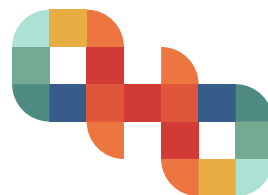


Quarter Four 2020-21
performance report
Office of the Health Ombudsman



OFFICE OF THE
HEALTH
OMBUDSMAN



Quarterly performance report—Quarter four 2020-21

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Introduction

This document reports on the quarter four (Q4) performance of the Office of the Health Ombudsman (OHO) for the 2020–21 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 16 July 2021, 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	676	81.64	715	78.49	824	77.37	2215	78.99
Enquiry	122	14.73	156	17.12	197	18.50	475	16.94
Information	30	3.62	38	4.17	37	3.47	105	3.74
Yet to be classified	0	0.00	2	0.22	7	0.66	9	0.32
Total	828	100.00	911	100.00	1065	100.00	2804	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.

Type of complaints

Type of complaints	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Health consumer complaint	598	88.46	645	90.21	715	86.77	1958	88.40
Mandatory notification*	21	3.11	28	3.92	33	4.00	82	3.70
Voluntary notification*	53	7.84	36	5.03	67	8.13	156	7.04
Self-notification*	3	0.44	6	0.84	7	0.85	16	0.72
Referral from another agency	1	0.15	0	0.00	2	0.24	3	0.14
Total	676	100.00	715	100.00	824	100.00	2215	100.00

*Notifications are matters defined under the Health Practitioner Regulation National Law (Queensland) and only relate to registered practitioners.

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. 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	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Yes	655	93.04	635	92.57	781	97.26	2071	94.44
No	49	6.96	51	7.43	22	2.74	122	5.56
Total	704	100.00	686	100.00	803	100.00	2193	100.00

Decisions made

Number of decisions made	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Accepted and further relevant action taken	413	58.66	385	56.12	474	59.03	1272	58.00
Accepted and no further action taken*	168	23.86	141	20.55	180	22.42	489	22.30
Not accepted under s35A**	123	17.47	160	23.32	149	18.56	432	19.70
Total	704	100.00	686	100.00	803	100.00	2193	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 41 matters were determined to fall outside the jurisdiction of the Act, and one matter was determined to not yet be a complaint under s34(5).

Accepted decision outcomes

Type of relevant action	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Assessment	59	13.92	70	17.90	83	16.94	212	16.25
Local resolution	125	29.48	108	27.62	149	30.41	382	29.27
Conciliation	0	0.00	0	0.00	0	0.00	0	0.00
Investigation	3	0.71	3	0.77	0	0.00	6	0.46
Referred to AHPRA and the national boards	127	29.95	106	27.11	157	32.04	390	29.89
Referred to another entity	110	25.94	104	26.60	101	20.61	315	24.14
Referred to Director of Proceedings	0	0.00	0	0.00	0	0.00	0	0.00
Total	424	100.00	391	100.00	490	100.00	1305	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	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Access	111	11.95	118	10.76	157	12.08	386	11.61
Code of conduct for healthcare workers	8	0.86	9	0.82	19	1.46	36	1.08
Communication/information	109	11.73	127	11.58	147	11.31	383	11.52
Consent	22	2.37	30	2.73	27	2.08	79	2.38
Discharge/transfer arrangements	15	1.61	18	1.64	28	2.15	61	1.83
Environment/management of facilities	28	3.01	49	4.47	63	4.85	140	4.21
Fees/cost	30	3.23	39	3.56	52	4.00	121	3.64
Grievance processes	35	3.77	43	3.92	50	3.85	128	3.85
<i>Health Ombudsman Act 2013 offence</i>	0	0.00	1	0.09	1	0.08	2	0.06
Medical records	29	3.12	46	4.19	68	5.23	143	4.30
Medication	90	9.69	83	7.57	116	8.92	289	8.69
Professional conduct	90	9.69	110	10.03	135	10.38	335	10.07
Professional health	18	1.94	19	1.73	31	2.38	68	2.04
Professional performance	312	33.58	381	34.73	370	28.46	1063	31.96
Reports/certificates	32	3.44	24	2.19	35	2.69	91	2.74
Research/teaching/assessment	0	0.00	0	0.00	1	0.08	1	0.03
Total	929	100.00	1097	100.00	1300	100.00	3326	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.

