

Quarterly performance report

Quarter two 2019–20



Office of the
**HEALTH
OMBUDSMAN**

Listen. Respond. Resolve.

Quarterly performance report—Quarter two 2019–20

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Introduction

This document reports on the quarter two (Q2) performance of the Office of the Health Ombudsman (OHO) for the 2019–20 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 9 January 2020, though figures may differ from those published in previous reports due to subsequent adjustments which occurred after the publication of those reports.

Performance overview

The office continues to see a high volume of contacts with 3066 received during the quarter. Of these contacts 2443, or 80 per cent, were classified as complaints.

- 94 per cent of the 2513 intake decisions were made within seven days, compared to 94 percent (of the 1916 decisions) and 83 per cent (of the 1584 decisions) within the same period in 2018-19 and 2017-18 respectively.
- 92 per cent of the 469 assessments decisions made in Q2 were completed within legislative timeframes, compared to 99 per cent (of the 564 assessments) and 73 per cent (of the 487 assessments) within the same periods in 2018-19 and 2017-18 respectively.
- 98 per cent of the 400 local resolutions finalised in Q2 were completed within legislative timeframes, compared to 99 per cent (of the 340 local resolutions) and 97 per cent (of the 316 local resolutions) within the same periods in 2018-19 and 2017-18 respectively.
- 68 per cent of the 44 investigations closed in Q2 were closed within twelve months of commencement, compared to 68 per cent (of the 41 investigations) and 46 per cent (of the 119 investigations) within the same periods in 2018-19 and 2017-18 respectively.
- 12 matters were filed in QCAT in Q2, compared to 17 and 9 within the same periods in 2018-19 and 2017-18 respectively.
- 9 decisions were handed down by QCAT within the quarter compared to 4 and 3 within the same periods in 2018-19 and 2017-18 respectively.

Intake of complaints

Type of contacts

Type of contact	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Complaint	891	83.04	893	79.10	659	76.27	2443	79.68
Enquiry	160	14.91	220	19.49	181	20.95	561	18.30
Information*	22	2.05	16	1.42	24	2.78	62	2.02
Yet to be classified	0	0.00	0	0.00	0	0.00	0	0.00
Total	1073	100.00	1129	100.00	864	100.00	3066	100.00

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 introduction of improved business processes in August 2019 resulted in the addition of 'Information' as a new contact category. The office may receive information from other government entities, for example the Queensland Police Service, relating to health service practitioners. These matters previously would have been classified as either a complaint or enquiry depending on whether further action was required by the office but are now captured as information.

The number of complaint contacts will not equal the number of decisions made in the table below.

Type of complaints

Type of complaints	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Health consumer complaint	819	91.92	818	91.60	590	89.53	2227	91.16
Mandatory notification*	21	2.36	23	2.58	25	3.79	69	2.82
Voluntary notification*	46	5.16	47	5.26	34	5.16	127	5.20
Self-notification*	3	0.34	1	0.11	6	0.91	10	0.41
Referral from another agency	2	0.22	4	0.45	4	0.61	10	0.41
Total	891	100.00	893	100.00	659	100.00	2443	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	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Yes	756	91.19	881	92.64	720	98.23	2357	93.79
No	73	8.81	70	7.36	13	1.77	156	6.21
Total	829	100.00	951	100.00	733	100.00	2513	100.00

Accepted vs not accepted

Number of decisions made	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Accepted	577	69.60	628	66.04	489	66.71	1694	67.41
Not accepted	252	30.40	323	33.96	244	33.29	819	32.59
Total	829	100.00	951	100.00	733	100.00	2513	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 67 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	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Assessment	139	23.09	162	25.08	117	22.94	418	23.78
Local resolution	123	20.43	144	22.29	98	19.22	365	20.76
Conciliation	0	0.00	0	0.00	0	0.00	0	0.00
Investigation	5	0.83	8	1.24	2	0.39	15	0.85
Referred to AHPRA and the national boards	178	29.57	198	30.65	171	33.53	547	31.11
Referred to another entity	157	26.08	134	20.74	122	23.92	413	23.49
Referred to director of proceedings	0	0.00	0	0.00	0	0.00	0	0.00
Total	602	100.00	646	100.00	510	100.00	1758	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 7).

