

Quarterly performance report

Quarter three 2018–19



Office of the
**HEALTH
OMBUDSMAN**

Listen. Respond. Resolve.

Quarterly performance report—Quarter three 2018–19 v2

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Introduction

This document reports on the quarter three (Q3) 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 12 April 2019, 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 3129 received during the quarter. Of these contacts 2370, or 76 per cent, were classified as complaints.

A number of indicators demonstrate improved performance by the OHO during the fourth quarter including:

- 98 per cent of the 359 assessments decisions made in Q3 were completed within legislative timeframes, compared to 70 per cent (464 assessments) and 68 per cent (611 assessments) within the same periods in 2017-18 and 2016-17 respectively.
- 100 per cent of the 197 local resolutions finalised in Q3 were completed within legislative timeframes, compared to 93 per cent (345 local resolutions) and 93 per cent (229 local resolutions) within the same periods in 2017-18 and 2016-17 respectively.
- 73 per cent of the 48 investigations closed in Q3 were closed within twelve months of commencement, compared to 45 per cent (86 investigations) and 29 per cent (41 investigations) within the same periods in 2017-18 and 2016-17 respectively.
- As at the close of Q3, 73 per cent of the 161 open investigations were aged less than twelve months compared to 62 per cent (195 investigations) and 61 per cent (396 investigations) within the same periods in 2017-18 and 2016-17 respectively.
- 26 matters were filed in QCAT in Q3, compared to 14 within the same period in 2017-18.
- 9 decisions were handed down by QCAT within the quarter.
- Although the percentage of the 1952 intake decisions completed within seven days has dropped to 83 per cent, compared to 94 per cent in Q3 of 2017-18 and 90 per cent in Q3 of 2016-17, this has occurred in the face of a significant increase in complaints requiring a decision (up 27.6% from the same period in 2017-18 (1679 decisions) and up 50.4% from 2016-17 (1324 decisions). Remedial action has been taken to respond to the increase in complaints.

Intake of complaints

Type of contacts

Type of contact	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Complaint	750	67.26	770	77.23	850	83.58	2370	75.74
Enquiry	365	32.74	227	22.77	165	16.22	757	24.19
Yet to be classified	0	0.00	0	0.00	2	0.20	2	0.06
Total	1115	100.00	997	100.00	1017	100.00	3129	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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Health consumer complaint	680	90.67	695	90.26	761	89.53	2136	90.13
Mandatory notification*	14	1.87	16	2.08	27	3.18	57	2.41
Voluntary notification*	32	4.27	46	5.97	50	5.88	128	5.40
Self-notification*	8	1.07	4	0.52	5	0.59	17	0.72
Referral from another agency	16	2.13	9	1.17	7	0.82	32	1.35
Total	750	100.00	770	100.00	850	100.00	2370	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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Yes	472	83.10	584	86.52	559	78.84	1615	82.74
No	96	16.90	91	13.48	150	21.16	337	17.26
Total	568	100.00	675	100.00	709	100.00	1952	100.00

Accepted vs not accepted

Number of decisions made	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Accepted	323	56.87	438	64.89	412	58.11	1173	60.09
Not accepted	245	43.13	237	35.11	297	41.89	779	39.91
Total	568	100.00	675	100.00	709	100.00	1952	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).

'Decision pending' relates to matters where more information is required before a decision on whether to accept or not accept can be made, or because the matter came in just before the end of the reporting period and is still being processed.

