

Quarterly performance report

Quarter four 2018–19



Office of the
**HEALTH
OMBUDSMAN**

Listen. Respond. Resolve.

Quarterly performance report—Quarter four 2018–19

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Introduction

This document reports on the quarter four (Q4) 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 10 July 2019, though figures may differ from those published in previous reports due to subsequent adjustments which occurred after the publication of those reports.

Intake of complaints

Type of contacts

Type of contact	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Complaint	703	82.90	884	78.58	817	82.94	2404	81.27
Enquiry	145	17.10	240	21.33	168	17.06	553	18.70
Yet to be classified	0	0.00	1	0.09	0	0.00	1	0.03
Total	848	100.00	1125	100.00	985	100.00	2958	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	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Health consumer complaint	634	90.18	774	87.56	710	86.90	2118	88.10
Mandatory notification*	10	1.42	20	2.26	15	1.84	45	1.87
Voluntary notification*	52	7.40	79	8.94	81	9.91	212	8.82
Self-notification*	5	0.71	3	0.34	5	0.61	13	0.54
Referral from another agency	2	0.28	8	0.90	6	0.73	16	0.67
Total	703	100.00	884	100.00	817	100.00	2404	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	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Yes	728	76.23	733	95.32	785	95.73	2246	88.29
No	227	23.77	36	4.68	35	4.27	298	11.71
Total	955	100.00	769	100.00	820	100.00	2544	100.00

Accepted vs not accepted

Number of decisions made	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Accepted	599	62.72	469	60.99	536	65.37	1604	63.05
Not accepted	356	37.28	300	39.01	284	34.63	940	36.95
Total	955	100.00	769	100.00	820	100.00	2544	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 86 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	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Assessment	149	13.96	110	21.44	124	22.46	383	22.57
Local resolution	106	16.77	117	22.81	112	20.29	335	19.74
Conciliation	0	0.00	0	0.00	0	0.00	0	0.00
Investigation	8	1.27	12	2.34	8	1.45	28	1.65
Referred to AHPRA and the national boards	205	32.44	177	34.50	187	33.88	569	33.53
Referred to another entity	163	25.79	97	18.91	120	21.74	380	22.39
Referred to director of proceedings	1	0.16	0	0.00	1	0.18	2	0.12
Total	632	100.00	513	100.00	552	100.00	1697	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	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Access	86	8.01	106	8.92	88	7.05	280	7.98
Code of conduct for healthcare workers	6	0.56	22	1.85	17	1.36	45	1.28
Communication/information	139	12.95	141	11.87	136	10.89	416	11.85
Consent	32	2.98	12	1.01	20	1.60	64	1.82
Discharge/transfer arrangements	15	1.40	20	1.68	16	1.28	51	1.45
Environment/management of facilities	35	3.26	41	3.45	36	2.88	112	3.19
Fees/cost	37	3.45	45	3.79	47	3.76	129	3.68
Grievance processes	16	1.49	21	1.77	17	1.36	54	1.54
<i>Health Ombudsman Act 2013 offence</i>	0	0.00	0	0.00	1	0.08	1	0.03
Medical records	37	3.45	38	3.20	41	3.28	116	3.30
Medication	133	12.40	139	11.70	164	13.13	436	12.42
Professional conduct	117	10.90	119	10.02	145	11.61	381	10.85
Professional health	22	2.05	26	2.19	28	2.24	76	2.17
Professional performance	381	35.51	437	36.78	459	36.75	1277	36.38
Reports/certificates	16	1.49	20	1.68	34	2.72	70	1.99
Research/teaching/assessment	1	0.09	1	0.08	0	0.00	2	0.06
Total	1073	100.00	1188	100.00	1249	100.00	3510*	100.00

*In 99 of the 3510 issues identified, the office was unable to identify the provider associated with the issue.