Subcategories of professional performance issues raised in complaints

Issue	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Competence	12	3.85	11	2.89	15	4.05	38	3.57
Coordination of treatment	24	7.69	37	9.71	38	10.27	99	9.31
Delay in treatment	17	5.45	28	7.35	18	4.86	63	5.93
Diagnosis	23	7.37	23	6.04	38	10.27	84	7.90
Inadequate care	21	6.73	33	8.66	28	7.57	82	7.71
Inadequate consultation	25	8.01	38	9.97	29	7.84	92	8.65
Inadequate prosthetic equipment	5	1.60	7	1.84	5	1.35	17	1.60
Inadequate treatment	94	30.13	94	24.67	84	22.70	272	25.59
Infection control	5	1.60	2	0.52	3	0.81	10	0.94
No or inappropriate referral	8	2.56	7	1.84	15	4.05	30	2.82
Public or private election	0	0.00	0	0.00	0	0.00	0	0.00
Rough and painful treatment	12	3.85	13	3.41	6	1.62	31	2.92
Teamwork and supervision	2	0.64	4	1.05	1	0.27	7	0.66
Unexpected treatment outcome or complications	56	17.95	69	18.11	72	19.46	197	18.53
Withdrawal of treatment	1	0.32	2	0.52	1	0.27	4	0.38
Wrong or inappropriate treatment	7	2.24	13	3.41	17	4.59	37	3.48
Total	312	100.00	381	100.00	370	100.00	1063	100.00

Professional performance represents the largest proportion of complaint issues. Additional information on this category of issue provides greater transparency around the issues being managed by OHO.

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	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Chinese medicine practitioner	3	1	-	-	-	-	-	-	-	-	-	4	-	-	-	-	-	5
Chiropractor	11	-	-	1	-	-	-	-	-	-	-	8	-	5	-	-	-	14
Dental practitioner	57	-	-	4	1	-	-	4	-	-	3	1	9	2	48	-	-	72
Medical practitioner	525	21	1	120	14	2	7	28	4	-	33	69	84	22	284	41	-	729
Medical radiation practitioner	2	-	-	-	-	-	-	-	-	-	-	1	-	-	1	-	-	3
Midwife	8	-	-	-	-	-	-	-	-	-	-	-	6	2	3	-	-	11
Nurse	123	2	1	3	2	-	-	-	3	-	7	6	88	34	18	-	-	164
Occupational therapist	2	-	-	1	-	-	-	-	-	-	-	-	1	-	-	-	-	2
Optometrist	1	-	-	-	-	-	-	1	-	-	-	-	-	-	1	-	-	2
Osteopath	3	1	-	-	-	-	-	-	-	-	1	-	-	1	1	-	-	4
Paramedic	25	-	-	-	-	-	-	-	-	-	3	2	20	2	12	-	-	39
Pharmacist	13	-	-	4	-	-	1	-	-	-	-	5	4	-	1	-	-	15
Physiotherapist	11	-	-	1	-	-	-	-	1	-	2	-	4	-	3	1	-	12
Podiatrist	3	-	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	4
Psychologist	51	1	-	13	1	-	-	2	3	-	3	-	20	2	18	8	-	71
Student practitioner	4	-	1	-	-	-	-	-	-	-	-	-	3	1	-	-	-	5
Unknown practitioner	43	2	2	8	1	1	1	1	-	-	1	3	4	1	17	9	-	51
Unregistered practitioner	40	-	24	1	-	-	-	1	-	2	-	-	15	1	2	1	-	47
Total	924	28	29	156	19	3	9	37	11	2	53	87	274	68	414	60	0	1250

* 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 provider. In circumstances where a health practitioner is identified in relation to multiple complaints, the health practitioner would be counted per complaint.