An additional 40 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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Assessment	151	43.64	136	30.02	100	23.70	387	31.70
Local resolution	60	17.34	88	19.43	75	17.77	223	18.26
Conciliation	0	0.00	0	0.00	0	0.00	0	0.00
Investigation	6	1.73	10	2.21	7	1.66	23	1.88
Referred to AHPRA and the national boards	123	35.55	153	33.77	132	31.28	408	33.42
Referred to another entity	6	1.73	66	14.57	108	25.59	180	14.74
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
Total	346	100.00	453	100.00	422	100.00	1221	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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Access	82	8.06	93	8.67	59	7.29	234	8.07
Code of conduct for healthcare workers	10	0.98	12	1.12	9	1.11	31	1.07
Communication/information	135	13.26	89	8.29	101	12.48	325	11.21
Consent	6	0.59	24	2.24	7	0.87	37	1.28
Discharge/transfer arrangements	12	1.18	16	1.49	14	1.73	42	1.45
Environment/management of facilities	22	2.16	31	2.89	16	1.98	69	2.38
Fees/cost	35	3.44	33	3.08	26	3.21	94	3.24
Grievance processes	18	1.77	17	1.58	22	2.72	57	1.97
<i>Health Ombudsman Act 2013 offence</i>	0	0.00	0	0.00	2	0.25	2	0.07
Medical records	33	3.24	27	2.52	31	3.83	91	3.14
Medication	152	14.93	140	13.05	87	10.75	379	13.07
Professional conduct	99	9.72	142	13.23	93	11.50	334	11.52
Professional health	20	1.96	25	2.33	16	1.98	61	2.10
Professional performance	381	37.43	401	37.37	315	38.94	1097	37.83
Reports/certificates	13	1.28	23	2.14	11	1.36	47	1.62
Research/teaching/assessment	0	0.00	0	0.00	0	0.00	0	0.00
Total	1018	100.00	1073	100.00	809	100.00	2900	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	-	4	1	-	-	-	1	-	-	2	-	2	-	4	-	-	14
Chinese medicine	-	-	-	-	-	-	-	-	-	-	-	4	-	3	-	-	7
Chiropractor	-	-	-	-	-	-	-	-	-	-	-	3	2	2	-	-	7
Dentistry	1	1	8	2	-	1	5	2	-	2	-	11	-	60	-	-	93
Emergency care	-	2	4	-	-	-	-	-	1	3	1	2	5	12	-	-	30
General medical	21	-	84	4	4	4	9	1	-	22	110	77	8	207	22	-	573
Medical radiation	-	-	-	-	-	-	-	-	-	-	-	3	-	1	1	-	5
Medical specialty	1	-	9	-	-	-	5	-	-	4	8	20	4	40	7	-	98
Nursing	-	4	5	-	-	-	-	-	-	6	13	57	23	14	-	-	122
Occupational therapy	-	3	2	1	-	-	-	-	-	-	-	2	1	3	-	-	12
Optometry	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	-	4
Osteopathy	-	3	-	1	-	-	-	-	-	-	-	1	-	1	-	-	6
Other	2	13	6	-	-	-	3	-	1	1	2	33	10	8	-	-	79
Pathology service	1	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	2
Pharmacy	-	-	-	-	-	5	-	-	-	1	20	5	3	-	-	-	34
Physiotherapy	-	-	1	-	-	-	3	-	-	-	-	4	-	3	-	-	11
Podiatry	-	-	-	-	-	-	3	-	-	-	-	2	-	2	-	-	7
Psychology	1	-	10	2	-	1	-	-	-	3	-	25	1	7	7	-	57
Speech pathology	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Surgical	-	-	9	1	-	-	5	-	-	-	5	18	3	69	-	-	110
Total	27	30	139	11	4	11	34	3	2	44	159	270	60	440	37	0	1271

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	-	-	-	-	-	6	-	1	-	-	3	1	-	13	-	-	24
Allied health service	-	-	1	-	-	-	2	-	-	-	-	1	-	2	-	-	6
Ambulance service	3	-	3	-	1	1	1	1	-	-	1	1	-	3	-	-	15
Community health service	2	-	3	-	1	-	-	2	-	-	2	4	-	7	1	-	22
Correctional facility	62	-	12	-	-	2	-	2	-	7	150	4	-	142	-	-	381
Dental service	13	-	6	1	-	2	4	2	-	3	-	5	-	25	-	-	61
Hospital and Health Service	2	-	1	-	-	2	-	-	-	1	-	1	-	6	-	-	13
Laboratory service	1	-	1	-	-	-	10	2	-	-	-	-	-	6	-	-	20
Licensed private hospital	8	-	7	-	1	10	4	3	-	2	4	3	1	28	1	-	72
Medical centre	27	-	22	2	-	10	16	12	-	19	10	11	-	20	1	-	150
Mental health service	6	-	14	9	4	4	-	1	-	4	11	7	-	40	1	-	101
Other government department	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	1
Other support service	1	-	3	-	-	1	2	-	-	1	-	2	-	3	-	-	13
Pharmaceutical service	-	-	3	-	-	-	3	1	-	-	11	1	-	1	-	-	20
Private organisation	-	1	-	1	-	1	4	1	-	-	2	1	-	3	-	-	14
Public health service	6	-	4	-	-	3	-	1	-	-	3	1	-	14	-	-	32
Public hospital	73	-	98	12	31	12	6	21	-	10	22	18	-	333	6	-	642
Residential care service	-	-	1	-	-	1	1	-	-	-	-	-	-	1	-	-	4
Specialised health service	2	-	3	1	-	3	7	2	-	-	1	3	-	7	-	-	29
Administrative service	1	-	2	-	-	-	-	-	-	-	-	-	-	1	-	-	4
Optical store	-	-	2	-	-	-	-	1	-	-	-	-	-	2	-	-	5
Total	207	1	186	26	38	58	60	54	0	47	220	64	1	657	10	0	1629