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**																	
		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	
Aboriginal and Torres Strait Islander health practitioner	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	
Chinese medicine practitioner	5	-	-	-	-	-	-	-	-	-	-	-	-	2	-	3	-	1	6
Chiropractor	8	-	-	-	-	-	-	2	-	-	1	-	4	-	1	-	-	8	
Dental practitioner	80	-	-	5	2	-	1	4	1	-	2	2	8	2	69	-	-	96	
Medical practitioner	631	37	-	131	16	2	3	19	3	-	30	111	116	25	360	33	-	886	
Medical radiation practitioner	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1	
Nurse	140	-	1	10	-	1	1	-	-	-	3	13	85	40	35	-	-	189	
Occupational therapist	5	-	-	1	-	-	-	-	-	-	2	-	-	2	3	-	-	8	
Optometrist	7	-	-	-	-	-	-	-	-	-	-	-	4	-	3	-	-	7	
Osteopath	2	-	-	1	-	-	-	-	-	-	1	-	1	-	1	-	-	4	
Paramedic	7	-	-	-	-	-	-	-	-	-	1	-	3	-	3	-	-	7	
Pharmacist	20	-	-	3	-	-	2	-	-	-	-	13	8	-	4	-	-	30	
Physiotherapist	12	-	-	-	1	-	1	-	-	-	2	-	8	1	4	-	-	17	
Podiatrist	8	-	-	-	-	-	-	2	-	-	-	-	5	1	3	-	-	11	
Psychologist	53	2	-	9	-	-	-	4	-	-	2	-	38	-	10	8	-	73	
Student practitioner	8	-	2	1	-	-	-	-	-	-	-	-	3	4	-	-	-	10	
Unregistered practitioner	41	-	35	2	-	-	-	-	-	1	-	2	12	1	1	-	-	54	
Total	1029	39	38	163	19	3	8	31	4	1	44	141	302	76	497	41	1	1408	

* 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	
Aged care facility	21	-	-	3	-	-	9	-	1	-	1	4	1	-	19	-	-	38
Allied health service	14	1	1	3	-	-	-	6	-	-	1	-	-	-	4	-	-	16
Ambulance service	12	-	-	4	2	-	-	1	1	-	-	-	1	-	8	-	-	17
Community health service	29	6	-	7	-	-	3	4	3	-	1	2	1	-	13	1	-	41
Correctional facility	392	55	-	13	-	1	5	-	-	-	5	180	1	-	164	-	-	424
Dental service	43	9	-	6	2	-	3	9	3	-	2	-	1	-	22	-	-	57
Hospital and Health Service	16	7	-	1	-	1	-	1	1	-	-	-	-	-	4	1	-	16
Laboratory service	9	1	-	3	-	-	-	3	-	-	-	-	-	-	2	3	-	12
Licensed private hospital	62	6	-	11	2	7	7	12	4	-	5	6	2	-	46	1	-	109
Medical centre	163	32	1	36	1	-	7	27	13	-	31	16	8	-	31	3	-	206
Mental health service	116	13	2	26	15	2	8	1	3	-	1	19	14	-	51	3	-	158
Nursing service	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Other government department	4	-	-	-	-	-	1	2	-	-	-	-	-	-	1	-	-	4
Other support service	10	-	-	2	-	1	2	1	-	-	-	-	3	-	2	-	-	11
Pharmaceutical service	28	1	-	-	-	-	2	2	1	-	2	22	1	-	-	-	-	31
Private organisation	14	2	2	2	-	2	1	4	-	-	1	1	2	-	1	-	-	18
Public health service	31	10	1	8	2	-	4	-	1	-	-	1	2	-	11	2	-	41
Public hospital	498	89	-	108	15	34	39	9	17	-	20	28	24	-	353	7	-	744
Residential care service	5	1	-	-	-	-	-	-	-	-	-	2	-	-	2	-	-	5
Specialised health service	33	3	-	8	2	-	3	10	2	-	1	-	2	-	13	2	-	46
Administrative service	1	-	-	-	-	-	2	-	-	-	-	-	-	-	1	-	-	3

Health information service	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Licensed day hospital	2	-	-	-	-	-	1	1	-	-	-	-	1	-	-	-	-	3
Optical store	2	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Total	1507	236	7	242	41	48	97	93	50	0	71	281	64	0	750	23	0	2003

* 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	April	May	June	Q4 total
Assessments started	173	119	150	442
Assessments completed	151	128	131	410