Health service complaints profile

Main issues raised in complaints

Issue	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Access	152	10.99	156	10.97	127	11.21	435	11.05
Code of conduct for healthcare workers	12	0.87	14	0.98	10	0.88	36	0.91
Communication/information	170	12.29	165	11.60	133	11.74	468	11.88
Consent	36	2.60	23	1.62	25	2.21	84	2.13
Discharge/transfer arrangements	27	1.95	35	2.46	20	1.77	82	2.08
Environment/management of facilities	40	2.89	44	3.09	36	3.18	120	3.05
Fees/cost	47	3.40	48	3.38	30	2.65	125	3.17
Grievance processes	25	1.81	40	2.81	28	2.47	93	2.36
<i>Health Ombudsman Act 2013 offence</i>	1	0.07	0	0.00	0	0.00	1	0.03
Medical records	37	2.68	31	2.18	26	2.29	94	2.39
Medication	179	12.94	149	10.48	112	9.89	440	11.17
Professional conduct	110	7.95	152	10.69	124	10.94	386	9.80
Professional health	19	1.37	23	1.62	28	2.47	70	1.78
Professional performance	489	35.36	502	35.30	403	35.57	1394	35.40
Reports/certificates	39	2.82	40	2.81	31	2.74	110	2.79
Research/teaching/assessment	0	0.00	0	0.00	0	0.00	0	0.00
Total	1383	100.00	1422	100.00	1133	100.00	3938	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.

Profile of complaints about health practitioners

Practitioner type	Number of practitioners identified in complaints*	Number and type of issues** identified in complaints about health practitioners**																Total
		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	
Aboriginal and Torres Strait Islander health	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Chinese medicine practitioner	3	-	-	-	-	-	-	-	-	-	-	-	2	-	1	-	-	3
Chiropractor	5	-	-	1	-	-	-	-	-	-	1	-	3	2	1	-	-	8
Dental practitioner	88	1	-	8	-	-	1	5	2	-	2	3	6	1	75	-	-	104
Medical practitioner	727	26	-	157	15	6	2	27	7	1	29	120	112	18	428	59	-	1007
Medical radiation practitioner	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Midwife	7	-	-	-	-	-	-	-	-	-	-	-	4	1	4	-	-	9
Nurse	148	-	-	9	1	-	2	-	-	-	2	13	100	40	25	5	-	197
Occupational therapist	10	-	-	1	-	-	-	-	-	-	1	-	2	1	2	6	-	13
Optometrist	5	-	-	1	-	-	-	-	1	-	-	-	-	-	4	-	-	6
Osteopath	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Paramedic	8	-	-	1	-	-	-	-	-	-	-	-	6	-	4	-	-	11
Pharmacist	25	-	-	-	-	-	2	-	-	-	-	14	11	1	-	-	-	28
Physiotherapist	9	-	-	-	-	1	-	-	-	-	1	-	3	-	7	-	-	12
Podiatrist	2	-	-	-	-	-	-	1	-	-	-	-	-	-	1	-	-	2
Psychologist	66	-	-	16	1	-	1	1	-	-	2	-	34	4	14	14	-	87
Student practitioner	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Unknown practitioner	91	8	-	12	-	-	1	4	1	-	2	12	18	-	35	8	-	101
Unregistered practitioner	51	-	29	4	-	-	1	1	-	-	1	1	16	2	3	1	-	59
Total	1247	35	29	210	17	7	10	39	11	1	41	163	318	70	605	93	0	1649

* The figures reported in this column are a count of the number of health practitioners identified in complaints during the reporting period. A single complaint may identify more than one health practitioner and/or health service organisation. In circumstances where a health practitioner is identified in relation to multiple complaints, the health practitioner would be counted per complaint. For example, a health practitioner identified in three complaints would be counted three times in this column. From 1 July 2019, the practitioner type categories listed in this table have been updated to more accurately reflect the types of practitioners about whom the office receives complaints.

** This data is a count of the number of issues identified within the reporting period. A complaint may also identify more than one issue per health practitioner.