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

Profile of complaints about health service organisations

Organisation type	Number of facilities identified in complaints*	Number and type of issues** identified in complaints about health service organisations																Total
		Access	Code of conduct for healthcare workers	Communication and information	Consent	Discharge/transfer arrangements	Environment/management of facility	Fees and costs	Grievance processes	Health Ombudsman Act 2013 Offence	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/certificates	Research/Teaching/Assessment	
Administrative service	1	2	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	1
Aged care facility	19	-	-	1	-	-	5	-	2	-	1	1	-	-	18	2	-	32
Allied health service	16	1	-	3	-	-	1	5	2	-	1	1	1	-	2	1	-	18
Ambulance service	14	2	-	4	-	-	1	2	3	-	-	-	1	-	7	-	-	20
Community health service	18	3	-	4	-	-	2	3	2	-	-	2	2	-	2	3	-	24
Correctional facility	324	145	-	18	1	-	13	-	1	-	4	110	2	-	70	1	-	364
Dental service	79	29	-	6	1	-	5	7	10	-	1	1	2	-	43	1	-	106
Health information service	0	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Health promotion service	1	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	1
Hospital and Health Service	30	7	-	3	2	2	2	-	5	-	1	1	3	-	17	1	-	43
Laboratory service	16	1	-	2	-	-	4	5	1	-	1	-	-	-	5	-	-	20
Licensed day hospital	2	1	-	1	-	-	-	-	-	-	-	-	-	-	1	-	-	2
Licensed private hospital	68	8	-	11	-	6	10	8	5	-	4	4	4	-	44	1	-	105
Medical centre	176	38	1	45	-	1	18	14	25	-	30	16	6	-	33	9	-	238
Mental health service	104	10	1	22	29	5	6	1	6	-	9	14	9	-	42	2	-	156
Nursing service	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Optical store	4	1	-	1	-	-	-	2	-	-	-	-	-	-	2	-	-	5
Other government department	17	5	-	2	-	-	5	-	1	-	1	2	-	-	2	-	-	18
Other support service	7	1	-	1	-	-	1	2	-	-	-	-	1	-	3	-	-	8
Paramedical service	0	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Pharmaceutical service	30	1	-	1	-	-	3	8	-	-	1	16	-	-	-	-	-	30
Private organisation	39	4	-	2	-	-	3	7	3	-	4	2	2	-	18	2	-	51
Public health service	16	5	-	3	25	-	2	-	1	-	1	1	-	-	7	-	-	20
Public hospital	457	88	2	85	-	44	36	8	48	-	28	25	24	-	313	5	1	732
Residential care service	5	1	-	-	-	-	6	-	-	-	-	4	-	-	-	-	-	11



Social work service		-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1
Specialised health service	41	5	2	6	-	-	3	10	2	-	-	1	2	-	12	3	-	48
Welfare service	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Unknown organisation	19	-	1	2	-	-	4	-	-	-	1	1	2	-	7	-	-	20
Total	1506	358	7	227	60	58	131	84	117	0	90	202	61	0	649	31	1	2076

* 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 provider. 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.

Assessments started and completed

Assessments this quarter	April	May	June	Q4 total
Assessments started	65	80	90	235
Assessments completed	152	96	67	315

Completed assessment timeframes

Assessment timeframes	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Within legislative timeframes*	151	99.34	93	96.88	64	95.52	308	97.47
Outside legislative timeframes	1	0.66	3	3.13	3	4.48	7	2.22
Total	152	100.00	96	100.00	67	100.00	315	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	0	0.00	0	0.00
Conciliation	3	1.89	2	1.98	5	6.76	10	2.99
Investigation	9	5.66	6	5.94	3	4.05	18	5.39
Referred to AHPRA and the national boards	38	23.90	17	16.83	19	25.68	74	22.16
Referred to another entity	21	13.21	11	10.89	12	16.22	44	13.17
Director of Proceedings	0	0.00	0	0.00	0	0.00	0	0.00
No further action	88	55.35	65	64.36	35	47.30	188	56.29
Total	159	100.00	101	100.00	74	100.00	334	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	135	112	159	406
Local resolutions completed	124	102	142	368

