

Quarterly performance report

Quarter three 2019–20



Office of the
**HEALTH
OMBUDSMAN**

Listen. Respond. Resolve.

Quarterly performance report—Quarter three 2019-20

Published by the Office of the Health Ombudsman May 2020



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 2020

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 |
| Performance overview | 5 |
| Intake of complaints | 6 |
| Type of contacts | 6 |
| Type of complaints | 6 |
| Complaint decisions | 7 |
| Health service complaints profile | 9 |
| Main issues raised in complaints | 9 |
| Profile of complaints about health practitioners | 10 |
| Profile of complaints about health service organisations | 11 |
| Assessment | 13 |
| Assessments started and completed | 13 |
| Completed assessment timeframes | 13 |
| Assessment decisions | 14 |
| Local resolution | 15 |
| Local resolutions started and completed | 15 |
| Completed local resolution | 15 |
| Decisions for matters that were not resolved | 16 |
| Conciliation | 17 |
| Conciliations started and closed | 17 |
| Agreement to participate in conciliation | 17 |
| Completed conciliations | 18 |
| Decisions for conciliations that were not successful | 19 |
| Open conciliation timeframes | 19 |
| Investigation | 20 |
| Investigations started and closed | 20 |
| Closed investigations | 20 |
| Open investigations | 22 |
| Monitoring investigation recommendations | 25 |
| OHO recommendations monitoring | 25 |
| Open recommendations monitoring case timeframes | 25 |
| Director of Proceedings | 26 |
| Matters referred to the Director of Proceedings by practitioner type | 26 |
| Matters currently with the Director of Proceedings by practitioner type | 27 |
| Outcomes of matters reviewed by the Director of Proceedings | 27 |
| Decisions on matters referred to the Queensland Civil and Administrative Tribunal | 29 |

| | |
|--|-----------|
| Decisions on immediate action reviews | 30 |
| Immediate action | 31 |
| Show cause notices | 31 |
| Immediate registration actions | 31 |
| Interim prohibition orders | 32 |
| Monitoring practitioner compliance | 33 |
| Practitioner monitoring cases | 33 |
| Open monitoring cases | 33 |
| Australian Health Practitioner Regulation Agency | 37 |
| Notifications from AHPRA | 37 |
| Consultation on matters | 37 |
| Number of practitioners referred to AHPRA by practitioner type | 40 |
| Number of issues referred to AHPRA by practitioner type | 41 |
| Demographics of healthcare consumers | 42 |
| Gender of healthcare consumers | 42 |
| Age of healthcare consumers | 42 |
| Location of healthcare consumers | 43 |
| Location of health service providers | 44 |

Introduction

This document reports on the quarter three (Q3) 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 20 April 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 3566 received during the quarter. Of these contacts 2585, or 72 per cent, were classified as complaints.

- 98 per cent of the 2440 intake decisions were made within seven days, compared to 83 per cent (of the 1952 decisions) and 94 per cent (of the 1679 decisions) within the same period in 2018-19 and 2017-18 respectively.
- 93 per cent of the 453 assessments decisions made in Q3 were completed within legislative timeframes, compared to 98 per cent (of the 359 assessments) and 70 per cent (of the 464 assessments) within the same periods in 2018-19 and 2017-18 respectively.
- 86 per cent of the 397 local resolutions finalised in Q3 were completed within legislative timeframes, compared to 100 per cent (of the 197 local resolutions) and 93 per cent (of the 345 local resolutions) within the same periods in 2018-19 and 2017-18 respectively.
- 61 per cent of the 38 investigations closed in Q3 were closed within twelve months of commencement, compared to 73 per cent (of the 48 investigations) and 45 per cent (of the 86 investigations) within the same periods in 2018-19 and 2017-18 respectively.
- 6 matters were filed in QCAT in Q3, compared to 26 and 14 within the same periods in 2018-19 and 2017-18 respectively.
- 13 decisions were handed down by QCAT within the quarter compared to 9 and 0 within the same periods in 2018-19 and 2017-18 respectively.

Intake of complaints

Type of contacts

| Type of contact | January | | February | | March | | Q3 total | |
|----------------------|-------------|---------------|-------------|---------------|-------------|---------------|-------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Complaint | 865 | 75.81 | 863 | 72.58 | 857 | 69.34 | 2585 | 72.49 |
| Enquiry | 263 | 23.05 | 294 | 24.73 | 363 | 29.37 | 920 | 25.80 |
| Information* | 13 | 1.14 | 32 | 2.69 | 16 | 1.29 | 61 | 1.71 |
| Yet to be classified | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Total | 1141 | 100.00 | 1189 | 100.00 | 1236 | 100.00 | 3566 | 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 | January | | February | | March | | Q3 total | |
|------------------------------|------------|---------------|------------|---------------|------------|---------------|-------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Health consumer complaint | 805 | 93.06 | 780 | 90.38 | 794 | 92.65 | 2379 | 92.03 |
| Mandatory notification* | 14 | 1.62 | 15 | 1.74 | 16 | 1.87 | 45 | 1.74 |
| Voluntary notification* | 38 | 4.39 | 61 | 7.07 | 36 | 4.20 | 135 | 5.22 |
| Self-notification* | 3 | 0.35 | 4 | 0.46 | 5 | 0.58 | 12 | 0.46 |
| Referral from another agency | 5 | 0.58 | 3 | 0.35 | 6 | 0.70 | 14 | 0.54 |
| Total | 865 | 100.00 | 863 | 100.00 | 857 | 100.00 | 2585 | 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

On 1 March 2020, amendments were made to the *Health Ombudsman Act 2013* enabling the office to 'Not accept' a complaint in situations where the Health Ombudsman is satisfied:

- the complaint would be more appropriately dealt with by a different entity; or
- the complainant has not yet sought a resolution with the relevant health service provider and it is reasonable in the circumstances for the complainant to first do so.

As a result of these changes, the table "Accepted vs Not Accepted" has been replaced with the table "Decisions made" included below.

Cases previously categorised as "Not Accepted" are now reported under the category of "Accepted and no further action taken" and relate to the number of decisions to take no further action under s 44 of the Act. To enable consistent reporting of data throughout the quarter, this change has been applied to data previously reported in January and February under the previous method of classification. This change is to definition only, and no alterations have been made to how these cases are managed by the office.