Completed assessment timeframes

Assessment timeframes	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Within legislative timeframes*	147	97.35	126	98.44	119	90.84	392	95.61
Outside legislative timeframes	4	2.65	2	1.56	12	9.16	18	4.39
Total	151	100.00	128	100.00	131	100.00	410	100.00

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

Assessment decisions

Type of relevant action	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Local resolution	0	0.00	0	0.00	1	0.72	1	0.24
Conciliation	8	5.23	6	4.69	3	2.17	17	4.06
Investigation	9	5.88	8	6.25	1	0.72	18	4.30
Referred to AHPRA and the national boards	21	13.73	15	11.72	14	10.14	50	11.93
Referred to another entity	18	11.76	11	8.59	20	14.49	49	11.69
No further action	97	63.40	88	68.75	99	71.74	284	67.78
Total	153	100.00	128	100.00	138	100.00	419	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	April	May	June	Q4 total
Local resolutions started	114	124	125	363
Local resolutions completed	74	133	128	335

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	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Within legislative timeframes*	73	98.65	131	98.50	128	100.00	332	99.10
Outside legislative timeframes	1	1.35	2	1.50	0	0.00	3	0.90
Total	74	100.00	133	100.00	128	100.00	335	100.00

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

Outcomes

Local resolution outcomes	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Resolution reached	56	75.68	104	78.20	105	82.03	265	79.10
No resolution reached	11	14.86	6	4.51	7	5.47	24	7.16
Complaint withdrawn*	7	9.46	16	12.03	16	12.50	39	11.64
Local resolution did not commence**	0	0.00	7	5.26	0	0.00	7	2.09
Total	74	100.00	133	100.00	128	100.00	335	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	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Assessment	0	0.00	0	0.00	0	0.00	0	0.00
Conciliation	0	0.00	0	0.00	0	0.00	0	0.00
Investigation	0	0.00	0	0.00	0	0.00	0	0.00
Referred to AHPRA and the national boards	0	0.00	0	0.00	2	28.57	2	91.67
Referred to another entity	0	0.00	0	0.00	0	0.00	0	0.00
No further action	11	100.00	6	100.00	5	71.43	22	91.67
Total	11	100.00	6	100.00	7	100.00	24	100.00

Conciliation

Conciliations started and closed

Conciliations this quarter	April	May	June	Q4 total
Conciliations started	8	7	3	18
Conciliations closed	10	3	12	25

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	April	May	June	Q4 total
Parties agreed to participate	6	3	6	15
Party/ies did not agree to participate	5	1	1	7

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	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Less than 3 months	0	0.00	0	0.00	5	45.45	5	27.78
3–6 months	4	80.00	2	100.00	5	45.45	11	61.11
6–9 months	0	0.00	0	0.00	1	9.09	1	5.56
9–12 months	1	20.00	0	0.00	0	0.00	1	5.56
More than 12 months	0	0.00	0	0.00	0	0.00	0	0.00
Total	5	100.00	2	100.00	11	100.00	18	100.00

Outcomes

Conciliation outcomes	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Successful	3	60.00	0	0.00	5	45.45	8	44.44
Not successful	2	40.00	2	100.00	6	54.55	10	54.56
Ended by the Health Ombudsman	0	0.00	0	0.00	0	0.00	0	0.00
Total	5	100.00	2	100.00	11	100.00	18	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	April		May		June		Q4 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	2	100.00	2	100.00	6	100.00	10	100.00
Total	2	100.00	2	100.00	6	100.00	10	100.00

Open conciliation timeframes

Conciliations open	April		May		June	
	Number	%	Number	%	Number	%
Less than 3 months	15	50.00	18	52.94	14	53.85
3–6 months	8	26.67	9	26.47	1	3.85
6–9 months	0	0.00	3	8.82	3	11.54
9–12 months	3	10.00	0	0.00	2	7.69
More than 12 months	4	13.33	4	11.76	6	23.08
Total	30	100.00	34	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	April	May	June	Q4 total
Open at start of month	161	162	163	N/A
Investigations started	22	20	13	55
Investigations closed	18	14	25	57
Investigations amalgamated under s40(2)	3	6	0	9
Investigations separated under s40(2)	0	1	0	1

Closed investigations

Timeframes

In Q4, 68.42 per cent of the 48 investigations were closed within twelve months of commencement.