Profile of complaints about health service organisations

Organisation type	Number of facilities identified in complaints*	Number and type of issues** identified in complaints about health service organisations																Total
		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	
Administrative service	1	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	1
Aged care facility	28	1	-	2	3	-	4	1	2	-	1	9	2	-	17	-	-	42
Allied health service	16	-	1	2	-	-	1	5	2	-	1	-	3	-	2	-	-	17
Ambulance service	13	1	-	2	-	-	1	2	1	-	1	1	1	-	5	-	-	15
Community health service	22	2	-	3	1	-	1	3	-	-	1	2	1	-	15	-	-	29
Correctional facility	463	196	-	16	1	1	19	-	2	-	2	184	-	-	110	2	-	533
Dental service	65	32	-	11	2	1	2	4	4	-	-	1	3	-	23	-	-	83
Health information service	1	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	0
Health promotion service	2	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	2
Hospital and Health Service	11	4	-	-	-	-	1	1	1	-	-	-	-	-	5	-	-	12
Laboratory service	14	1	-	2	1	-	1	7	2	-	-	-	1	-	3	1	-	19
Licensed day hospital	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Licensed private hospital	67	12	-	11	-	7	4	11	6	-	-	8	2	-	37	-	-	98
Medical centre	133	21	-	27	1	-	14	17	6	-	23	5	13	-	24	3	-	154
Mental health service	144	8	-	37	32	9	13	-	7	-	1	22	20	-	70	2	-	221
Nursing service	2	1	-	-	-	-	-	-	1	-	-	-	-	-	2	-	-	4
Optical store	4	-	-	-	-	-	-	-	2	-	2	-	-	-	-	1	-	5
Other government department	13	4	-	3	1	-	1	2	-	-	-	-	2	-	1	-	-	13
Other support service	9	-	1	1	-	-	-	-	1	-	1	-	1	-	3	-	-	10
Paramedical service	1	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	1
Pharmaceutical service	25	-	-	8	-	-	-	6	1	-	-	11	-	-	2	-	-	28

Private organisation	22	2	4	5	1	1	2	4	2	-	-	-	-	-	7	1	-	29
Public health service	19	4	-	8	-	3	1	1	1	-	2	-	-	-	10	-	-	30
Public hospital	578	102	-	109	22	53	40	10	36	-	14	29	17	-	432	7	-	871
Residential care service	6	1	-	1	-	-	1	-	-	-	-	3	2	-	4	-	-	12
Specialised health service	40	7	1	10	2	-	4	9	5	-	3	1	-	-	16	-	-	58
Welfare service	1	1	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Total	1700	400	7	258	67	75	110	86	82	0	53	277	68	0	789	17	0	2289

* The figures reported in this column are a count of the number of health service organisations identified in complaints during the reporting period. A single complaint may identify more than one health practitioner and/or health service organisation. In circumstances where a health service organisation is identified in multiple complaints, the organisation would be counted per complaint. For example, a health service organisation identified in three complaints would be counted three times in this column.

** This data is a count of the number of issues identified within the reporting period. A complaint may also identify more than one issue per health service organisation.

Assessment

Assessments started and completed

Assessments this quarter	October	November	December	Q2 total
Assessments started	167	192	138	497
Assessments completed	144	153	172	469

Completed assessment timeframes

Assessment timeframes	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Within legislative timeframes*	131	90.97	136	88.89	164	95.35	431	91.90
Outside legislative timeframes	13	9.03	17	11.11	8	4.65	38	8.10
Total	144	100.00	153	100.00	172	100.00	469	100.00

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

Assessment decisions

Type of relevant action	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Local resolution	0	0.00	1	0.63	2	1.16	3	0.62
Conciliation	10	6.67	8	5.03	6	3.47	24	4.98
Investigation	2	1.33	8	5.03	6	3.47	16	3.32
Referred to AHPRA and the national boards	25	16.67	23	14.47	16	9.25	64	13.28
Referred to another entity	12	8.00	15	9.43	15	8.67	42	8.71
No further action	101	67.33	104	65.41	128	73.99	333	69.09
Total	150	100.00	159	100.00	173	100.00	482	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	October	November	December	Q2 total
Local resolutions started	128	148	109	385
Local resolutions completed	143	123	134	400