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	January	February	March	Q3 total
Assessments started	161	154	113	428
Assessments completed	134	96	129	359

Completed assessment timeframes

Assessment timeframes	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Within legislative timeframes*	132	98.51	93	96.88	126	97.67	351	97.77
Outside legislative timeframes	2	1.49	3	3.13	3	3.13	8	2.23
Total	134	100.00	96	100.00	129	100.00	359	100.00

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

Assessment decisions

Type of relevant action	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Local resolution	0	0.00	0	0.00	0	0.00	0	0.00
Conciliation	4	2.94	4	4.17	6	4.65	14	3.88
Investigation	8	5.88	7	7.29	4	3.10	19	5.26
Referred to AHPRA and the national boards	9	6.62	12	12.50	17	13.18	38	10.53
Referred to another entity	67	49.26	21	21.88	11	8.53	99	27.42
Immediate registration action*	0	0.00	1	1.04	0	0.00	1	0.28
Interim prohibition order*	1	0.74	0	0.00	0	0.00	1	0.28
No further action	47	34.56	51	53.13	91	70.54	189	52.35
Total	136	100.00	96	100.00	129	100.00	361	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.

The figures for the type of relevant action decided in the assessment stage may not correspond with totals for respective relevant actions (e.g. local resolution, conciliation, investigation) due to the time between a decision being made and an action taken crossing over different reporting periods.

*Immediate action assessment decision figures may not align with the immediate action figures later in the report due to immediate actions decisions being made outside of the assessment process.

Local resolution

Local resolutions started and completed

Local resolutions this quarter	January	February	March	Q3 total
Local resolutions started	57	92	87	236
Local resolutions completed	42	59	96	197

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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Within legislative timeframes*	42	100.00	59	100.00	96	100.00	197	100.00
Outside legislative timeframes	0	0.00	0	0.00	0	0.00	0	0.00
Total	42	100.00	59	100.00	96	100.00	197	100.00

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

Outcomes

Local resolution outcomes	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Resolution reached	33	78.57	50	84.75	72	75.00	155	78.68
No resolution reached	3	7.14	4	6.78	11	11.46	18	9.14
Complaint withdrawn*	5	11.90	5	8.47	12	12.50	22	11.17
Local resolution did not commence**	1	2.38	0	0.00	1	1.04	2	1.02
Total	42	100.00	59	100.00	96	100.00	197	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	January		February		March		Q3 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	1	25.00	0	0.00	1	5.56
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	3	75.00	11	100.00	17	94.44
Total	3	100.00	4	100.00	11	100.00	18	100.00

Conciliation

Conciliations started and closed

Conciliations this quarter	January	February	March	Q3 total
Conciliations started	4	4	6	14
Conciliations closed	9	11	2	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	January	February	March	Q3 total
Parties agreed to participate	6	4	2	12
Party/ies did not agree to participate	5	1	2	8

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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Less than 3 months	0	0.00	0	0.00	0	0.00	0	0.00
3–6 months	3	60.00	7	77.78	0	0.00	10	71.43
6–9 months	2	40.00	2	22.22	0	0.00	4	28.57
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	5	100.00	9	100.00	0	N/A	14	100.00

Outcomes

Conciliation outcomes	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Successful	4	80.00	5	55.56	0	0.00	9	64.29
Not successful	1	20.00	4	44.44	0	0.00	5	35.71
Ended by the Health Ombudsman	0	0.00	0	0.00	0	0.00	0	0.00
Total	5	100.00	9	100.00	0	0.00	14	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	January		February		March		Q3 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	1	100.00	4	100.00	0	0.00	5	100.00
Total	1	100.00	4	100.00	0	N/A	5	100.00

