to the office.

Consultation on matters

The office consults with AHPRA on whether matters being considered for referral are appropriate for AHPRA to manage. For matters we are considering referring to AHPRA under section 91 of the *Health Ombudsman Act 2013*, we provide all necessary information in order for AHPRA to form a view as to whether referral is or is not appropriate.

For complex cases or where a pattern of conduct may be present, we may hold case conferences with AHPRA, either in person or electronically, which can sometimes delay the consultation process. By encouraging robust conversations during this process, productive and consistent decisions between the co-regulatory agencies is achieved.

| Consultation matters | July | August | September | Q1 total |
|----------------------------------|------|--------|-----------|----------|
| Matters consulted on* | 182 | 206 | 189 | 577 |
| Matters referred | 193 | 205 | 188 | 586 |
| Matters retained by the office** | 2 | 11 | 5 | 18 |

*The number of matters consulted on may not equal the total number of matters referred, retained and pending as a matter may have commenced consultation prior to the start of the reporting period.

**Under certain circumstances additional information may be received in the course of consultation resulting in the office retaining carriage of the matter and/or taking other relevant action.

Relevant action proposing referral

| Relevant action | July | | August | | September | | Q1 total | |
|-------------------|------------|---------------|------------|---------------|------------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Intake and triage | 153 | 84.07 | 166 | 80.58 | 158 | 83.60 | 477 | 82.67 |
| Assessment | 22 | 12.09 | 30 | 14.56 | 24 | 12.70 | 76 | 13.17 |
| Conciliation | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Local resolution | 1 | 0.55 | 5 | 2.43 | 1 | 0.53 | 7 | 1.21 |
| Investigation | 6 | 3.30 | 4 | 1.94 | 5 | 2.65 | 15 | 2.60 |
| Internal review | 0 | 0.00 | 1 | 0.49 | 1 | 0.53 | 2 | 0.35 |
| Total | 182 | 100.00 | 206 | 100.00 | 189 | 100.00 | 577 | 100.00 |

Age of matters on commencement of consultation

In order to prevent duplication of work, we aim to ensure that matters are referred to AHPRA as early as possible in the complaint management process.

Due to the type of matters in which investigation or conciliation is deemed appropriate, and the more time intensive nature of these processes, these matters are usually older when consultation commences.

| Relevant action | 0–7 days | 8–14 days | 15–30 days | 30–60 days | More than 60 days |
|------------------|------------|-----------|------------|------------|-------------------|
| Intake | 475 | 2 | 0 | 0 | 0 |
| Assessment | 10 | 7 | 22 | 28 | 9 |
| Local resolution | 0 | 0 | 3 | 1 | 3 |
| Conciliation | 0 | 0 | 0 | 0 | 0 |
| Investigation | 0 | 1 | 0 | 1 | 13 |
| Internal review | 0 | 0 | 0 | 0 | 2 |
| Total | 485 | 10 | 25 | 30 | 27 |

'Age of matters' is calculated from the date on which a matter was accepted by the office.

Consultation duration

| Consultation duration | July | | August | | September | | Q1 total | |
|-----------------------|------------|---------------|------------|---------------|------------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| 0–3 days | 135 | 74.18 | 145 | 70.39 | 162 | 85.71 | 442 | 76.60 |
| 4–7 days | 47 | 25.82 | 57 | 27.67 | 27 | 14.29 | 131 | 22.70 |
| 8–11 days | 0 | 0.00 | 3 | 1.46 | 0 | 0.00 | 3 | 0.52 |
| More than 12 days | 0 | 0.00 | 1 | 0.49 | 0 | 0.00 | 1 | 0.17 |
| Total | 182 | 100.00 | 206 | 100.00 | 189 | 100.00 | 577 | 100.00 |

Number of practitioners referred to AHPRA by practitioner type

| Practitioner type | July | | August | | September | | Q1 total | |
|---|------------|---------------|------------|---------------|------------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Aboriginal and Torres Strait Islander health practitioner | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Chinese medicine practitioner | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Chiropractor | 3 | 1.55 | 1 | 0.49 | 4 | 2.13 | 8 | 1.37 |
| Dental practitioner | 21 | 10.88 | 25 | 12.20 | 19 | 10.11 | 65 | 11.09 |
| Medical practitioner | 111 | 57.51 | 112 | 54.63 | 111 | 59.04 | 334 | 57.00 |
| Medical radiation practitioner | 3 | 1.55 | 0 | 0.00 | 1 | 0.53 | 4 | 0.68 |
| Nursing and midwifery practitioner | 34 | 17.62 | 39 | 19.02 | 38 | 20.21 | 111 | 18.94 |
| Occupational therapist | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Optometrist | 1 | 0.52 | 2 | 0.98 | 1 | 0.53 | 4 | 0.68 |
| Osteopath | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Pharmacist | 9 | 4.66 | 13 | 6.34 | 9 | 4.79 | 31 | 5.29 |
| Physiotherapist | 3 | 1.55 | 1 | 0.49 | 0 | 0.00 | 4 | 0.68 |
| Podiatrist | 2 | 1.04 | 1 | 0.49 | 0 | 0.00 | 3 | 0.51 |
| Psychology | 5 | 2.59 | 11 | 5.37 | 5 | 2.66 | 21 | 3.58 |
| Student practitioner* | 1 | 0.52 | 0 | 0.00 | 0 | 0.00 | 1 | 0.17 |
| Total | 193 | 100.00 | 205 | 100.00 | 188 | 100.00 | 586 | 100.00 |

*Three medical students and one student nurse were referred to AHPRA during the quarter.