Decisions timeframes—within seven days

| Decision made | January | | February | | March | | Q3 total | |
|---------------|------------|---------------|------------|---------------|------------|---------------|-------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Yes | 750 | 98.94 | 806 | 98.65 | 823 | 95.14 | 2379 | 97.50 |
| No | 8 | 1.06 | 11 | 1.35 | 42 | 4.86 | 61 | 2.50 |
| Total | 758 | 100.00 | 817 | 100.00 | 865 | 100.00 | 2440 | 100.00 |

Decisions made

| Number of decisions made | January | | February | | March | | Q3 total | |
|--|---------|-------|----------|-------|--------|-------|----------|-------|
| | Number | % | Number | % | Number | % | Number | % |
| Accepted and further relevant action taken | 501 | 66.09 | 553 | 67.69 | 448 | 51.79 | 1502 | 61.56 |
| Accepted and no further action taken* | 257 | 33.91 | 264 | 32.31 | 334 | 38.61 | 855 | 35.04 |
| Not accepted under s35A** | N/A | N/A | N/A | N/A | 83 | 9.60 | 83 | 3.40 |

| Number of decisions made | January | | February | | March | | Q3 total | |
|--------------------------|------------|---------------|------------|---------------|------------|---------------|-------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Total | 758 | 100.00 | 817 | 100.00 | 865 | 100.00 | 2440 | 100.00 |

*These decisions relate to matters in which the Health Ombudsman has decided to take no further action under section 44 of the *Health Ombudsman Act 2013*. Prior to 1 March 2020, this category was reported as "Not Accepted".

**Matters may not be accepted under s35A of the Act where the matter would be more appropriately dealt with by an entity other than the health ombudsman or where the complainant has not yet sought a resolution with the health service provider.

An additional 54 matters were determined to fall outside the jurisdiction of the Act.

Accepted decision outcomes

| Type of relevant action | January | | February | | March | | Q3 total | |
|---|------------|---------------|------------|---------------|------------|---------------|-------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Assessment | 111 | 21.68 | 151 | 26.54 | 109 | 24.12 | 371 | 24.20 |
| Local resolution | 117 | 22.85 | 129 | 22.67 | 91 | 20.13 | 337 | 21.98 |
| Conciliation | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Investigation | 13 | 2.54 | 9 | 1.58 | 6 | 1.33 | 28 | 1.83 |
| Referred to AHPRA and the national boards | 125 | 24.41 | 172 | 30.23 | 152 | 33.63 | 449 | 29.29 |
| Referred to another entity | 145 | 28.32 | 108 | 18.98 | 94 | 20.80 | 347 | 22.64 |
| Referred to director of proceedings | 1 | 0.20 | 0 | 0.00 | 0 | 0.00 | 1 | 0.07 |
| Total | 512 | 100.00 | 569 | 100.00 | 452 | 100.00 | 1533 | 100.00 |

Accepted decisions may result in multiple issues and/or practitioners being identified, each requiring its own action. The data in the above table includes all identified issues/practitioners requiring action that were identified in the accepted complaints where further relevant action was taken (noted in category 'Accepted and further relevant action taken' included the previous 'Decisions made' table).

Health service complaints profile

Main issues raised in complaints

| Issue | January | | February | | March | | Q3 total | |
|--|-------------|---------------|-------------|---------------|-------------|---------------|-------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Access | 190 | 13.39 | 175 | 12.81 | 198 | 15.46 | 563 | 13.85 |
| Code of conduct for healthcare workers | 11 | 0.78 | 7 | 0.51 | 7 | 0.55 | 25 | 0.61 |
| Communication/information | 185 | 13.04 | 166 | 12.51 | 152 | 11.87 | 503 | 12.37 |
| Consent | 17 | 1.20 | 24 | 1.76 | 28 | 2.19 | 69 | 1.70 |
| Discharge/transfer arrangements | 22 | 1.55 | 19 | 1.39 | 21 | 1.64 | 62 | 1.52 |
| Environment/management of facilities | 43 | 3.03 | 43 | 3.15 | 44 | 3.43 | 130 | 3.20 |
| Fees/cost | 47 | 3.31 | 38 | 2.78 | 45 | 3.51 | 130 | 3.20 |
| Grievance processes | 42 | 2.96 | 27 | 1.98 | 29 | 2.26 | 98 | 2.41 |
| <i>Health Ombudsman Act 2013 offence</i> | 1 | 0.07 | 0 | 0.00 | 0 | 0.00 | 1 | 0.02 |
| Medical records | 40 | 2.82 | 33 | 2.42 | 28 | 2.19 | 101 | 2.48 |
| Medication | 181 | 12.76 | 164 | 12.01 | 152 | 11.87 | 497 | 12.22 |
| Professional conduct | 110 | 7.75 | 139 | 10.18 | 124 | 9.68 | 373 | 9.17 |
| Professional health | 20 | 1.41 | 28 | 2.05 | 26 | 2.03 | 74 | 1.82 |
| Professional performance | 486 | 34.25 | 467 | 34.19 | 391 | 30.52 | 1344 | 33.05 |
| Reports/certificates | 24 | 1.69 | 35 | 2.56 | 35 | 2.73 | 94 | 2.31 |
| Research/teaching/assessment | 0 | 0.00 | 1 | 0.07 | 1 | 0.08 | 2 | 0.05 |
| Total | 1419 | 100.00 | 1366 | 100.00 | 1281 | 100.00 | 4066 | 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 | 2 | - | - | 2 | - | - | - | - | - | - | - | - | - | - | - | - | - | 2 |
| Chiropractor | 9 | 1 | - | 1 | - | - | 1 | 1 | - | - | - | - | 6 | - | 1 | - | - | 11 |
| Dental practitioner | 74 | 2 | - | 4 | 3 | - | 1 | 4 | 3 | - | 2 | 2 | 14 | 5 | 53 | - | - | 93 |
| Medical practitioner | 684 | 42 | - | 134 | 18 | 2 | 3 | 24 | 10 | - | 22 | 117 | 90 | 22 | 383 | 54 | - | 921 |
| Medical radiation practitioner | 3 | - | - | - | - | - | - | - | - | - | - | - | 4 | - | - | - | - | 4 |
| Midwife | 2 | - | - | - | - | - | - | - | - | - | - | - | 1 | - | 1 | - | - | 2 |
| Nurse | 156 | 1 | - | 14 | - | - | 1 | - | 2 | - | 4 | 15 | 91 | 34 | 32 | 1 | - | 195 |
| Occupational therapist | 7 | - | - | 3 | - | - | - | 1 | - | - | - | - | 2 | - | 3 | 1 | - | 10 |
| Optometrist | 4 | - | - | 1 | - | - | - | 1 | - | - | - | - | - | - | 3 | - | - | 5 |
| Osteopath | 3 | - | - | - | - | - | - | - | - | - | - | - | 2 | - | 2 | - | - | 4 |
| Paramedic | 7 | - | - | - | 1 | - | - | - | - | - | - | - | 5 | - | 1 | - | - | 7 |
| Pharmacist | 29 | - | - | 4 | - | - | - | 1 | - | - | - | 24 | 5 | 1 | 1 | - | - | 36 |
| Physiotherapist | 14 | 1 | - | 2 | - | - | - | - | - | - | 1 | - | 8 | - | 5 | - | - | 17 |
| Podiatrist | 3 | - | - | - | - | - | - | - | - | - | - | - | 3 | 2 | - | - | - | 5 |
| Psychologist | 58 | 2 | - | 13 | - | - | - | 1 | 1 | - | 4 | - | 31 | 6 | 12 | 7 | 1 | 78 |
| Student practitioner | 3 | - | - | - | - | - | - | - | - | - | - | - | 2 | 2 | - | - | - | 4 |
| Unknown practitioner | 71 | 5 | 2 | 6 | - | 2 | 1 | 4 | - | - | 3 | 8 | 13 | 2 | 31 | 1 | - | 78 |
| Unregistered practitioner | 42 | - | 20 | 2 | - | - | - | - | - | 1 | - | 1 | 11 | - | 7 | 3 | - | 45 |
| Total | 1170 | 54 | 22 | 186 | 22 | 4 | 7 | 37 | 16 | 1 | 36 | 167 | 288 | 74 | 535 | 67 | 1 | 1517 |