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 resolutions

Timeframes

Local resolution timeframe	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Within legislative timeframes*	112	90.32	90	88.24	123	86.62	325	88.32
Outside legislative timeframes	12	9.68	12	11.76	19	13.38	43	11.68
Total	124	100.00	102	11.76	142	100.00	368	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	97	78.23	75	73.53	104	73.24	276	75.00
No resolution reached	16	12.90	17	16.67	27	19.01	60	16.30
Complaint withdrawn*	7	5.65	8	7.84	9	6.34	24	6.52
Local resolution did not commence**	4	3.23	2	1.96	2	1.41	8	2.17
Total	124	100.00	102	100.00	142	100.00	368	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	1	3.70	1	1.67
Referred to another entity	1	6.25	0	0.00	0	0.00	1	1.67
No further action	15	93.75	17	100.00	26	96.30	58	96.67
Total	16	100.00	17	100.00	27	100.00	60	100.00

Conciliation

Conciliations started and closed

Conciliations this quarter	April	May	June	Q4 total
Conciliations started	4	3	5	12
Conciliations closed	6	13	6	25

'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. 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 initially agreed to participate in the conciliation process.

Agreement to participate in conciliation

Agreement to participate	April	May	June	Q4 total
Parties agreed to participate	6	2	3	11
Party/ies did not agree to participate	1	7	3	11

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.

Completed conciliations

Timeframes

Conciliations completed	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Less than 3 months	0	0.00	0	0.00	1	33.33	1	7.14
3–6 months	3	60.00	4	66.67	0	0.00	7	50.00
6–9 months	0	0.00	1	16.67	0	0.00	1	7.14
9–12 months	2	40.00	0	0.00	0	0.00	2	14.29
More than 12 months	0	0.00	1	16.67	2	66.67	3	21.43
Total	5	100.00	6	100.00	3	100.00	14	100.00

Outcomes

Conciliation outcomes	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Successful	5	100.00	4	66.67	1	33.33	10	71.43
Not successful	0	0.00	1	16.67	0	0.00	1	7.14
Ended by the Health Ombudsman	0	0.00	0	0.00	0	0.00	0	0.00
Parties withdrew prior to conciliation conference	0	0.00	1	16.67	2	66.67	3	21.43
Total	5	100.00	6	100.00	3	100.00	14	100.00

The data above relates to matters where parties initially agreed to participate in conciliation. After agreeing, the conciliation process was completed with the matter either being successful or not successful—or in some instances, the Health Ombudsman may end a conciliation or parties involved may withdraw from the process prior to conciliation occurring. 'Completed conciliations' differ from 'closed conciliations'—in the table on page 16—in that they only relate to matters where parties agreed to participate in conciliation.

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
No further action	0	0.00	1	100.00	0	0.00	1	100.00
Total	0	0.00	1	100.00	0	0.00	1	100.00

Open conciliation timeframes

Conciliations open	April		May		June	
	Number	%	Number	%	Number	%
Less than 3 months	13	34.21	10	35.71	9	33.33
3–6 months	11	28.95	4	14.29	3	11.11
6–9 months	4	10.53	5	17.86	7	25.93
9–12 months	2	5.26	2	7.14	3	11.11
More than 12 months	8	21.05	7	25.00	5	18.52
Total	38	100.00	28	100.00	27	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
Investigations started	16	19	6	41
Investigations closed	7	11	30	48
Investigations amalgamated under s40(2)	0	2	0	2
Investigations separated under s40(2)	0	0	0	0

Closed investigations

Timeframes

In Q4, 64.58 per cent of the 42 investigations were closed within twelve months of commencement.

Closed investigation timeframes	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Less than 3 months	3	42.86	3	27.27	3	10.00	9	18.75
3–6 months	1	14.29	1	9.09	7	23.33	9	18.75
6–9 months	1	14.29	2	18.18	6	20.00	9	18.75
9–12 months	0	0.00	1	9.09	3	10.00	4	8.33
12–24 months	2	28.57	3	27.27	7	23.33	12	25.00
More than 24 months	0	0.00	1	9.09	4	13.33	5	10.42
Total	7	100.00	11	100.00	30	100.00	48	100.00