Closed investigation timeframes	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Less than 3 months	7	38.89	5	35.71	4	16.00	16	28.07
3–6 months	3	16.67	2	14.29	3	12.00	8	14.03
6–9 months	1	5.56	0	0.00	6	24.00	7	12.28
9–12 months	4	22.22	3	21.43	1	4.00	8	14.04
12–24 months	3	16.67	3	21.43	5	20.00	11	19.30
More than 24 months	0	0.00	1	7.14	6	24.00	7	12.28
Total	18	100.00	14	100.00	25	100.00	57	100.00

Outcomes

Investigation outcomes	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Recommended for referral to Director of Proceedings*	10	45.45	8	53.33	13	46.43	31	47.69
Referred to AHPRA	6	27.27	4	26.67	1	3.57	11	16.92
Referred to another agency	4	18.18	2	13.33	3	10.71	9	13.85
No further action	1	4.55	1	6.67	10	35.71	12	18.46
Referred for conciliation	1	4.55	0	0.00	1	3.57	2	3.08
Total	22	100	15	100.00	28	100.00	65	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	April		May		June	
	Number	%	Number	%	Number	%
Less than 3 months	37	30.08	36	28.80	35	30.43
3–6 months	24	19.51	29	23.20	27	23.48
6–9 months	23	18.70	20	16.00	21	18.26
9–12 months	15	12.20	15	12.00	13	11.30
12–24 months*	18	14.63	20	16.00	19	16.52
More than 24 months*	6	4.88	5	4.00	0	0.00
Total	123	100.00	125	100.00	115	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	April		May		June	
	Number	%	Number	%	Number	%
Less than 3 months	1	2.56	2	5.26	1	2.78
3–6 months	10	25.64	7	18.42	4	11.11
6–9 months	4	10.26	7	18.42	10	27.78
9–12 months	4	10.26	4	10.53	3	8.33
12–24 months	11	28.21	9	23.68	9	25.00
More than 24 months	9	23.08	9	23.68	9	25.00
Total	39	100.00	38	100.00	36	100.00

Open investigation timeframes

Total open investigation timeframes	April		May		June	
	Number	%	Number	%	Number	%
Less than 3 months	38	23.46	38	23.31	36	23.84
3–6 months	34	20.99	36	22.09	31	20.53
6–9 months	27	16.67	27	16.56	31	20.53
9–12 months	19	11.73	19	11.66	16	10.60
12–24 months	29	17.90	29	17.79	28	18.54
More than 24 months	15	9.26	14	8.59	9	5.96
Total	162	100.00	163	100.00	151	100.00

Open investigation categories

Type of investigation	April	May	June
Health service complaint	98	95	86
Systemic issue	10	11	7
Another matter*	53	55	56
Matters identified for further investigation**	1	2	2
Total	162	163	151

*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	April	May	June
Cases open at the beginning of the month	4	3	3
Recommendations monitoring cases started	0	0	1
Recommendations monitoring cases closed	0	1	0

Open recommendations monitoring case timeframes

Monitoring case timeframes*	April		May		June	
	Number	%	Number	%	Number	%
Less than 6 months	0	0.00	0	0.00	1	25.00
6–12 months	0	0.00	0	0.00	0	0.00
More than 12 months	4	100.00	3	100.00	3	75.00
Total	4	100.00	3	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	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Assistant in nursing	0	0.00	0	0.00	1	7.69	1	3.33
Counsellor	0	0.00	1	12.50	0	0.00	1	3.33
Holding out as a paramedic	0	0.00	1	12.50	0	0.00	1	3.33
Massage therapist	0	0.00	0	0.00	3	23.08	3	10.00
Medical assistant	1	11.11	0	0.00	0	0.00	1	3.33
Medical practitioner	1	11.11	3	37.50	4	30.77	8	26.67
Psychologist	1	11.11	0	0.00	1	7.69	2	6.67
Registered nurse	6	66.67	3	37.50	4	30.77	13	43.33
Total	9	100.00	8	100.00	13	100.00	30	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	1.14
Dentist	4	4.55
Medical practitioner	33	37.50
Medical radiation practitioner	1	1.14
Osteopath	1	1.14
Pharmacist	3	3.41
Podiatrist	2	2.27
Psychologist	4	4.55
Registered nurse	21	23.86
Advanced care paramedic	2	2.27
Assistant in nursing	3	3.41
Audiologist	2	2.27
Counsellor	1	1.14
Holding out as a paramedic	1	1.14
Holding out as a psychologist	1	1.14
Holding out as a registered nurse	2	2.27
Massage therapist	2	2.27
Medical assistant	1	1.14
Natural therapist	1	1.14
Social worker	1	1.14
Unregistered chiropractor	1	1.14
Total	88*	100.00