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	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Within legislative timeframes*	141	98.60	121	98.37	131	97.76	393	98.25
Outside legislative timeframes	2	1.40	2	1.63	3	2.24	7	1.75
Total	143	100.00	123	100.00	134	100.00	400	100.00

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

Outcomes

Local resolution outcomes	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Resolution reached	112	77.78	91	73.39	106	77.94	309	76.49
No resolution reached	19	13.19	21	16.94	20	14.71	60	14.85
Complaint withdrawn*	10	6.94	10	8.06	9	6.62	29	7.18
Local resolution did not commence**	3	2.08	2	1.61	1	0.74	6	1.49
Total	144	100.00	124	100.00	136	100.00	404	100.00

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

Decisions for matters that were not resolved

Type of relevant action	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Assessment	0	0.00	0	0.00	1	5.56	1	1.75
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	3	15.79	1	5.00	1	5.56	5	8.77
Referred to another entity	0	0.00	0	0.00	0	0.00	0	0.00
No further action	16	84.21	19	95.00	16	88.89	51	89.47
Total	19	100.00	20	100.00	18	100.00	57	100.00

Conciliation

Conciliations started and closed

Conciliations this quarter	October	November	December	Q2 total
Conciliations started	8	10	7	25
Conciliations closed	2	13	7	22

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 started' includes all matters—including matters where agreement to participate has or has not been reached or the decision is pending—that entered the conciliation workflow during the reporting period following the OHO assessing them as being suitable for conciliation. Similarly, '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	October	November	December	Q2 total
Parties agreed to participate	5	3	7	15
Party/ies did not agree to participate	1	6	2	9

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	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Less than 3 months	0	0.00	0	0.00	1	33.33	1	9.09
3–6 months	1	100.00	5	71.43	2	66.67	8	72.73
6–9 months	0	0.00	2	28.57	0	0.00	2	18.18
9–12 months	0	0.00	0	0.00	0	0.00	0	0.00
More than 12 months	0	0.00	0	0.00	0	0.00	0	0.00
Total	1	100.00	7	100.00	3	100.00	11	100.00

Outcomes

Conciliation outcomes	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Successful	1	100.00	6	85.71	3	100.00	10	90.91
Not successful	0	0.00	1	14.29	0	0.00	1	9.09
Ended by the Health Ombudsman	0	0.00	0	0.00	0	0.00	0	0.00
Total	1	100.00	7	100.00	3	100.00	11	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	October		November		December		Q2 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	0	0.00	2	100.00	0	0.00	2	100.00
Total	0	0.00	2	100.00	0	0.00	2	100.00

Open conciliation timeframes

Conciliations open	October		November		December	
	Number	%	Number	%	Number	%
Less than 3 months	15	42.86	19	59.38	18	56.25
3–6 months	11	31.43	3	9.38	3	9.38
6–9 months	2	5.71	3	9.38	4	12.50
9–12 months	2	5.71	2	6.25	0	0.00
More than 12 months	5	14.29	5	15.63	7	21.88
Total	35	100.00	32	100.00	32	100.00

To allow for continued transparency in the timeliness of conciliation processes, open conciliation timeframes include the time in which a matter was on hold whilst another process was finalised.

Investigation

Investigations started and closed

Investigations this quarter	October	November	December	Q2 total
Open at start of month	168	167	164	N/A
Investigations started	12	19	12	43
Investigations closed	11	18	15	44
Investigations amalgamated under s40(2)	3	4	1	8
Investigations separated under s40(2)	1	0	0	1

Closed investigations

Timeframes

In Q2, 68.18 per cent of the 44 investigations were closed within twelve months of commencement.