* 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 | 3 | - | - | - | 1 | - | 1 | 1 | - | - | - | - | - | - | - | - | - | 3 |
| Aged care facility | 26 | 2 | 1 | 8 | - | - | 4 | 1 | 3 | - | 2 | 5 | 2 | - | 19 | - | - | 47 |
| Allied health service | 28 | 4 | - | 3 | 2 | - | 5 | 5 | 4 | - | 1 | 2 | 2 | - | 9 | 2 | - | 39 |
| Ambulance service | 10 | 1 | - | 4 | 1 | - | 1 | - | - | - | - | 2 | - | - | 4 | - | - | 13 |
| Community health service | 39 | 8 | - | 15 | 1 | - | 2 | 2 | 2 | - | 2 | 2 | - | - | 16 | - | - | 50 |
| Correctional facility | 522 | 304 | - | 20 | - | - | 20 | - | - | - | 3 | 213 | 6 | - | 71 | - | - | 637 |
| Dental service | 77 | 29 | - | 8 | - | - | 2 | 4 | 6 | - | - | 2 | 2 | - | 38 | - | - | 91 |
| Health information service | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 | - | - | 1 |
| Health promotion service | 0 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Hospital and Health Service | 13 | 5 | - | 3 | - | - | 1 | - | 1 | - | - | 1 | 1 | - | 7 | - | - | 19 |
| Laboratory service | 16 | 1 | - | 5 | - | - | 2 | 5 | 1 | - | - | - | 2 | - | 4 | - | - | 20 |
| Licensed day hospital | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 | - | - | 1 |
| Licensed private hospital | 60 | 2 | - | 12 | - | 10 | 3 | 16 | 6 | - | 2 | 5 | 2 | - | 27 | 1 | - | 86 |
| Medical centre | 173 | 34 | - | 48 | 2 | - | 15 | 17 | 16 | - | 26 | 12 | 12 | - | 42 | 4 | - | 228 |
| Mental health service | 115 | 11 | - | 28 | 24 | 8 | 19 | - | 5 | - | 2 | 11 | 14 | - | 54 | 2 | - | 178 |
| Nursing service | 1 | - | - | - | - | 1 | - | - | - | - | - | - | - | - | - | - | - | 1 |
| Optical store | 5 | 1 | - | - | - | - | - | 1 | - | - | - | - | - | - | 4 | - | - | 6 |
| Other government department | 6 | - | - | - | - | - | - | - | - | - | - | 3 | 1 | - | 3 | - | - | 7 |
| Other support service | 18 | 1 | 1 | 4 | - | - | 2 | 3 | 3 | - | - | - | 2 | - | 6 | 2 | - | 24 |
| Paramedical service | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 | - | - | 1 |
| Pharmaceutical service | 40 | - | - | 8 | - | - | 2 | 6 | 4 | - | 1 | 25 | 2 | - | - | - | - | 48 |

| | | | | | | | | | | | | | | | | | | |
|----------------------------|-------------|------------|----------|------------|-----------|-----------|------------|-----------|-----------|----------|-----------|------------|-----------|----------|------------|-----------|----------|-------------|
| Private organisation | 18 | - | 1 | - | 1 | - | - | 3 | - | - | 2 | 1 | 5 | - | 6 | 1 | 1 | 21 |
| Public health service | 23 | 4 | - | 6 | - | 1 | 1 | 1 | - | - | - | 1 | 1 | - | 12 | 1 | - | 28 |
| Public hospital | 623 | 99 | - | 140 | 15 | 38 | 36 | 14 | 29 | - | 23 | 43 | 26 | - | 470 | 12 | - | 945 |
| Residential care service | 6 | - | - | 1 | - | - | 2 | - | - | - | - | - | 1 | - | 4 | - | - | 8 |
| Specialised health service | 37 | 3 | - | 4 | - | - | 4 | 14 | 2 | - | 1 | 2 | 4 | - | 10 | 2 | - | 46 |
| Welfare service | 1 | - | - | - | - | - | 1 | - | - | - | - | - | - | - | - | - | - | 1 |
| Total | 1863 | 509 | 3 | 317 | 47 | 58 | 123 | 93 | 82 | 0 | 65 | 330 | 85 | 0 | 809 | 27 | 1 | 2549 |