Open conciliation timeframes

Conciliations open	January		February		March	
	Number	%	Number	%	Number	%
Less than 3 months	17	48.57	14	50.00	12	37.50
3–6 months	7	20.00	5	17.86	12	37.50
6–9 months	7	20.00	4	14.29	2	6.25
9–12 months	1	2.86	1	3.57	2	6.25
More than 12 months	3	8.57	4	14.29	4	12.50
Total	35	100.00	28	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	January	February	March	Q3 total
Open at start of month	161	167	166	N/A
Investigations started	20	17	21	58
Investigations closed	10	15	23	48
Investigations amalgamated under s40(2)	4	3	3	10

Closed investigations

Timeframes

72.9 per cent of the 48 investigations closed in Q3 were closed within twelve months of commencement.

Closed investigation timeframes	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Less than 3 months	1	10.00	5	33.33	5	21.74	11	22.92
3–6 months	4	40.00	1	6.67	5	21.74	10	20.83
6–9 months	1	10.00	4	26.67	3	13.04	8	16.67
9–12 months	0	0.00	2	13.33	4	17.39	6	12.50
12–24 months	2	20.00	3	20.00	4	17.39	9	18.75
More than 24 months	2	20.00	0	0.00	2	8.70	4	8.33
Total	10	100.00	15	100.00	23	100.00	48	100.00

Outcomes

Investigation outcomes	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Recommended for referral to Director of Proceedings*	4	40.00	4	21.05	6	20.00	14	23.73
Referred to AHPRA	0	0.00	7	36.84	5	16.67	12	20.34
Referred to another agency	0	0.00	3	15.79	4	13.33	7	11.86
No further action	6	60.00	5	26.32	15	50.00	26	44.07
Referred for conciliation	0	0.00	0	0.00	0	0.00	0	0.00
Total	10	100.00	19	100.00	30	100.00	59	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.

**These matters are referred to the Executive Director, Legal Services, within the office for consideration as to whether there is evidence of a breach of the Act that constitutes an offence that should be prosecuted in the courts. These matters differ to those referred to the Director of Proceedings, which require an independent determination of whether the matter should be put before QCAT.

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.

Where a matter is referred under section 193A(4) of the *Health Practitioner Regulation National Law (Queensland)*, we calculate timeframes inclusive of any period in which the investigation was open with AHPRA, to provide transparency of the complete length of an investigation.

Active investigation timeframes

Active investigation timeframes	January		February		March	
	Number	%	Number	%	Number	%
Less than 3 months	38	30.16	38	31.15	39	30.47
3–6 months	28	22.22	23	18.85	32	25.00
6–9 months	24	19.05	27	22.13	17	13.28
9–12 months	14	11.11	13	10.66	16	12.50
12–24 months*	15	11.90	14	11.48	18	14.06
More than 24 months*	7	5.56	7	5.74	6	4.69
Total	126	100.00	122	100.00	128	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	January		February		March	
	Number	%	Number	%	Number	%
Less than 3 months	5	12.20	6	13.95	1	2.78
3–6 months	4	9.76	7	16.28	10	27.78
6–9 months	7	17.07	7	16.28	4	11.11
9–12 months	6	14.63	2	4.65	1	2.78
12–24 months	13	31.71	14	32.56	12	33.33
More than 24 months	6	14.63	7	16.28	8	22.22
Total	41	100.00	43	100.00	36	100.00

Open investigation timeframes

Total open investigation timeframes	January		February		March	
	Number	%	Number	%	Number	%
Less than 3 months	43	25.75	44	26.67	38	23.60
3–6 months	32	19.16	30	18.18	42	26.09
6–9 months	31	18.56	34	20.61	21	13.04
9–12 months	20	11.98	15	9.09	17	10.56
12–24 months	28	16.77	28	16.97	29	18.01
More than 24 months	13	7.78	14	8.48	14	8.70
Total	167	100.00	165	100.00	161	100.00

Open investigation categories

Type of investigation	January	February	March
Health service complaint	91	94	93
Systemic issue	11	11	11
Another matter*	65	58	55
Matters identified for further investigation**	0	2	2
Total	167	165	161