Closed investigation timeframes	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Less than 3 months	2	18.18	4	22.22	3	20.00	9	20.45
3–6 months	4	36.36	2	11.11	3	20.00	9	20.45
6–9 months	1	9.09	1	5.56	2	13.33	4	9.09
9–12 months	2	18.18	5	27.78	1	6.67	8	18.18
12–24 months	2	18.18	5	27.78	3	20.00	10	22.73
More than 24 months	0	0.00	1	5.56	3	20.00	4	9.09
Total	11	100.00	18	100.00	15	100.00	44	100.00

Outcomes

Investigation outcomes	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Recommended for referral to Director of Proceedings*	2	11.76	8	42.11	8	47.06	18	33.96
Referred to AHPRA	2	11.76	2	10.53	3	17.65	7	13.21
Referred to another agency	8	47.06	2	10.53	0	0.00	10	18.87
No further action	5	29.41	7	36.84	6	35.29	18	33.96
Referred for conciliation	0	0.00	0	0.00	0	0.00	0	0.00
Total	17	100.00	19	100.00	17	100.00	53	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	October		November		December	
	Number	%	Number	%	Number	%
Less than 3 months	34	26.56	37	29.60	29	23.77
3–6 months	24	18.75	22	17.60	29	23.77
6–9 months	18	14.06	19	15.20	14	11.48
9–12 months	16	12.50	14	11.20	17	13.93
12–24 months*	29	22.66	26	20.80	25	20.49
More than 24 months*	7	5.47	7	5.60	8	6.56
Total	128	100.00	125	100.00	122	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	October		November		December	
	Number	%	Number	%	Number	%
Less than 3 months	5	12.82	1	2.56	2	5.26
3–6 months	6	15.38	7	17.95	7	18.42
6–9 months	5	12.82	5	12.82	4	10.53
9–12 months	6	15.38	6	15.38	7	18.42
12–24 months	12	30.77	16	41.03	14	36.84
More than 24 months	5	12.82	4	10.26	4	10.53
Total	39	100.00	39	100.00	38	100.00

Open investigation timeframes

Total open investigation timeframes	October		November		December	
	Number	%	Number	%	Number	%
Less than 3 months	39	23.35	38	23.17	31	19.38
3–6 months	30	17.96	29	17.68	36	22.50
6–9 months	23	13.77	24	14.63	18	11.25
9–12 months	22	13.17	20	12.20	24	15.00
12–24 months	41	15.57	42	25.61	39	24.38
More than 24 months	12	16.17	11	6.71	12	7.50
Total	167	100.00	164	100.00	160	100.00

Open investigation categories

Type of investigation	October	November	December
Health service complaint	94	94	92
Systemic issue	5	5	5
Ministerial directed investigation	1	1	0
Another matter	58	55	52
Matters identified for further investigation	9	9	11
Total	167	164	160

*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	October	November	December
Cases open at the beginning of the month	3	3	3
Recommendations monitoring cases started	0	0	0
Recommendations monitoring cases closed	0	1	1

Open recommendations monitoring case timeframes

Monitoring case timeframes*	October		November		December	
	Number	%	Number	%	Number	%
Less than 6 months	1	33.33	1	50.00	0	0.00
6–12 months	0	0.00	0	0.00	1	100.00
More than 12 months	2	66.67	1	50.00	0	0.00
Total	3	100.00	2	100.00	1	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.

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.

Matters referred to the Director of Proceedings by practitioner type

Practitioner type	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Assistant in nursing	0	0.00	1	10.00	0	0.00	1	5.88
Medical practitioner	0	0.00	4	40.00	4	66.67	8	47.06
Osteopath	0	0.00	1	10.00	0	0.00	1	5.88
Pharmacist	0	0.00	1	10.00	1	16.67	2	11.76
Physiotherapist	1	100.00	0	0.00	0	0.00	1	5.88
Registered nurse	0	0.00	3	30.00	1	16.67	4	23.53
Total	1	100.00	10	100.00	6	100.00	17	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 Investigation outcomes' figures elsewhere in this report.