Outcomes

Investigation outcomes	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Recommended for referral to Director of Proceedings*	5	33.33	12	60.00	23	47.92	40	48.19
Recommend Health Ombudsman issue a Permanent Prohibition Order	1	6.67	1	5.00	3	6.25	5	6.02
Referred to AHPRA	0	0.00	3	15.00	10	20.83	13	15.66
Referred to another agency	1	6.67	4	20.00	2	4.17	7	8.43
No further action	8	53.33	0	0.00	10	20.83	18	21.69
Referred for conciliation	0	0.00	0	0.00	0	0.00	0	0.00
Total	15	100.00	20	100.00	48	100.00	83	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	32	33.68	36	36.00	30	40.00
3–6 months	16	16.84	18	18.00	13	17.33
6–9 months	20	21.05	14	14.00	9	12.00
9–12 months	4	4.21	9	9.00	10	13.33
12–24 months*	15	15.79	16	16.00	9	12.00
More than 24 months*	8	8.42	7	7.00	4	5.33
Total	95	100.00	100	100.00	75	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	2	4.17	5	9.80	3	5.77
3–6 months	11	22.92	10	19.61	7	13.46
6–9 months	7	14.58	4	7.84	8	15.38
9–12 months	5	10.42	8	15.69	10	19.23
12–24 months	19	39.58	18	35.29	19	36.54
More than 24 months	4	8.33	6	11.76	5	9.62
Total	48	100.00	51	100.00	52	100.00

Open investigation timeframes

Total open investigation timeframes	April		May		June	
	Number	%	Number	%	Number	%
Less than 3 months	35	24.14	41	27.15	33	25.98
3–6 months	27	18.62	28	18.54	20	15.75
6–9 months	27	18.62	18	11.92	17	13.39
9–12 months	10	6.90	17	11.26	20	15.75
12–24 months	34	23.45	34	22.52	28	22.05
More than 24 months	12	8.28	13	8.61	9	7.09
Total	145	100.00	151	100.00	127	100.00

Open investigation categories

Type of investigation	April	May	June
Health service complaint	90	91	73
Systemic issue	0	57	1
Ministerial directed investigation	0	0	0
Another matter*	52	0	52
Matters identified for further investigation**	3	3	1
Total	145	151	127

*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

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

OHO recommendations monitoring

OHO monitoring cases	April	May	June
Cases open at the beginning of the month	2	2	2
Recommendations monitoring cases started	0	0	0
Recommendations monitoring cases closed	0	0	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	0	0.00
6–12 months	2	100.00	2	100.00	2	100.00
More than 12 months	0	0.00	0	0.00	0	0.00
Total	2	100.00	2	100.00	2	100.00

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	%
Dentist	0	0.00	2	25.00	1	6.67	3	11.54
Medical practitioner	1	33.33	5	62.50	7	46.67	13	50.00
Osteopath	0	0.00	0	0.00	1	6.67	1	3.85
Pharmacist	0	0.00	0	0.00	1	6.67	1	3.85
Physiotherapist	0	0.00	0	0.00	1	6.67	1	3.85
Psychologist	1	33.33	0	0.00	2	13.33	3	11.54
Registered nurse	1	33.33	1	12.50	2	13.33	4	15.38
Total	3	100.00	8	100.00	15	100.00	26	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
Dentist	1	3.57
Medical practitioner	21	75.00
Pharmacist	2	7.14
Psychologist	2	7.14
Registered nurse	2	7.14
Total	28	100.00

*The Director of Proceedings has previously made decisions on two matters which are currently being reconsidered. As such, these two matters have been added back into the list of open matters. These relate to a Medical Practitioner and a Registered Nurse.