*As at 30 June 2019. This figure includes one matter where a decision has been made to refer to QCAT, but no referral has been filed in QCAT at this stage.

Outcomes of matters reviewed by the Director of Proceedings

Matters filed in the Queensland Civil and Administrative Tribunal

Practitioner type	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Assistant in nursing	0	0.00	2	11.76	1	5.00	3	6.12
Chinese medical practitioner	0	0.00	0	0.00	1	5.00	1	2.04
Medical assistant	1	8.33	0	0.00	0	0.00	1	2.04
Medical practitioner	0	0.00	3	17.65	8	40.00	11	22.45
Massage therapist	1	8.33	0	0.00	1	5.00	2	4.08
Personal carer	0	0.00	0	0.00	1	5.00	1	2.04
Pharmacist	1	8.33	0	0.00	2	10.00	3	6.12
Psychologist	0	0.00	1	5.88	0	0.00	1	2.04
Registered nurse	9	75.00	11	64.71	6	30.00	26	53.06
Total	12*	100.00	17**	100.00	20***	100.00	49	100.00

*In April 2019, the Director of Proceedings made decisions to refer two matters to QCAT, where there were existing referrals previously filed in QCAT relating to those two practitioners. Rather than filing two new referrals in QCAT, the previously filed referrals have been amended to include the additional matters.

**This figure includes two referrals where the Director of Proceedings decided to refer four matters regarding two practitioners to QCAT, and filed these as two separate referrals (one per practitioner).

***This figure includes three referrals where the Director of Proceedings decided to refer six matters regarding three practitioners to QCAT, and filed these as three separate referrals (one per practitioner).

Matters to be referred back to Health Ombudsman

Practitioner type	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Assistant in nursing	1	20.00	0	0.00	0	0.00	1	4.76
Chinese medicine practitioner	0	0.00	1	16.67	0	0.00	1	4.76
Dental assistant	1	20.00	0	0.00	0	0.00	1	4.76
Medical practitioner	0	0.00	2	33.33	5	50.00	7	33.33
Psychologist	0	0.00	0	0.00	2*	20.00	2	9.52

Practitioner type	April		May		June		Q4 total	
Registered nurse	2	40.00	3	50.00	3	30.00	8	38.10
Student nurse	1	20.00	0	0.00	0	0.00	1	4.76
Total	5	100.00	6	100.00	10	100.00	21	100.00

*The former Director of Proceedings previously made a decision to refer two matters relating to a psychologist to QCAT. In June 2019, the Director of Proceedings revoked the decisions to refer to QCAT, and decided to refer both matters back to the Health Ombudsman.

Decisions on matters referred to the Queensland Civil and Administrative Tribunal

There have been 5 decisions made on matters referred to QCAT during the quarter.

On 1 April 2019, a decision was handed down in *Health Ombudsman v Zuyderwyk*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct. The practitioner was reprimanded and conditions were imposed on their registration.

On 5 April 2019, a decision was handed down in *Health Ombudsman v Decelis*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct. The practitioner was reprimanded.

On 22 May 2019, a decision was handed down in *Health Ombudsman v Arora*. 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 6 years.

On 3 June 2019, a decision was handed down in *Health Ombudsman v Agnola*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct. The practitioner was reprimanded.