* 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 | January | February | March | Q3 total |
|--------------------------|---------|----------|-------|----------|
| Assessments started | 137 | 162 | 133 | 432 |
| Assessments completed | 156 | 131 | 166 | 453 |

Completed assessment timeframes

| Assessment timeframes | January | | February | | March | | Q3 total | |
|--------------------------------|------------|---------------|------------|---------------|------------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Within legislative timeframes* | 144 | 92.31 | 124 | 94.66 | 154 | 92.77 | 422 | 93.16 |
| Outside legislative timeframes | 12 | 7.69 | 7 | 5.34 | 12 | 7.23 | 31 | 6.84 |
| Total | 156 | 100.00 | 131 | 100.00 | 166 | 100.00 | 453 | 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 | 3 | 1.86 | 2 | 1.50 | 6 | 3.53 | 11 | 2.37 |
| Investigation | 3 | 1.86 | 6 | 4.51 | 6 | 3.53 | 15 | 3.23 |
| Referred to AHPRA and the national boards | 20 | 12.42 | 19 | 14.29 | 20 | 11.76 | 59 | 12.72 |
| Referred to another entity | 15 | 9.32 | 12 | 9.02 | 25 | 14.71 | 52 | 11.21 |
| No further action | 120 | 74.53 | 94 | 70.68 | 113 | 66.47 | 327 | 70.47 |
| Total | 161 | 100.00 | 133 | 100.00 | 170 | 100.00 | 464 | 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 | January | February | March | Q3 total |
|--------------------------------|---------|----------|-------|----------|
| Local resolutions started | 119 | 137 | 100 | 356 |
| Local resolutions completed | 113 | 140 | 144 | 397 |

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* | 86 | 76.11 | 126 | 90.00 | 128 | 88.89 | 340 | 85.64 |
| Outside legislative timeframes | 27 | 23.89 | 14 | 10.00 | 16 | 11.11 | 57 | 14.36 |
| Total | 113 | 100.00 | 140 | 100.00 | 144 | 100.00 | 397 | 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 | 93 | 82.30 | 116 | 82.86 | 114 | 79.17 | 323 | 81.36 |
| No resolution reached | 10 | 8.85 | 12 | 8.57 | 15 | 10.42 | 37 | 9.32 |
| Complaint withdrawn* | 7 | 6.19 | 11 | 7.86 | 15 | 10.42 | 33 | 8.31 |
| Local resolution did not commence** | 3 | 2.65 | 1 | 0.71 | 0 | 0.00 | 4 | 1.01 |
| Total | 113 | 100.00 | 140 | 100.00 | 144 | 100.00 | 397 | 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 | 1 | 10.00 | 1 | 8.33 | 0 | 0.0 | 2 | 5.41 |
| Referred to another entity | 0 | 0.00 | 0 | 0.00 | 1 | 6.67 | 1 | 2.70 |
| No further action | 9 | 90.00 | 11 | 91.67 | 14 | 93.33 | 34 | 91.89 |
| Total | 10 | 100.00 | 12 | 100.00 | 15 | 100.00 | 37 | 100.00 |

Conciliation

Conciliations started and closed

| Conciliations this quarter | January | February | March | Q3 total |
|----------------------------|---------|----------|-------|----------|
| Conciliations started | 2 | 2 | 5 | 9 |
| Conciliations closed | 3 | 5 | 7 | 15 |

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 | 5 | 1 | 0 | 6 |
| Party/ies did not agree to participate | 2 | 2 | 1 | 5 |

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 | 1 | 100.00 | 3 | 100.00 | 3 | 50.00 | 7 | 70.00 |
| 6–9 months | 0 | 0.00 | 0 | 0.00 | 1 | 16.70 | 1 | 10.00 |
| 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 | 2 | 33.33 | 2 | 20.00 |
| Total | 1 | 100.00 | 3 | 100.00 | 6 | 100.00 | 10 | 100.00 |

Outcomes

| Conciliation outcomes | January | | February | | March | | Q3 total | |
|-------------------------------|----------|---------------|----------|---------------|----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Successful | 0 | 0.00 | 2 | 66.67 | 3 | 50.00 | 5 | 50.00 |
| Not successful | 1 | 100.00 | 1 | 33.33 | 3 | 50.00 | 5 | 50.00 |
| Ended by the Health Ombudsman | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Total | 1 | 100.00 | 3 | 100.00 | 6 | 100.00 | 10 | 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 |
| No further action | 1 | 100.00 | 1 | 100.00 | 3 | 100.00 | 5 | 100.00 |
| Total | 1 | 100.00 | 1 | 100.00 | 3 | 100.00 | 5 | 100.00 |

Open conciliation timeframes

| Conciliations open | January | | February | | March | |
|---------------------|-----------|---------------|-----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % |
| Less than 3 months | 13 | 41.94 | 8 | 28.57 | 8 | 30.77 |
| 3–6 months | 7 | 22.58 | 10 | 35.71 | 10 | 38.46 |
| 6–9 months | 3 | 9.68 | 1 | 3.57 | 0 | 0.00 |
| 9–12 months | 1 | 3.23 | 3 | 10.71 | 4 | 15.38 |
| More than 12 months | 7 | 22.58 | 6 | 21.43 | 4 | 15.38 |
| Total | 31 | 100.00 | 28 | 100.00 | 26 | 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 | 160 | 168 | 165 | n/a |
| Investigations started | 19 | 19 | 14 | 52 |
| Investigations closed | 7 | 18 | 13 | 38 |
| Investigations amalgamated under s40(2) | 4 | 5 | 2 | 11 |
| Investigations separated under s40(2) | 1 | 0 | 0 | 1 |

Closed investigations

Timeframes

In Q32, 60.53 per cent of the 38 investigations were closed within twelve months of commencement.