Matters currently with the Director of Proceedings by practitioner type*

Practitioner type	Number	Percentage
Advanced care paramedic	2	3.57
Assistant in nursing	5	8.93
Audiologist	2	3.57
Chinese medicine practitioner	1	1.79
Dentist	1	1.79
Holding out as an enrolled nurse	1	1.79
Holding out as a paramedic	1	1.79
Holding out as a psychologist	1	1.79
Massage therapist	2	3.57
Medical assistant	1	1.79
Medical practitioner	24	42.86
Natural therapist	1	1.79
Osteopath	2	3.57
Pharmacist	3	5.36
Physiotherapist	1	1.79
Psychologist	1	1.79
Registered nurse	5	8.93
Social worker	1	1.79
Unregistered chiropractor	1	1.79
Total	56	100.00

Outcomes of matters reviewed by the Director of Proceedings

Matters filed in the Queensland Civil and Administrative Tribunal

Practitioner type	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Counsellor	0	0.00	1	20.00	0	0.00	1	8.33
Dentist	0	0.00	0	0.00	1	20.00	1	8.33
Massage therapist	0	0.00	1	20.00	0	0.00	1	8.33
Pharmacist	0	0.00	0	0.00	1	20.00	1	8.33
Podiatrist	0	0.00	1	20.00	0	0.00	1	8.33
Psychologist	1	50.00	0	0.00	0	0.00	1	8.33
Registered nurse	1	50.00	2	40.00	3	60.00	6	50.00
Total	2	100.00	5	100.00	5	100.00	12	100.00

Matters to be referred back to Health Ombudsman

Practitioner type	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Medical practitioner	2	40.00	2	100.00	0	0.00	4	57.14
Registered nurse	3	60.00	0	0.00	0	0.00	3	42.85
Total	5	100.00	2	100.00	0	0.00	7	100.00

Decisions on matters referred to the Queensland Civil and Administrative Tribunal

There have been 16 decisions made on matters referred to QCAT during the quarter, and two further matters were withdrawn from QCAT. Of the sixteen decisions handed down by QCAT, five are yet to be published by QCAT. Outlines of the eleven decisions handed down and published are included below.

On 1 October 2019, a decision was handed down in *Health Ombudsman v Mutasa*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct. The practitioner was reprimanded.

On 16 October 2019, a decision was handed down in *Health Ombudsman v Kennedy*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct. The practitioner was reprimanded.

On 18 October 2019, a decision was handed down in *Health Ombudsman v Bricknell*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct. The practitioner was reprimanded, and their registration cancelled. The practitioner was also disqualified from applying for registration for two years.

On 22 October 2019, a decision was handed down in *Health Ombudsman v Wooderson*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct. The practitioner was reprimanded.

On 23 October 2019, a decision was handed down in *Health Ombudsman v Flyger*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct. The practitioner was reprimanded and disqualified from applying for registration for a period of six months.

On 30 October 2019, a decision was handed down in *Health Ombudsman v SNA*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct. The practitioner was reprimanded.

On 30 October 2019, a decision was handed down in *Health Ombudsman v Mullins*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct. The practitioner was reprimanded.

On 4 November 2019, a decision was handed down in *Health Ombudsman v Wrede*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct. The practitioner was reprimanded.

On 6 November 2019, a decision was handed down in *Health Ombudsman v Blay*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct. The practitioner was reprimanded and conditions imposed on their registration.

On 26 November 2019, a decision was handed down in *Health Ombudsman v Cassingham*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct. The practitioner was reprimanded.

On 16 December 2019, a decision was handed down in *Health Ombudsman v Ku*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct. The practitioner was reprimanded, and conditions imposed on their registration.

Decisions on immediate action reviews

QCAT made no new decisions regarding immediate action reviews during the 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

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.

The Health Ombudsman issued six show cause notices during the quarter.

Immediate registration actions

Practitioner type	Number	Action taken	Reason/s for taking action*	
			Public Interest	Serious Risk
Medical Practitioner	3	Conditions		✓
Medical Practitioner	1	Conditions	✓	
Psychologist	1	Suspension		✓
Psychologist	1	Conditions		✓

*From July 2019 the reason/s for taking action included in this table have been updated to more accurately reflect the immediate action process.

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*	
			Public Interest	Serious Risk
Enrolled nurse	2	Prohibition		✓
Massage therapist	1	Prohibition		✓
Holding out as a registered nurse	1	Prohibition		✓

*From July 2019 the reason/s for taking action included in this table have been updated to more accurately reflect the immediate action process.