On 14 June 2019, a decision was handed down in *Health Ombudsman v Wabersinke*. The Tribunal found that the practitioner behaved in a way that constitutes professional misconduct. 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

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

- six medical practitioners
- one dentist
- five registered and one enrolled nurse
- one psychologist
- one aged care health worker
- one massage therapist
- two assistants in nursing

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
Registered nurse	2	Conditions		✓	✓
Medical practitioner	4	Conditions		✓	
Medical practitioner	1	Conditions		✓	✓
Registered Nurse	1	Conditions		✓	
Enrolled Nurse	1	Conditions		✓	
Dental practitioner	1	Conditions		✓	

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

Interim prohibition orders

Practitioner type	Number	Action taken	Reason/s for taking action			
			Health	Conduct	Performance	Interstate
Assistant in nursing	1	Prohibition		✓		
Aged care health worker	1	Prohibition		✓		
Counsellor	1	Restrictions		✓		
Massage therapist	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	April	May	June
Cases open at the beginning of the month	114	112	114
Practitioner monitoring cases started	2	6	4
Practitioner monitoring cases closed	4	4	3

Open monitoring cases

Timeframes

Open case timeframes	April		May		June	
	Number	%	Number	%	Number	%
Less than 6 months	34	30.36	37	32.46	37	32.17
6–12 months	18	16.07	16	14.04	17	14.78
More than 12 months	60	53.57	61	53.51	61	53.04
Total	112	100.00	114	100.00	115	100.00

Immediate action types

Open cases by immediate action type	April		May		June	
	Number	%	Number	%	Number	%
Interim prohibition order—restrictions	20	17.86	21	18.42	20	17.39
Interim prohibition order—prohibited	43	38.39	43	37.72	42	36.52
Immediate registration action—conditions	31	27.68	33	28.95	35	30.43
Immediate registration action—suspension	16	14.29	15	13.16	15	13.04
QCAT issued conditions or prohibition	2	1.79	2	1.75	3	2.61
Total	112	100.00	114	100.00	115	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	24	47.06
Medical radiation practitioner	0	0.00
Nursing and midwifery practitioner	21	41.18
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	1	1.72
Dental nurse	1	1.72
Former registered health practitioner	11	18.97
Health support worker	1	1.72
Holding out*	4	6.90
Kinesiologist	2	3.45
Massage therapist	14	24.14
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	April	May	June	Q4 total
Matters consulted on*	282	208	247	737
Matters referred	261	182	229	672
Matters retained by the office**	13	3	9	25

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

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

Relevant action proposing referral

Relevant action	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Intake and triage	217	76.95	161	77.40	198	80.16	576	78.15
Assessment	51	18.09	37	17.79	40	16.19	128	17.37
Conciliation	0	0.00	0	0.00	0	0.00	0	0.00
Local resolution	1	0.35	3	1.44	3	1.21	7	0.95
Investigation	7	2.48	4	1.92	2	0.81	13	1.76
Director of proceedings	6	2.13	0	0.00	1	0.40	7	0.95
Internal review	0	0.00	3	1.44	3	1.21	6	0.81
Total	282	100.00	208	100.00	247	100.00	737	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	568	3	3	1	1
Assessment	21	16	39	50	2
Local resolution	0	0	4	3	0
Conciliation	0	0	0	0	0
Investigation	0	0	1	2	10
Director of proceedings	0	0	0	0	7
Internal review	1	0	0	0	5
Total	590	19	47	56	25

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

Consultation duration

Consultation duration	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
0–3 days	203	71.99	149	71.63	214	86.64	566	76.80
4–7 days	67	23.76	56	26.92	30	12.15	153	20.76
8–11 days	5	1.77	2	0.96	0	0.00	7	0.95
More than 12 days	7	2.48	1	0.48	3	1.21	11	1.49
Total	282	100.00	208	100.00	247	100.00	737	100.00