| Closed investigation timeframes | January | | February | | March | | Q3 total | |
|---------------------------------|----------|---------------|-----------|---------------|-----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Less than 3 months | 1 | 14.29 | 6 | 33.33 | 3 | 23.08 | 10 | 26.32 |
| 3–6 months | 1 | 14.29 | 2 | 11.11 | 2 | 15.38 | 5 | 13.16 |
| 6–9 months | 2 | 28.57 | 1 | 5.56 | 2 | 15.38 | 5 | 13.16 |
| 9–12 months | 0 | 0.00 | 1 | 5.56 | 2 | 15.38 | 3 | 7.89 |
| 12–24 months | 2 | 28.57 | 6 | 33.33 | 4 | 30.77 | 12 | 31.58 |
| More than 24 months | 1 | 14.29 | 2 | 11.11 | 0 | 0.00 | 3 | 7.89 |
| Total | 7 | 100.00 | 18 | 100.00 | 13 | 100.00 | 38 | 100.00 |

Outcomes

| Investigation outcomes | January | | February | | March | | Q3 total | |
|--|----------|---------------|-----------|---------------|-----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Recommended for referral to Director of Proceedings* | 6 | 75.00 | 7 | 36.84 | 5 | 33.33 | 18 | 42.86 |
| Referred to AHPRA | 0 | 0.00 | 6 | 31.58 | 4 | 26.66 | 10 | 23.81 |
| Referred to another agency | 0 | 0.00 | 0 | 0.00 | 1 | 6.67 | 1 | 2.38 |
| No further action | 2 | 25.00 | 6 | 31.58 | 5 | 33.33 | 13 | 30.95 |
| Referred for conciliation | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Total | 8 | 100.00 | 19 | 100.00 | 15 | 100.00 | 42 | 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 | January | | February | | March | |
|---------------------------------|------------|---------------|------------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % |
| Less than 3 months | 37 | 28.91 | 33 | 24.81 | 35 | 26.32 |
| 3–6 months | 23 | 17.97 | 27 | 20.30 | 19 | 14.29 |
| 6–9 months | 19 | 14.84 | 17 | 12.78 | 24 | 18.05 |
| 9–12 months | 16 | 12.50 | 19 | 14.29 | 16 | 12.03 |
| 12–24 months* | 25 | 19.53 | 30 | 22.56 | 31 | 23.31 |
| More than 24 months* | 8 | 6.25 | 7 | 5.26 | 8 | 6.02 |
| Total | 128 | 100.00 | 133 | 100.00 | 133 | 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 | 2 | 5.00 | 2 | 6.25 | 1 | 3.23 |
| 3–6 months | 6 | 15.00 | 4 | 12.50 | 3 | 9.68 |
| 6–9 months | 6 | 15.00 | 6 | 18.75 | 5 | 16.13 |
| 9–12 months | 4 | 10.00 | 4 | 12.50 | 5 | 16.13 |
| 12–24 months | 18 | 45.00 | 10 | 31.25 | 11 | 35.48 |
| More than 24 months | 4 | 10.00 | 6 | 18.75 | 6 | 19.35 |
| Total | 40 | 100.00 | 32 | 100.00 | 31 | 100.00 |

Open investigation timeframes

| Total open investigation timeframes | January | | February | | March | |
|-------------------------------------|------------|---------------|------------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % |
| Less than 3 months | 39 | 23.21 | 35 | 21.21 | 36 | 21.95 |
| 3–6 months | 29 | 17.26 | 31 | 18.79 | 22 | 13.41 |
| 6–9 months | 25 | 14.88 | 23 | 13.94 | 29 | 17.68 |
| 9–12 months | 20 | 11.90 | 23 | 13.94 | 21 | 12.80 |
| 12–24 months | 43 | 25.60 | 40 | 24.24 | 42 | 25.61 |
| More than 24 months | 12 | 7.14 | 13 | 7.88 | 14 | 8.54 |
| Total | 168 | 100.00 | 165 | 100.00 | 164 | 100.00 |

Open investigation categories

| Type of investigation | January | February | March |
|--|------------|------------|------------|
| Health service complaint | 102 | 96 | 96 |
| Systemic issue | 4 | 4 | 3 |
| Ministerial directed investigation | 0 | 0 | 0 |
| Another matter | 52 | 55 | 56 |
| Matters identified for further investigation | 10 | 10 | 9 |
| Total | 168 | 165 | 164 |

*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 | 1 | 1 | 1 |
| Recommendations monitoring cases started | 0 | 0 | 0 |
| Recommendations monitoring cases closed | 0 | 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 | 1 | 100.00 | 1 | 100.00 | 1 | 100.00 |
| More than 12 months | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Total | 1 | 100.00 | 1 | 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 | January | | February | | March | | Q3 total | |
|----------------------|----------|---------------|----------|---------------|----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Massage therapist | 2 | 33.33 | 1 | 12.50 | 0 | 0.00 | 3 | 15.79 |
| Medical practitioner | 1 | 16.67 | 5 | 62.50 | 4 | 80.00 | 10 | 52.63 |
| Paramedic | 0 | 0.00 | 1 | 12.50 | 0 | 0.00 | 1 | 5.26 |
| Registered nurse | 3 | 50.00 | 1 | 12.50 | 1 | 20.00 | 5 | 26.31 |
| Total | 6 | 100.00 | 8 | 100.00 | 5 | 100.00 | 19 | 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 | 1 | 2.38 |
| Dentist | 1 | 2.38 |
| Medical practitioner | 31* | 73.81 |
| Osteopath | 1 | 2.38 |
| Pharmacist | 2 | 4.76 |
| Psychologist | 1 | 2.38 |
| Registered nurse | 5 | 11.90 |
| Total | 42 | 100.00 |

*One medical practitioner held dual registration as a dentist.

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 | % |
| Medical practitioner | 1 | 20.00 | 1* | 100.00 | 0 | 0.00 | 2 | 33.33 |
| Pharmacist | 1 | 20.00 | 0 | 0.00 | 0 | 0.00 | 1 | 16.67 |
| Physiotherapist | 1 | 20.00 | 0 | 0.00 | 0 | 0.00 | 1 | 16.67 |
| Registered nurse | 2 | 40.00 | 0 | 0.00 | 0 | 0.00 | 2 | 33.33 |
| Total | 5 | 100.00 | 1 | 100.00 | 0 | 0.00 | 6 | 100.00 |

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

Matters to be referred back to Health Ombudsman

On 1 March 2020, amendments were made to the *Health Ombudsman Act 2013* allowing the Health Ombudsman to issue permanent prohibition orders against unregistered practitioners, where previously these matters would have been referred to QCAT for disciplinary proceedings.