*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	January	February	March
Cases open at the beginning of the month	5	4	4
Recommendations monitoring cases started	4	0	0
Recommendations monitoring cases closed	1	0	0

Open recommendations monitoring case timeframes

Monitoring case timeframes*	January		February		March	
	Number	%	Number	%	Number	%
Less than 6 months	0	0.00	0	0.00	0	0.00
6–12 months	3	75.00	1	25.00	1	25.00
More than 12 months	1	25.00	3	75.00	3	75.00
Total	4	100.00	4	100.00	4	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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Assistant in nursing	0	0.00	1	25.00	1	16.67	2	14.29
Massage therapist	0	0.00	0	0.00	1	16.67	1	7.14
Medical assistant	1	25.00	0	0.00	0	0.00	1	7.14
Medical practitioner	0	0.00	2	50.00	0	0.00	2	14.29
Personal carer	1	25.00	0	0.00	0	0.00	1	7.14
Pharmacist	0	0.00	0	0.00	1	16.67	1	7.14
Registered nurse	2	50.00	1	25.00	3	50.00	6	42.86
Total	4	100.00	4	100.00	6	100.00	14	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
Chinese Medicine Practitioner	3	2.22
Dentist	4	2.96
Medical Practitioner	45	33.33
Medical Radiation Practitioner	1	0.74
Osteopath	1	0.74
Pharmacist	8	5.93
Podiatrist	2	1.48
Psychologist	6	4.44
Registered Nurse	43	31.85
Advanced Care Paramedic	2	1.48
Assistant in Nursing	6	4.44
Audiologist	2	1.48
Dental Assistant	1	0.74
Holding Out Psychologist	1	0.74
Holding Out Registered Nurse	2	1.48
Massage Therapist	2	1.48
Medical Assistant	1	0.74
Natural Therapist	1	0.74
Personal Carer	1	0.74
Social Worker	1	0.74
Student Nurse	1	0.74
Unregistered Chiropractor	1	0.74
Total	135	100.00

*As at 31 March 2019

Outcomes of matters reviewed by the Director of Proceedings

Matters filed in the Queensland Civil and Administrative Tribunal

Practitioner type	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Dentist	0	0.00	1	10.00	0	0.00	1	3.85
Massage therapist	0	0.00	0	0.00	1	8.33	1	3.85
Medical practitioner	0	0.00	1	10.00	4	33.33	5	19.23
Pharmacist	2	50.00	1	10.00	1	8.33	4	15.38
Psychologist	0	0.00	1*	10.00	0	0.00	1	3.85
Registered nurse	2	50.00	6	60.00	6	50.00	14	53.85
Total	4	100.00	10	100.00	12	100.00	26	100.00

*This figure includes a referral where the Director of Proceedings decided to refer two matters regarding the same practitioner to QCAT. These two matters were filed as one referral.

Matters to be referred back to Health Ombudsman

Practitioner type	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Aged care worker	0	0.00	1	33.33	0	0.00	1	6.67
Assistant in nursing	1	25.00	0	0.00	0	0.00	1	6.67
Medical practitioner	3	75.00	1	33.33	5	62.50	9	60.00
Physiotherapist	0	0.00	1	33.33	0	0.00	1	6.67
Registered nurse	0	0.00	0	0.00	3	37.50	3	20.00
Total	4	100.00	3	100.00	8	100.00	15	100.00

Decisions on matters referred to the Queensland Civil and Administrative Tribunal

There have been 9 decisions made on matters referred to QCAT during the quarter.

On 18 February 2019, a decision was handed down in *Health Ombudsman v Shemer*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct. The practitioner was reprimanded and conditions were imposed on his registration.

On 19 February 2019, a decision was handed down in *The Health Ombudsman v Kiley*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct, and the practitioner was reprimanded.

On 20 February 2019, a decision was handed down in *Health Ombudsman v Mak*. 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 3 years.

On 5 March 2019, a decision was handed down in *Health Ombudsman v Wood*. 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 12 months.

On 7 March 2019, a decision was handed down in *Health Ombudsman v LMT*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct. The practitioner was reprimanded and fined \$5,000.

On 15 March 2019, a decision was handed down in *Health Ombudsman v Carter*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct, and the practitioner was reprimanded.