Number of practitioners referred to AHPRA by practitioner type

Practitioner type	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Aboriginal and Torres Strait Islander health practitioner	0	0.00	0	0	0	0.00	0	0.00
Chinese medicine practitioner	2	0.77	1	0.55	0	0.00	3	0.45
Chiropractor	2	0.77	1	0.55	1	0.44	4	0.60
Dental practitioner	21	8.05	18	9.89	16	6.99	55	8.18
Medical practitioner	174	66.67	109	59.89	141	61.57	424	63.10
Medical radiation practitioner	0	0.00	0	0.00	0	0.00	0	0.00
Nursing and midwifery practitioner	28	10.73	33	18.13	43	18.78	104	15.48
Occupational therapist	0	0.00	2	1.10	1	0.44	3	0.45
Optometrist	5	1.92	0	0.00	1	0.44	6	0.89
Osteopath	0	0.00	0	0.00	1	0.44	1	0.15
Paramedic	1	0.38	2	1.10	0	0.00	3	0.45
Pharmacist	12	4.60	5	2.75	7	3.06	24	3.57
Physiotherapist	5	1.92	1	0.55	1	0.44	7	1.04
Podiatrist	1	0.38	1	0.55	3	1.31	5	0.74
Psychology	10	3.83	6	3.30	11	4.80	27	4.02
Student practitioner*	0	0.00	3	1.65	3	1.31	6	0.89
Total	261	100.00	182	100.00	229	100.00	672	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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Chinese medicine practitioner	-	-	-	-	-	-	-	-	-	2	-	2	-	-	4
Chiropractor	-	-	-	-	-	1	-	-	-	2	-	2	-	-	5
Dental practitioner	-	3	1	-	-	1	-	-	1	6	1	51	-	-	64
Medical practitioner	4	67	12	1	2	2	1	19	74	47	24	287	14	-	554
Medical radiation practitioner	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nursing and midwifery practitioner	-	2	-	1	-	-	-	2	9	50	31	28	-	-	123
Occupational therapy	-	-	-	-	-	-	-	2	-	2	1	-	-	-	5
Optometrist	-	-	-	-	-	-	-	-	-	3	-	3	-	-	6
Osteopath	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Paramedic	-	-	-	-	-	-	-	1	-	1	-	2	-	-	4
Pharmacist	-	2	-	-	2	-	-	-	15	7	1	2	-	-	29
Physiotherapist	-	-	1	-	-	-	-	2	-	3	1	4	-	-	11
Podiatrist	-	-	-	-	-	1	-	-	-	3	-	2	-	-	6
Psychologist	-	6	-	-	-	1	-	-	-	18	-	3	4	-	32
Student practitioner	-	-	-	-	-	-	-	-	-	4	3	-	-	-	7
Total	4	80	14	2	4	6	1	26	99	149	62	386	18	0	851

Demographics

Gender

Gender	Number	Percentage
Female	1048	48.21
Male	1069	49.17
Prefer not to specify	6	0.28
Unknown	51	2.35
Total	2174	100.00

Age

Age	Number	Percentage
Less than 18 years	155	7.13
18–24 years	142	6.53
25–34 years	369	16.97
35–44 years	427	19.64
45–54 years	380	17.48
55–64 years	255	11.73
65–74 years	178	8.19
More than 75 years	141	6.49
Unknown*	127	5.84
Total	2174	100.00

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

Location of healthcare consumers

Location of healthcare consumers	Number	Percentage
Brisbane	948	43.61
Central West	4	0.18
Darling Downs	66	3.04
Far North	96	4.42
Fitzroy	83	3.82
Gold Coast	233	10.72
Mackay	62	2.85
North West	15	0.69
Northern	104	4.78
South West	5	0.23
Sunshine Coast	107	4.92
West Moreton	72	3.31
Wide Bay-Burnett	157	7.22
Outside Queensland	57	2.62
Unknown	165	7.59
Total	2174	100.00

Location of health service providers

Location of health service providers	Number	Percentage
Brisbane	1237	48.82
Central West	4	0.16
Darling Downs	65	2.57
Far North	115	4.54
Fitzroy	78	3.08
Gold Coast	290	11.44
Mackay	81	3.20
North West	10	0.39
Northern	127	5.01
South West	5	0.20
Sunshine Coast	126	4.97
West Moreton	52	2.05
Wide Bay-Burnett	142	5.60
Outside Queensland*	20	0.79
Unknown	182	7.18
Total	2534	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**

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