In line with this amendment, a number of matters relating to unregistered practitioners have been referred back to the Health Ombudsman for consideration as to whether a permanent prohibition order is appropriate.

| Practitioner type | January | | February | | March | | Q3 total | |
|----------------------------------|----------|---------------|----------|---------------|-----------|---------------|-----------|---------------|
| | Number | % | Number | % | Number | % | Number | % |
| Assistant in nursing | 0 | 0.00 | 0 | 0.00 | 5 | 26.32 | 5 | 20.00 |
| Audiologist | 2 | 50.00 | 0 | 0.00 | 0 | 0.00 | 2 | 8.00 |
| Holding out as an enrolled nurse | 0 | 0.00 | 0 | 0.00 | 1 | 5.26 | 1 | 4.00 |
| Holding out as a paramedic | 0 | 0.00 | 0 | 0.00 | 1 | 5.26 | 1 | 4.00 |
| Holding out as a psychologist | 0 | 0.00 | 0 | 0.00 | 1 | 5.26 | 1 | 4.00 |
| Massage therapist | 0 | 0.00 | 0 | 0.00 | 3 | 15.79 | 3 | 12.00 |
| Medical assistant | 0 | 0.00 | 0 | 0.00 | 1 | 5.26 | 1 | 4.00 |
| Medical practitioner | 0 | 0.00 | 1 | 50.00 | 1 | 5.26 | 2 | 8.00 |
| Natural therapist | 0 | 0.00 | 0 | 0.00 | 1 | 5.26 | 1 | 4.00 |
| Osteopath | 1 | 25.00 | 0 | 0.00 | 0 | 0.00 | 1 | 4.00 |
| Paramedic | 0 | 0.00 | 0 | 0.00 | 1 | 5.26 | 1 | 4.00 |
| Registered nurse | 1 | 25.00 | 1 | 50.00 | 0 | 0.00 | 2 | 8.00 |
| Social worker | 0 | 0.00 | 0 | 0.00 | 1 | 5.26 | 1 | 4.00 |
| Unregistered chiropractor | 0 | 0.00 | 0 | 0.00 | 1 | 5.26 | 1 | 4.00 |
| Unregistered paramedic | 0 | 0.00 | 0 | 0.00 | 2 | 10.53 | 2 | 8.00 |
| Total | 4 | 100.00 | 2 | 100.00 | 19 | 100.00 | 25 | 100.00 |

Decisions on matters referred to the Queensland Civil and Administrative Tribunal

There have been thirteen decisions made on matters referred to QCAT during the quarter, and one matter was withdrawn from QCAT. Of the thirteen decisions handed down by QCAT, three are yet to be published by QCAT. Outlines of the ten decisions handed down and published are included below.

On 17 January 2020, a decision was handed down in *Health Ombudsman v GCV*. 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 9 years. The practitioner prohibited from providing any health service for 9 years.

On 17 January 2020, a decision was handed down in *Health Ombudsman v McGuinness*. The Tribunal found that the practitioner had behaved in a way that constitutes professional misconduct and the practitioner was reprimanded.

On 4 February 2020, a decision was handed down in *Health Ombudsman v Cash*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct and the practitioner was reprimanded.

On 5 February 2020, a decision was handed down in *Health Ombudsman v Corocher*. The Tribunal found that the practitioner had behaved in a way that constitutes professional misconduct. The practitioner's registration was cancelled, and the practitioner was disqualified from applying for a registration as a registered health practitioner indefinitely. The practitioner was permanently prohibited from providing any health service.

On 10 February 2020, a decision was handed down in *Health Ombudsman v Henson*. The Tribunal found, in relation to Allegation 1, that the practitioner had behaved in a way that constitutes professional misconduct. In relation to Allegation 2, the Tribunal found that there was no case to answer. In relation to Allegation 3, the Tribunal found that the practitioner behaved in a way that constitutes unprofessional conduct. The practitioner was reprimanded.

On 12 February 2020, a decision was handed down in *Health Ombudsman v Chaffey*. The Tribunal found, in relation to Allegation 1, that the practitioner had behaved in a way that constitutes professional misconduct. In relation to Allegation 2, the Tribunal found that there was no case to answer. The practitioner was reprimanded and ordered to complete an educational course on professional accountability within twelve months.

On 12 February 2020, a decision was handed down in *Health Ombudsman v CSM*. The Tribunal found that the practitioner had behaved in a way that constitutes professional misconduct and the practitioner was reprimanded.

On 19 February 2020, a decision was handed down in *Health Ombudsman v Tu*. The Tribunal found, in relation to Allegations 1, 2 and 4 that the practitioner had behaved in a way which constitutes professional misconduct. In relation to Allegation 3, the Tribunal found that the practitioner had behaved in a way which constitutes unprofessional conduct. The practitioner was disqualified for applying for registration as a registered health practitioner for two years.

On 27 February 2020, a decision was handed down in *Health Ombudsman v Passmore*. In relation to Charge 1, the Tribunal found that the practitioner behaved in a way that constitutes professional misconduct. In relation to Charge 2, the Tribunal found that the practitioner behaved in a way that constitutes unprofessional conduct. The practitioner was reprimanded.

On 12 March 2020, a decision was handed down in *Health Ombudsman v Rissanen*. In relation to Charge 1, the Tribunal found that the practitioner had behaved in a way which constitutes professional misconduct. In relation to Charge 3, the Tribunal found that the practitioner behaved in a way that constitutes unprofessional conduct. The practitioner was reprimanded.

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 eleven show cause notices during the quarter.