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	October	November	December
Cases open at the beginning of the month	120	119*	119**
Practitioner monitoring cases started	3	5	3
Practitioner monitoring cases closed	4	4	2

*One monitoring case was finalised in October, but was not recorded in the office's case management system until November.

** One monitoring case was finalised in November, but was not recorded in the office's case management system until December.

Open monitoring cases

Timeframes

Open case timeframes	October		November		December	
	Number	%	Number	%	Number	%
Less than 6 months	33	27.73	32	26.89	30	25.21
6–12 months	29	24.37	31	26.05	32	26.89
More than 12 months	57	47.90	56	47.06	57	47.90
Total	119	100.00	119	100.00	119	100.00

Immediate action types

Open cases by immediate action type	October		November		December	
	Number	%	Number	%	Number	%
Interim prohibition order—restrictions	19	15.97	19	15.97	19	15.97
Interim prohibition order—prohibited	37	31.09	39	32.77	37	31.09
Immediate registration action—conditions	39	32.77	38	31.93	40	33.61
Immediate registration action—suspension	17	14.29	16	13.45	15	12.61
QCAT disciplinary decision	6	5.04	6	5.04	7	5.88
QCAT interim decision	1	0.84	1	0.84	1	0.84
Total	119	100.00	119	100.00	119	100.00

Registered practitioners under monitoring by practitioner type

Open cases by practitioner type	Number	Percentage
Aboriginal and Torres Strait Islander health worker	0	0.00
Chinese medicine practitioner	3	5.26
Chiropractor	0	0.00
Dental practitioner	4	7.02
Medical practitioner	28	49.12
Medical radiation practitioner	0	0.00
Nursing and midwifery practitioner	18	31.58
Occupational therapist	0	0.00
Optometrist	0	0.00
Osteopath	0	0.00
Pharmacist	0	0.00
Physiotherapist	2	3.51
Podiatrist	0	0.00
Psychologist	2	3.51
Total	57	100.00

These figures are based on the number of individual registered practitioners being monitored by the OHO during 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	1.75
Aged care worker	1	1.75
Assistant in nursing	9	15.79
Audiologist	2	3.51
Counsellor	1	1.75
Former registered health practitioner	12	21.05
Health support worker	1	1.75
Holding out*	3	5.26
Kinesiologist	2	3.51
Massage therapist	16	28.07
Medical assistant	2	3.51
Natural therapist	1	1.75
Paramedic	4	7.02
Personal carer	1	1.75
Social worker	1	1.75
Total	57	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 during 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. No matters were 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	October	November	December	Q2 total
Matters consulted on*	230	268	230	728
Matters referred	278	238	222	738
Matters retained by the office**	9	10	6	25

*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	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
Intake and triage	184	80.00	229	85.45	187	81.30	600	82.42
Assessment	42	18.26	31	11.57	39	16.96	112	15.38
Conciliation	0	0.00	0	0.00	0	0.00	0	0.00
Local resolution	3	1.30	4	1.49	0	0.00	7	0.96
Investigation	1	0.43	3	1.12	4	1.74	8	1.10
Director of proceedings	0	0.00	0	0.00	0	0.00	0	0.00
Internal review	0	0.00	1	0.37	0	0.00	1	0.14
Total	230	100.00	268	100.00	230	100.00	728	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	578	9	8	5	0
Assessment	4	4	40	54	10
Local resolution	0	0	5	2	0
Conciliation	0	0	0	0	0
Investigation	0	0	0	0	8
Director of Proceedings	0	0	0	0	0
Internal review	0	0	0	0	1
Total	582	13	53	61	19

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

Consultation duration

Consultation duration	October		November		December		Q2 total	
	Number	%	Number	%	Number	%	Number	%
0–3 days	104	45.39	184	68.74	161	69.86	449	61.94
4–7 days	112	48.58	78	29.03	32	13.90	222	30.11
8–11 days	13	5.60	4	1.49	12	5.27	29	3.98
More than 12 days	1	0.44	2	0.74	25	10.98	28	3.98
Total	230	100.00	268	100.00	230	100.00	728	100.00