On 22 March 2019, a decision was handed down in a matter. The decision and reasons in this matter cannot be published.

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

On 29 March 2019, a decision was handed down in *Health Ombudsman v Creagh-Scott*. The Tribunal found that the practitioner behaved in way that constitutes professional misconduct. The practitioner was reprimanded and disqualified from applying for registration for three years and six months. In addition, the practitioner has been permanently prohibited from providing any health service to any person under the age of eighteen years.

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

There were twelve show cause notices issued during the quarter relating to:

- 4 medical practitioners
- 4 chinese medicine practitioners
- 1 paramedic
- 2 registered nurse
- 1 counsellor

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
Chinese medicine practitioner	2	Conditions		✓	
Medical practitioner	7	Conditions		✓	
Nurse	3	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
Assistant in nursing	1	Prohibition		✓		
Chinese medicine practitioner	2	Restrictions		✓		
Health support worker	1	Restrictions	✓	✓	✓	
Kinesiologist	1	Prohibition		✓		
Paramedic	1	Prohibition	✓	✓	✓	

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	January	February	March
Cases open at the beginning of the month	102	104	112
Practitioner monitoring cases started	6	10	2
Practitioner monitoring cases closed	4	2	0

Open monitoring cases

Timeframes

Open case timeframes	January		February		March	
	Number	%	Number	%	Number	%
Less than 6 months	27	25.96	35	31.25	38	33.33
6–12 months	20	19.23	16	14.29	15	13.16
More than 12 months	57	54.81	61	54.46	61	53.51
Total	104	100.00	112	100.00	114	100.00

Immediate action types

Open cases by immediate action type	January		February		March	
	Number	%	Number	%	Number	%
Interim prohibition order—restrictions	19	18.27	21	18.75	21	18.42
Interim prohibition order—prohibited	43	41.35	42	37.50	43	37.72
Immediate registration action—conditions	24	23.08	32	28.57	33	28.95
Immediate registration action—suspension	17	16.35	16	14.29	16	14.04
QCAT issued conditions or prohibition	1	0.96	1	0.89	1	0.88
Total	104	100.00	112	100.00	114	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	5.88
Chiropractor	0	0.00
Dental practitioner	3	5.88
Medical practitioner	21	41.18
Medical radiation practitioner	0	0.00
Nursing and midwifery practitioner	24	47.06
Occupational therapist	0	0.00
Optometrist	0	0.00
Osteopath	0	0.00
Pharmacist	0	0.00
Physiotherapist	0	0.00
Podiatrist	0	0.00
Psychologist	0	0.00
Total	51	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	1.72
Aged care worker	1	1.72
Assistant in nursing	9	15.52
Audiologist	2	3.45
Counsellor	0	0.00
Dental nurse	1	1.72
Former registered health practitioner	13	22.41
Health support worker	1	1.72
Holding out*	4	6.90
Kinesiologist	2	3.45
Massage therapist	13	22.41
Medical assistant	2	3.45
Naturopath	1	1.72
Natural therapist	1	1.72
Paramedic	5	8.62
Personal carer	1	1.72
Social worker	1	1.72
Total	58	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 three 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	January	February	March	Q3 total
Matters consulted on*	150	195	170	515
Matters referred	135	206	173	514
Matters retained by the office**	5	4	6	15

*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	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
Intake and triage	125	83.33	158	81.03	138	81.18	421	81.75
Assessment	24	16.00	23	11.79	28	16.47	75	14.56
Conciliation	0	0.00	0	0.00	0	0.00	0	0.00
Local resolution	0	0.00	2	1.03	0	0.00	0	0.00
Investigation	0	0.0	9	4.62	4	2.35	13	2.52
Internal review	1	0.67	3	1.54	0	0.00	4	0.78
Total	150	100.00	195	100.00	170	100.00	515	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	418	2	0	0	1
Assessment	7	5	31	28	4
Local resolution	0	0	2	0	0
Conciliation	0	0	0	0	0
Investigation	0	2	0	1	10
Internal review	4	0	0	0	0
Total	429	9	33	29	15

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

Consultation duration

Consultation duration	January		February		March		Q3 total	
	Number	%	Number	%	Number	%	Number	%
0–3 days	125	83.33	175	89.74	139	81.76	439	85.24
4–7 days	24	16.00	20	10.26	31	18.24	75	14.56
8–11 days	0	0.00	0	0.00	0	0.00	0	0.00
More than 12 days	1	0.67	0	0.00	0	0.00	1	0.19
Total	150	100.00	195	100.00	170	100.00	515	100.00