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	%
Chinese medicine practitioner	0	0.00	0	0.00	1	5.56	1	3.33
Dental practitioner	0	0.00	0	0.00	2	11.11	2	6.67
Medical practitioner	2	50.00	5	62.50	8	44.44	15	50.00
Osteopath	0	0.00	0	0.00	1	5.56	1	3.33
Paramedic	0	0.00	0	0.00	0	0.00	0	0.00
Pharmacist	0	0.00	0	0.00	0	0.00	0	0.00
Psychologist	0	0.00	0	0.00	1	5.56	1	3.33
Physiotherapist	0	0.00	1	12.50	1	5.56	2	6.67
Registered nurse	2	50.00	2	25.00	4	22.22	8	26.67
Total	4	100.00	8	100.00	18	100.00	30	100.00

Matters referred back to Health Ombudsman


Practitioner type	April		May		June		Q4 total	
	Number	%	Number	%	Number	%	Number	%
Chinese medicine practitioner	0	0.00	0	0.00	2	16.67	2	9.52
Dental practitioner	0	0.00	0	0.00	1	8.33	1	4.76
Medical practitioner	6	85.71	2	100.00	6	50.00	14	66.67
Paramedic	1	14.29	0	0.00	0	0.00	1	4.76
Psychologist	0	0.00	0	0.00	0	0.00	0	0.00
Registered nurse	0	0.00	0	0.00	3	25.00	3	14.29
Total	7	100.00	2	100.00	12	100.00	21	100.00

*From 1 March 2021, improvements to systems and processes mean that matters being referred to the Health Ombudsman are now counted based on the date of referral, rather than the date of the decision to refer.

Decisions on matters referred to the Queensland Civil and Administrative Tribunal

There have been 12 decisions made on matters referred to QCAT during the quarter. outlined below.

Date of Decision	Matter	Details of QCAT decision
5 May 2021	<i>Health Ombudsman v Cottam</i>	Respondent poses serious risk to persons Permanently prohibited from providing any health service
13 May 2021	<i>Health Ombudsman v Quinn</i>	Professional misconduct Practitioner reprimanded
25 May 2021	<i>Health Ombudsman v Dower</i>	Professional misconduct Practitioner reprimanded
26 May 2021	<i>Health Ombudsman v AER</i>	Professional misconduct Practitioner reprimanded
28 May 2021	<i>Health Ombudsman v Berkeley</i>	Professional misconduct Practitioner reprimanded Practitioner fined \$5000
28 May 2021	<i>Health Ombudsman v Franklin</i>	Professional misconduct Practitioner reprimanded Practitioner prohibited from applying for registration as a registered health practitioner for four years.
31 May 2021	<i>Health Ombudsman v Flute</i>	Professional misconduct in relation to allegations one and three Unprofessional conduct in relation to allegation two Practitioner reprimanded Practitioner disqualified from applying for registration for two years.
31 May 2021	<i>Health Ombudsman v Russell</i>	Professional misconduct in relation to allegations one and two Unprofessional conduct in relation to allegations three through seven Practitioner reprimanded Practitioner's registration suspended for six months
4 June 2021	<i>Health Ombudsman v Holden</i>	Practitioner poses a serious risk to persons Practitioner is permanently prohibited from providing any health service
7 June 2021	<i>Health Ombudsman v BBH</i>	Professional misconduct Practitioner reprimanded Practitioner fined \$15,000



Date of Decision	Matter	Details of QCAT decision
9 June 2021	<i>Health Ombudsman v Mekingrailas</i>	Practitioner poses a serious risk to persons Practitioner permanently prohibited from providing any health service
11 June 2021	<i>Health Ombudsman v Holland</i>	Professional misconduct Practitioner reprimanded Conditions imposed on practitioner's registration

Decisions on immediate action reviews

There were no decisions on immediate action reviews handed down in 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 eight show cause notices in the quarter.

Immediate registration actions

Practitioner type	Number	Action taken	Reason/s for taking action	
			Public Interest	Serious Risk
Medical practitioner	1	Conditions		✓
Medical practitioner	1	Conditions		✓
Nurse	1	Conditions	✓	✓
Nurse	1	Conditions		✓
Pharmacist	1	Suspension		✓

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
Massage therapist	1	Restrictions	✓	✓
Chiropractor	1	Restrictions	✓	✓
Ayurvedic health practitioner	1	Restrictions		✓
Chinese medicine practitioner	1	Restrictions	✓	✓
Massage therapist	1	Prohibition	✓	✓
Nurse	1	Restrictions		✓

The Health Ombudsman has powers to issue interim prohibitions orders to unregistered practitioners and registered practitioners practicing outside their field of registration. An interim prohibition order can prohibit or restrict the practitioner from providing any health service, or a specific health service.