Immediate registration actions

| Practitioner type | Number | Action taken | Reason/s for taking action* | |
|----------------------|--------|--------------|-----------------------------|--------------|
| | | | Public Interest | Serious Risk |
| Enrolled nurse | 1 | Suspension | ✓ | ✓ |
| Medical practitioner | 3 | Conditions | | ✓ |
| Paramedic | 1 | Suspension | | ✓ |
| Paramedic | 1 | Conditions | | ✓ |
| Osteopath | 1 | Suspension | ✓ | ✓ |

*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 |
| Aged care worker | 1 | Prohibition | | ✓ |
| Disability support worker | 1 | Restrictions | | ✓ |
| Counsellor | 1 | Prohibition | ✓ | ✓ |
| Student 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 | January | February | March |
|--|---------|----------|-------|
| Cases open at the beginning of the month | 119 | 124* | 125* |
| Practitioner monitoring cases started | 6 | 4 | 2 |
| Practitioner monitoring cases closed | 1 | 2 | 1 |

*Two additional monitoring cases were closed but not recorded in the office's case management system until a subsequent reporting period.

Open monitoring cases

Timeframes

| Open case timeframes | January | | February | | March | |
|----------------------|------------|---------------|------------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % |
| Less than 6 months | 32 | 25.81 | 31 | 24.80 | 25 | 19.69 |
| 6–12 months | 33 | 26.61 | 27 | 21.60 | 32 | 25.20 |
| More than 12 months | 59 | 47.58 | 67 | 53.60 | 70 | 55.12 |
| Total | 124 | 100.00 | 125 | 100.00 | 127 | 100.00 |

Immediate action types

| Open cases by immediate action type | January | | February | | March | |
|--|------------|---------------|------------|---------------|------------|---------------|
| | Number | % | Number | % | Number | % |
| Interim prohibition order—restrictions | 18 | 14.52 | 17 | 13.60 | 18 | 14.17 |
| Interim prohibition order—prohibited | 39 | 31.45 | 39 | 31.20 | 40 | 31.50 |
| Immediate registration action—conditions | 42 | 33.87 | 42 | 33.60 | 42 | 33.07 |
| Immediate registration action—suspension | 17 | 13.71 | 17 | 13.60 | 17 | 13.39 |
| QCAT disciplinary decision | 7 | 5.65 | 9 | 7.20 | 9 | 7.09 |
| QCAT interim decision | 1 | 0.81 | 1 | 0.80 | 1 | 0.79 |
| Total | 124 | 100.00 | 125 | 100.00 | 127 | 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 | 4.92 |
| Chiropractor | 0 | 0.00 |
| Dental practitioner | 4 | 6.56 |
| Medical practitioner | 29 | 47.54 |
| Medical radiation practitioner | 0 | 0.00 |
| Nursing and midwifery practitioner | 18 | 29.51 |
| Occupational therapist | 0 | 0.00 |
| Optometrist | 0 | 0.00 |
| Osteopath | 1 | 1.64 |
| Paramedic | 2 | 3.28 |
| Pharmacist | 0 | 0.00 |
| Physiotherapist | 2 | 3.28 |
| Podiatrist | 0 | 0.00 |
| Psychologist | 2 | 3.28 |
| Total | 61 | 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 | 1.67 |
| Aged care worker | 2 | 3.33 |
| Assistant in nursing | 9 | 15.00 |
| Audiologist | 2 | 3.33 |
| Counsellor | 1 | 1.67 |
| Disability support worker | 1 | 1.67 |
| Former registered health practitioner | 12 | 20.00 |
| Health support worker | 1 | 1.67 |
| Holding out* | 3 | 5.00 |
| Kinesiologist | 2 | 3.33 |
| Massage therapist | 16 | 26.67 |
| Medical assistant | 2 | 3.33 |
| Natural therapist | 1 | 1.67 |
| Personal carer | 1 | 1.67 |
| Social worker | 1 | 1.67 |
| Student practitioner | 1 | 1.67 |
| Unregistered paramedic** | 4 | 6.67 |
| Total | 60 | 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

Two new notifications and no new requests (s193 of the Act) relating to possible serious matters were made during the quarter.

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* | 190 | 204 | 242 | 636 |
| Matters referred | 192 | 178 | 261 | 631 |
| Matters retained by the office** | 13 | 6 | 8 | 27 |

*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 | 140 | 73.68 | 153 | 75.00 | 199 | 82.23 | 492 | 77.36 |
| Assessment | 45 | 23.68 | 39 | 19.12 | 35 | 14.46 | 119 | 18.71 |
| Conciliation | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Local resolution | 3 | 1.58 | 3 | 1.47 | 1 | 0.41 | 7 | 1.10 |
| Investigation | 0 | 0.00 | 6 | 2.94 | 7 | 2.89 | 13 | 2.04 |
| Director of proceedings | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| Internal review | 2 | 1.05 | 3 | 1.47 | 0 | 0.00 | 5 | 0.79 |
| Total | 190 | 100.00 | 204 | 100.00 | 242 | 1000.00 | 636 | 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 | 486 | 4 | 2 | 0 | 0 |
| Assessment | 7 | 5 | 36 | 45 | 26 |
| Local resolution | 2 | 0 | 1 | 2 | 2 |
| Conciliation | 0 | 0 | 0 | 0 | 0 |
| Investigation | 0 | 0 | 0 | 2 | 11 |
| Director of Proceedings | 0 | 0 | 0 | 0 | 0 |
| Internal review | 5 | 0 | 0 | 0 | 0 |
| Total | 500 | 9 | 39 | 49 | 39 |

'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 | 110 | 57.89 | 169 | 82.84 | 206 | 85.12 | 485 | 76.26 |
| 4–7 days | 80 | 42.11 | 32 | 15.69 | 34 | 14.05 | 146 | 22.96 |
| 8–11 days | 0 | 0.00 | 2 | 0.98 | 2 | 0.83 | 4 | 0.63 |
| More than 12 days | 0 | 0.00 | 1 | 0.49 | 0 | 0.00 | 1 | 0.16 |
| Total | 190 | 100.00 | 204 | 100.00 | 242 | 100.00 | 636 | 100.00 |