Number of practitioners referred to AHPRA by practitioner type

Practitioner type	January		February		March		Q3 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	1	0.49	0	0.00	1	0.19
Chiropractor	0	0.00	1	0.49	3	1.73	4	0.78
Dental practitioner	13	9.63	19	9.22	10	5.78	42	8.17
Medical practitioner	81	60.00	128	62.14	115	66.47	324	63.04
Medical radiation practitioner	1	0.74	0	0.00	0	0.00	1	0.19
Nursing and midwifery practitioner	27	20.00	34	16.50	24	13.87	85	16.54
Occupational therapist	0	0.00	2	0.97	1	0.58	3	0.58
Optometrist	0	0.00	0	0.00	0	0.00	0	0.00
Osteopath	0	0.00	1	0.49	0	0.00	1	0.19
Paramedic	0	0.00	1	0.49	0	0.00	1	0.19
Pharmacist	7	5.19	5	2.43	9	5.20	21	4.09
Physiotherapist	1	0.74	2	0.97	4	2.31	7	1.36
Podiatrist	0	0.00	1	0.49	0	0.00	1	0.19
Psychology	5	3.70	10	4.85	4	2.31	19	3.70
Student practitioner*	0	0.00	1	0.49	3	1.73	4	0.78
Total	135	100.00	206	100.00	173	100.00	514	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	-	-	-	-	-	-	-	-	-	1	2	2	-	-	5
Dental practitioner	-	4	1	-	1	2	1	4	1	3	-	40	-	-	57
Medical practitioner	3	48	6	4	2	-	2	11	51	39	14	234	9	-	423
Medical radiation practitioner	-	-	-	-	-	-	-	-	-	2	-	-	-	-	2
Nursing and midwifery practitioner	-	4	-	-	1	-	-	7	11	44	36	22	-	-	125
Occupational therapy	-	-	-	-	-	-	-	-	-	1	1	2	1	-	5
Optometrist	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Osteopath	-	-	1	-	-	-	-	-	-	-	-	1	-	-	2
Paramedic	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Pharmacist	-	-	-	-	5	-	-	1	14	2	2	-	-	-	24
Physiotherapist	-	-	-	-	-	-	-	-	-	4	-	3	-	-	7
Podiatrist	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Psychologist	-	3	2	-	-	-	-	4	-	17	-	3	-	-	29
Student practitioner	-	-	-	-	-	-	-	-	-	1	3	-	-	-	4
Total	3	59	10	4	9	3	3	27	77	116	58	308	10	0	686

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	884	48.33
Male	880	48.11
Prefer not to specify	2	0.11
Unknown	63	3.44
Total	1829	100.00

Age

Age	Number	Percentage
Less than 18 years	71	3.88
18–24 years	124	6.78
25–34 years	343	18.75
35–44 years	333	18.21
45–54 years	315	17.22
55–64 years	235	12.85
65–74 years	151	8.26
More than 75 years	122	6.67
Unknown*	135	7.38
Total	1829	100.00

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

Location of healthcare consumers

Location of healthcare consumers	Number	Percentage
Brisbane	748	40.90
Central West	1	0.05
Darling Downs	62	3.39
Far North	103	5.63
Fitzroy	60	3.28
Gold Coast	194	10.61
Mackay	42	2.30
North West	5	0.27
Northern	62	3.39
South West	2	0.11
Sunshine Coast	104	5.69
West Moreton	48	2.62
Wide Bay-Burnett	171	9.35
Outside Queensland	67	3.66
Unknown	160	8.75
Total	1829	100.00

Location of health service providers

Location of health service providers	Number	Percentage
Brisbane	953	43.96
Central West	1	0.05
Darling Downs	68	3.14
Far North	110	5.07
Fitzroy	59	2.72
Gold Coast	268	12.36
Mackay	58	2.68
North West	5	0.23
Northern	67	3.09
South West	3	0.14
Sunshine Coast	124	5.72
West Moreton	42	1.94
Wide Bay-Burnett	164	7.56
Outside Queensland*	17	0.78
Unknown	229	10.56
Total	2168	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)
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