The 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
Practitioner monitoring cases started	3	2	7
Practitioner monitoring cases closed	4	2	3

Open monitoring cases

Timeframes

Open case timeframes	April		May		June	
	Number	%	Number	%	Number	%
Less than 6 months	45	27.44	45	27.44	50	29.76
6–12 months	38	23.17	28	17.07	32	19.05
More than 12 months	81	49.39	91	55.49	86	51.19
Total	164	100.00	164	100.00	168	100.00

Immediate action types

Open cases by immediate action type	April		May		June	
	Number	%	Number	%	Number	%
Interim prohibition order – restrictions	23	14.02	22	13.41	24	14.29
Interim prohibition order – prohibited	40	24.39	39	23.78	31	18.45
Immediate registration action - conditions	51	31.10	51	31.10	54	32.14
Immediate registration action - suspension	19	11.59	19	11.59	19	11.31
QCAT disciplinary decision	24	14.63	25	15.24	27	16.07
QCAT interim decision	1	0.61	1	0.61	1	0.60
Permanent prohibition order	6	3.66	7	4.27	12	7.14
Total	164	100.00	164	100.00	168	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	4	5.41
Chiropractor	1	1.35
Dental practitioner	3	4.05
Medical practitioner	30	40.54
Medical radiation practitioner	0	0.00
Nursing and midwifery practitioner	23	31.08
Occupational therapist	0	0.00
Optometrist	0	0.00
Osteopath	1	1.35
Paramedic	2	2.70
Pharmacist	1	1.35
Physiotherapist	4	5.41
Podiatrist	0	0.00
Psychologist	5	6.76
Total	74	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	1.16
Aged care health worker	8	9.30
Assistant in nursing	12	13.95
Ayurvedic medicine practitioner	1	1.16
Cosmetic therapist	2	2.33
Counsellor	1	1.16
Disability support worker	2	2.33
Former registered health practitioner	14	16.28
Health educator	1	1.16
Health support worker	2	2.33
Holding out*	3	3.49
Kinesiologist	2	2.33
Massage therapist	25	29.07
Medical assistant	2	2.33
Natural therapist	2	2.33
Naturopath	1	1.16
Personal carer	3	3.49
Social worker	1	1.16
Student practitioner	0	0.00
Unregistered paramedic**	3	3.49
Total	86	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

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*	220	152	252	624
Matters referred	212	160	229	601
Matters retained by the office**	10	7	7	24

*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	167	75.91	129	84.87	209	82.94	505	80.93
Assessment	51	23.18	20	13.16	32	12.70	103	16.51
Conciliation	0	0.00	0	0.00	0	0.00	0	0.00
Local resolution	0	0.00	0	0.00	4	1.59	4	0.64
Investigation	1	0.45	3	1.97	5	1.98	9	1.44
Director of proceedings	0	0.00	0	0.00	0	0.00	0	0.00
Internal review	1	0.45	0	0.00	2	0.79	3	0.48
Total	220	100.00	152	100.00	252	100.00	624	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	482	11	8	1	3
Assessment	3	2	24	60	14
Local resolution	0	0	0	1	3
Conciliation	0	0	0	0	0
Investigation	0	0	2	0	7
Director of Proceedings	0	0	0	0	0
Internal review	0	0	0	2	1
Total	485	13	34	64	28