Number of practitioners referred to AHPRA by practitioner type

Practitioner type	October		November		December		Q2 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	1	0.45	1	0.14
Chiropractor	2	0.72	1	0.42	0	0.00	3	0.41
Dental practitioner	20	7.19	20	8.40	27	12.16	67	9.08
Medical practitioner	184	66.19	146	61.34	131	59.01	461	62.47
Medical radiation practitioner	0	0.00	1	0.42	0	0.00	1	0.14
Nursing and midwifery practitioner	40	14.39	38	15.97	33	14.86	111	15.04
Occupational therapist	1	0.36	3	1.26	1	0.45	5	0.68
Optometrist	2	0.72	2	0.84	0	0.00	4	0.54
Osteopath	0	0.00	1	0.42	0	0.00	1	0.14
Paramedic	3	1.08	2	0.84	1	0.45	6	0.81
Pharmacist	13	4.68	8	3.36	6	2.70	27	3.66
Physiotherapist	3	1.08	3	1.26	4	1.80	10	1.36
Podiatrist	0	0.00	1	0.42	0	0.00	1	0.14
Psychology	10	3.60	12	5.04	18	8.11	40	5.42
Student practitioner*	0	0.00	0	0.00	0	0.00	0	0.00
Total	278	100.00	238	100.00	222	100.00	738	100.00

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	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Chiropractor	-	2	-	-	-	-	-	1	-	3	1	1	-	-	8
Dental practitioner	2	5	-	-	-	-	-	2	1	3	1	64	-	-	78
Medical practitioner	8	81	12	4	1	4	-	15	92	42	13	356	29	-	657
Medical radiation practitioner	-	-	-	-	-	-	-	-	-	-	1	-	-	-	1
Nursing and midwifery practitioner	-	6	1	-	-	-	-	2	14	55	35	29	2	-	144
Occupational therapy	-	-	-	-	-	-	-	1	-	2	2	1	1	-	7
Optometrist	-	-	-	-	-	-	1	-	-	-	-	4	-	-	5
Osteopath	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Paramedic	-	1	-	-	-	-	-	1	-	3	-	4	-	-	9
Pharmacist	-	-	-	-	-	-	-	-	18	9	1	-	-	-	28
Physiotherapist	-	-	-	-	-	-	-	2	-	6	1	4	-	-	13
Podiatrist	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Psychologist	-	8	-	-	1	-	-	1	-	24	4	13	6	-	57
Student practitioner	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Total	10	103	13	4	2	4	1	25	125	148	59	478	38	0	1010

Demographics

Gender

Gender	Number	Percentage
Female	1103	45.62
Male	1239	51.24
Prefer not to specify	27	1.12
Unknown	49	2.03
Total	2418	100.00

Age

Age	Number	Percentage
Less than 18 years	153	6.33
18–24 years	156	6.45
25–34 years	422	17.45
35–44 years	480	19.85
45–54 years	382	15.80
55–64 years	301	12.45
65–74 years	216	8.93
More than 75 years	162	6.70
Unknown*	146	6.04
Total	2418	100.00

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

Location of healthcare consumers

Location of healthcare consumers	Number	Percentage
Brisbane	1074	44.42
Central West	4	0.17
Darling Downs	79	3.27
Far North	122	5.05
Fitzroy	72	2.98
Gold Coast	247	10.22
Mackay	71	2.94
North West	8	0.33
Northern	79	3.27
South West	5	0.21
Sunshine Coast	121	5.00
West Moreton	90	3.72
Wide Bay-Burnett	172	7.11
Outside Queensland	93	3.85
Unknown	181	7.49
Total	2418	100.00

Location of health service providers

Location of health service providers	Number	Percentage
Brisbane	1279	45.42
Central West	3	0.11
Darling Downs	92	3.27
Far North	131	4.65
Fitzroy	94	3.34
Gold Coast	325	11.54
Mackay	67	2.38
North West	11	0.39
Northern	100	3.55
South West	4	0.14
Sunshine Coast	151	5.36
West Moreton	54	1.92
Wide Bay-Burnett	161	5.72
Outside Queensland*	34	1.21
Unknown	310	11.01
Total	2816	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
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