Number of issues referred to AHPRA by practitioner type

| Registered practitioner type | Access | Communication and information | Consent | Discharge/ transfer arrangements | Environment/ management of facility | Fees and costs | Grievance processes | Medical records | Medication | Professional conduct | Professional health | Professional performance | Reports/ certificates | Research / teaching / assessment | Total |
|---|----------|-------------------------------|----------|----------------------------------|-------------------------------------|----------------|---------------------|-----------------|------------|----------------------|---------------------|--------------------------|-----------------------|----------------------------------|------------|
| Aboriginal and Torres Strait Islander health worker | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Chinese medicine practitioner | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Chiropractor | - | - | - | - | - | - | - | - | - | 4 | - | 4 | - | - | 8 |
| Dental practitioner | 1 | 6 | 1 | - | 1 | 1 | 1 | 4 | - | 14 | 1 | 56 | - | - | 86 |
| Medical practitioner | 2 | 54 | 6 | 4 | 1 | 1 | 2 | 8 | 82 | 44 | 19 | 244 | 13 | - | 480 |
| Medical radiation practitioner | - | - | - | - | - | - | - | - | - | - | 2 | 2 | - | - | 4 |
| Nursing and midwifery practitioner | - | 3 | - | - | - | - | - | 3 | 16 | 37 | 33 | 35 | - | 1 | 128 |
| Occupational therapy | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Optometrist | - | - | - | - | - | - | - | - | - | 1 | - | 3 | - | - | 4 |
| Osteopath | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Paramedic | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Pharmacist | - | 1 | - | - | - | - | - | 1 | 21 | 10 | 2 | 2 | - | - | 37 |
| Physiotherapist | - | 3 | 1 | - | - | 1 | - | - | - | 2 | - | 2 | - | - | 6 |
| Podiatrist | - | - | - | - | - | - | - | 1 | - | 3 | - | 2 | - | - | 6 |
| Psychologist | - | - | - | - | - | 1 | - | 4 | - | 7 | 1 | 10 | 1 | - | 27 |
| Student practitioner | - | - | - | - | - | - | - | - | - | - | 1 | - | - | - | 1 |
| Total | 3 | 67 | 8 | 4 | 2 | 4 | 3 | 21 | 119 | 122 | 59 | 360 | 14 | 1 | 787 |

Demographics

The following demographic data is based on matters accepted during the reporting period

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 | 921 | 51.80 |
| Male | 808 | 45.44 |
| Prefer not to specify | 44 | 2.47 |
| Unknown | 5 | 0.28 |
| Total | 1778 | 100.00 |

Age

| Age | Number | Percentage |
|--------------------|-------------|---------------|
| Less than 18 years | 104 | 5.85 |
| 18–24 years | 87 | 4.89 |
| 25–34 years | 323 | 18.17 |
| 35–44 years | 380 | 21.37 |
| 45–54 years | 288 | 16.20 |
| 55–64 years | 236 | 13.27 |
| 65–74 years | 149 | 8.38 |
| More than 75 years | 112 | 6.30 |
| Unknown* | 99 | 5.57 |
| Total | 1778 | 100.00 |

*Age not recorded or not provided for a particular matter.

Location of healthcare consumers

| Location of healthcare consumers | Number | Percentage |
|----------------------------------|-------------|---------------|
| Brisbane | 801 | 45.05 |
| Central West | 4 | 0.22 |
| Darling Downs | 63 | 3.54 |
| Far North | 88 | 4.95 |
| Fitzroy | 56 | 3.15 |
| Gold Coast | 206 | 11.59 |
| Mackay | 36 | 2.02 |
| North West | 4 | 0.22 |
| Northern | 72 | 4.05 |
| South West | 7 | 0.39 |
| Sunshine Coast | 79 | 4.44 |
| West Moreton | 32 | 1.80 |
| Wide Bay-Burnett | 136 | 7.65 |
| Outside Queensland | 121 | 6.81 |
| Unknown | 73 | 4.11 |
| Total | 1778 | 100.00 |

Location of health service providers

| Location of health service providers | Number | Percentage |
|--------------------------------------|-------------|---------------|
| Brisbane | 1046 | 48.40 |
| Central West | 3 | 0.14 |
| Darling Downs | 67 | 3.10 |
| Far North | 100 | 4.63 |
| Fitzroy | 60 | 2.78 |
| Gold Coast | 251 | 11.61 |
| Mackay | 39 | 1.80 |
| North West | 7 | 0.32 |
| Northern | 101 | 4.67 |
| South West | 8 | 0.37 |
| Sunshine Coast | 114 | 5.28 |
| West Moreton | 20 | 0.93 |
| Wide Bay-Burnett | 141 | 6.52 |
| Outside Queensland* | 24 | 1.11 |
| Unknown | 180 | 8.33 |
| Total | 2161 | 100.00 |

*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.



Office of the
**HEALTH
OMBUDSMAN**

Listen. Respond. Resolve.

133 OHO (133 646)
www.oho.qld.gov.au