'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	153	69.55	138	90.79	229	90.87	520	83.33
4–7 days	65	29.55	13	8.55	18	7.14	96	15.38
8–11 days	1	0.45	1	0.66	2	0.79	4	0.64
More than 12 days	1	0.45	0	0.00	3	1.19	4	0.64
Total	220	100.00	152	100.00	252	100.00	624	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	1	0.63	0	0.00	1	0.17
Chinese medicine practitioner	2	0.94	1	0.63	2	0.87	5	0.83
Chiropractor	2	0.94	4	2.50	3	1.31	9	1.50
Dental practitioner	6	2.83	6	3.75	13	5.68	25	4.16
Medical practitioner	115	54.25	86	53.75	127	55.46	328	54.58
Medical radiation practitioner	0	0.00	0	0.00	0	0.00	0	0.00
Nursing and midwifery practitioner	57	26.89	41	25.63	51	22.27	149	24.79
Occupational therapist	1	0.47	1	0.63	0	0.00	2	0.33
Optometrist	0	0.00	1	0.63	0	0.00	1	0.17
Osteopath	0	0.00	0	0.00	3	1.31	3	0.50
Paramedic	5	2.36	3	1.88	10	4.37	18	3.00
Pharmacist	6	2.83	4	2.50	5	2.18	15	2.50
Physiotherapist	3	1.42	2	1.25	4	1.75	9	1.50
Podiatrist	0	0.00	1	0.63	1	0.44	2	0.33
Psychologist	15	7.08	8	5.00	8	3.49	31	5.16
Student practitioner*	0	0.00	1	0.63	2	0.87	3	0.50
Total	212	100.00	160	100.00	229	100.00	601	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	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Chinese medicine practitioner	1	-	-	-	-	-	-	-	-	7	-	-	-	-	8
Chiropractor	-	-	-	-	-	-	-	-	-	5	-	5	-	-	10
Dental practitioner	-	-	-	-	-	-	-	-	1	6	2	22	-	-	31
Medical practitioner	5	56	6	2	1	4	-	17	61	75	21	225	9	-	482
Medical radiation practitioner	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
Nursing and midwifery practitioner	1	1	1	-	-	-	1	4	8	104	51	22	-	-	193
Occupational therapy	-	-	-	-	-	-	-	-	-	1	-	1	-	-	2
Optometrist	-	-	-	-	-	1	-	-	-	-	-	1	-	-	2
Osteopath	1	-	-	-	-	-	-	1	-	-	1	1	-	-	4
Paramedic	-	-	-	-	-	-	-	2	1	14	3	8	-	-	28
Pharmacist	-	4	-	-	1	-	-	-	5	6	2	3	-	-	21
Physiotherapist	-	-	-	-	-	-	-	-	-	4	-	4	1	-	9
Podiatrist	-	-	-	-	-	-	-	-	-	2	-	-	-	-	2
Psychologist	-	6	-	-	-	-	-	1	-	21	3	15	2	-	48
Student practitioner	-	-	-	-	-	-	-	-	-	2	1	-	-	-	3
Total	8	67	7	2	2	5	1	25	76	248	84	307	12	0	844

Demographics of healthcare consumers

Gender of healthcare consumers

Gender	Number	Percentage
Female	1059	48.98
Male	1019	47.13
Prefer not to specify	38	1.76
Unknown	46	2.13
Total	2162	100.00

Age of healthcare consumers

Age	Number	Percentage
Less than 18 years	112	5.18
18–24 years	98	4.53
25–34 years	371	17.16
35–44 years	444	20.54
45–54 years	334	15.45
55–64 years	261	12.07
65–74 years	194	8.97
More than 75 years	161	7.45
Unknown*	187	8.65
Total	2162	100.00

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

Location of healthcare consumers

Location of healthcare consumers	Number	Percentage
Brisbane	889	41.12
Central West	0	0.00
Darling Downs	57	2.64
Far North	96	4.44
Fitzroy	82	3.79
Gold Coast	254	11.75
Mackay	44	2.04
North West	15	0.69
Northern	104	4.81
South West	5	0.23
Sunshine Coast	140	6.48
West Moreton	54	2.50
Wide Bay-Burnett	137	6.34
Outside Queensland	61	2.82
Unknown	224	10.36
Total	2162	100.00

Location of health service providers

Location of health service providers	Number	Percentage
Brisbane	1188	47.65
Central West	1	0.04
Darling Downs	61	2.45
Far North	121	4.85
Fitzroy	85	3.41
Gold Coast	284	11.39
Mackay	51	2.05
North West	17	0.68
Northern	125	5.01
South West	4	0.16
Sunshine Coast	164	6.58
West Moreton	42	1.68
Wide Bay-Burnett	130	5.21
Outside Queensland*	44	1.76
Unknown	176	7.06
Total	2493	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.