Number of practitioners referred to AHPRA by practitioner type

| Practitioner type | January | | February | | March | | 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 | 0 | 0.00 | 0 | 0.00 |
| Chiropractor | 1 | 0.52 | 1 | 0.56 | 4 | 1.53 | 6 | 0.95 |
| Dental practitioner | 15 | 7.81 | 10 | 5.62 | 28 | 10.73 | 53 | 8.40 |
| Medical practitioner | 128 | 66.67 | 111 | 62.36 | 148 | 56.70 | 387 | 61.33 |
| Medical radiation practitioner | 0 | 0.00 | 0 | 0.00 | 2 | 0.77 | 2 | 0.32 |
| Nursing and midwifery practitioner | 31 | 16.15 | 33 | 18.54 | 46 | 17.62 | 110 | 17.43 |
| Occupational therapist | 1 | 0.52 | 1 | 0.56 | 1 | 0.38 | 3 | 0.48 |
| Optometrist | 0 | 0.00 | 0 | 0.00 | 2 | 0.77 | 2 | 0.32 |
| Osteopath | 0 | 0.00 | 1 | 0.56 | 1 | 0.38 | 2 | 0.32 |
| Paramedic | 0 | 0.00 | 2 | 1.12 | 1 | 0.38 | 3 | 0.48 |
| Pharmacist | 8 | 4.17 | 3 | 1.69 | 11 | 4.21 | 22 | 3.49 |
| Physiotherapist | 2 | 1.04 | 1 | 0.56 | 1 | 0.38 | 4 | 0.63 |
| Podiatrist | 0 | 0.00 | 2 | 1.12 | 1 | 0.38 | 3 | 0.48 |
| Psychology | 5 | 2.60 | 12 | 6.74 | 14 | 5.36 | 31 | 4.91 |
| Student practitioner* | 1 | 0.52 | 1 | 0.56 | 1 | 0.38 | 3 | 0.48 |
| Total | 192 | 100.00 | 178 | 100.00 | 261 | 100.00 | 631 | 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 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Chiropractor | - | - | - | - | - | - | - | - | - | 5 | - | 1 | - | - | 6 |
| Dental practitioner | 1 | 2 | 2 | - | 1 | - | - | 1 | 1 | 9 | 4 | 41 | - | - | 62 |
| Medical practitioner | 7 | 68 | 11 | 2 | 1 | 3 | 4 | 12 | 76 | 36 | 20 | 299 | 16 | - | 555 |
| Medical radiation practitioner | - | - | - | - | - | - | - | - | - | 2 | - | - | - | - | 2 |
| Nursing and midwifery practitioner | - | 4 | - | - | - | - | - | 4 | 10 | 56 | 37 | 29 | - | - | 140 |
| Occupational therapy | - | 1 | - | - | - | 1 | - | - | - | 1 | - | 1 | 1 | - | 5 |
| Optometrist | - | - | - | - | - | - | - | - | - | - | - | 3 | - | - | 3 |
| Osteopath | - | - | - | - | - | - | - | - | - | 1 | - | 2 | - | - | 3 |
| Paramedic | - | - | - | - | - | - | - | - | - | 1 | 1 | 1 | - | - | 3 |
| Pharmacist | - | 2 | - | - | - | - | - | - | 22 | 1 | - | 1 | - | - | 26 |
| Physiotherapist | - | - | - | - | - | - | - | - | - | 2 | - | 2 | - | - | 4 |
| Podiatrist | - | - | - | - | - | - | - | - | - | 2 | 1 | 1 | - | - | 4 |
| Psychologist | - | 5 | 1 | - | - | 1 | - | 1 | - | 22 | 3 | 9 | 1 | 1 | 44 |
| Student practitioner | - | - | - | - | - | - | - | - | - | 2 | 2 | 0 | - | - | 4 |
| Total | 8 | 82 | 14 | 2 | 2 | 5 | 4 | 18 | 109 | 140 | 68 | 390 | 18 | 1 | 861 |

Demographics of healthcare consumers

Gender of healthcare consumers

| Gender | Number | Percentage |
|-----------------------|-------------|---------------|
| Female | 1149 | 44.76 |
| Male | 1325 | 51.62 |
| Prefer not to specify | 53 | 2.06 |
| Unknown | 40 | 1.56 |
| Total | 2567 | 100.00 |

Age of healthcare consumers

| Age | Number | Percentage |
|--------------------|-------------|---------------|
| Less than 18 years | 148 | 5.77 |
| 18–24 years | 134 | 5.22 |
| 25–34 years | 493 | 19.21 |
| 35–44 years | 487 | 18.97 |
| 45–54 years | 438 | 17.06 |
| 55–64 years | 305 | 11.88 |
| 65–74 years | 210 | 8.18 |
| More than 75 years | 180 | 7.01 |
| Unknown* | 172 | 6.70 |
| Total | 2567 | 100.00 |

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

Location of healthcare consumers

| Location of healthcare consumers | Number | Percentage |
|----------------------------------|-------------|---------------|
| Brisbane | 1148 | 44.72 |
| Central West | 2 | 0.08 |
| Darling Downs | 83 | 3.23 |
| Far North | 137 | 5.34 |
| Fitzroy | 101 | 3.93 |
| Gold Coast | 283 | 11.02 |
| Mackay | 58 | 2.26 |
| North West | 9 | 0.35 |
| Northern | 116 | 4.52 |
| South West | 9 | 0.35 |
| Sunshine Coast | 117 | 4.56 |
| West Moreton | 68 | 2.65 |
| Wide Bay-Burnett | 182 | 7.09 |
| Outside Queensland | 167 | 6.51 |
| Unknown | 87 | 3.39 |
| Total | 2567 | 100.00 |

Location of health service providers

| Location of health service providers | Number | Percentage |
|--------------------------------------|-------------|---------------|
| Brisbane | 1399 | 47.94 |
| Central West | 2 | 0.07 |
| Darling Downs | 92 | 3.15 |
| Far North | 142 | 4.87 |
| Fitzroy | 99 | 3.39 |
| Gold Coast | 327 | 11.21 |
| Mackay | 64 | 2.19 |
| North West | 15 | 0.51 |
| Northern | 122 | 4.18 |
| South West | 6 | 0.21 |
| Sunshine Coast | 159 | 5.45 |
| West Moreton | 42 | 1.44 |
| Wide Bay-Burnett | 177 | 6.07 |
| Outside Queensland* | 40 | 1.37 |
| Unknown | 232 | 7.95 |
| Total | 2918 | 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