

Office of the Health Services Commissioner Report



January - March 2006 Quarter

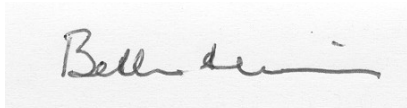
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COMMISSIONER'S REPORT

In this quarter, inquiries increased but actual complaints lodged once again decreased. The reasons for the decrease are not able to be ascertained and it is interesting to note a similar downward trend in complaint numbers in some other agencies of accountability, for example, the Private Health Ombudsman and the Equal Opportunity Commission (EOC). Helen Szoke CEO of the EOC has said in the media that complaints about work place discrimination have decreased because there is less awareness in the community that such behaviour is unacceptable. She said these days women tend to believe these things just happen in the workplace and you have to put up with them.

In health, despite strenuous efforts to promote the OHSC, many people with genuine complaints do not lodge them. This may be because they can't be bothered, they don't believe they will achieve anything, fear of reprisal or they are unaware of HSC services. Promotion of the OHSC must continue to be done in ways that do not jeopardise the excellent relationship the OHSC enjoys with provider and consumer organisations that provide much needed and valued expertise.

A handwritten signature in black ink, appearing to read 'Beth Wilson', is centered on a light-colored rectangular background.

Beth Wilson
Health Services Commissioner

ANALYSIS OF COMPLAINTS TRENDS

For the three months to March 2006 the OHSC received 2080 phone enquiries compared to 1771 for the previous quarter, an increase of 309. However the number of cases decreased in comparison to the previous quarter.

Table 1: New Complaints and enquiries

| | Current Quarter 2005-2006 | | | | Previous Quarter | | | |
|------------------|---------------------------|----------------|----------------|-------------|------------------------|----------------|----------------|-------------|
| | Complaints | | | | Complaints | | | |
| | Enquiries by Telephone | Single Contact | Accepted cases | Total | Enquiries by Telephone | Single Contact | Accepted cases | Total |
| HSC&R | 1592 | 211 | 231 | 2034 | 1287 | 250 | 239 | 1776 |
| HRA | 488 | 24 | 22 | 534 | 484 | 31 | 33 | 548 |
| Total | 2080 | 235 | 253 | 2568 | 1771 | 281 | 272 | 2324 |

Single contact complaints are defined as cases which were closed in enquiry because complaint forms had not been returned within one month. These decreased overall by 16% in comparison with the previous quarter.

Accepted cases are defined as complaints where complaint forms were returned and approval given for work to commence. These decreased overall by 7%. The Office is continuing to monitor this trend in order to understand what may be occurring.

New Complaints & Telephone Enquiry Comparisons
1 January to 30 March, 2006

Figure 1
New Enquiries & Complaints
(n= 2568)

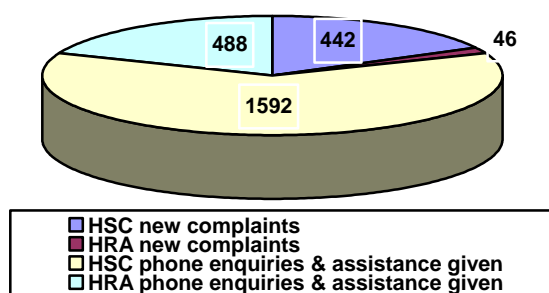
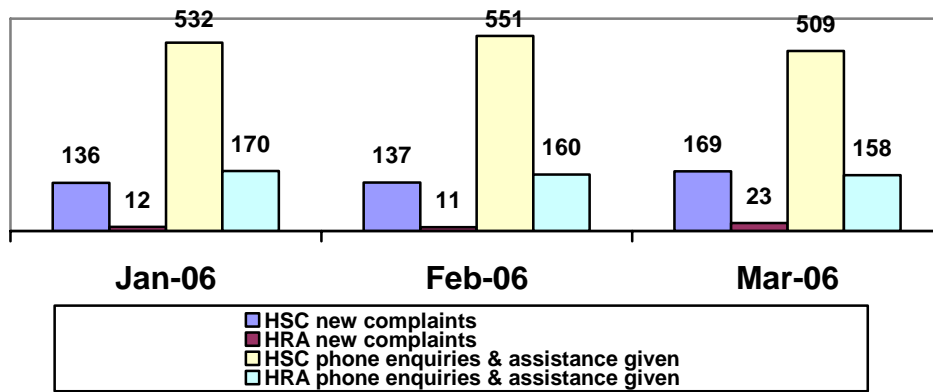


Figure 2 Monthly Trends



In the above Figures (1 & 2) new complaints have been defined as the total of "single contact" complaints and "Accepted cases" for the period. However this is somewhat misleading, as the complaints may have been lodged with the HSC one or more months before. The reporting of this data will be reviewed before the next report.

Table 2: Comparative analysis

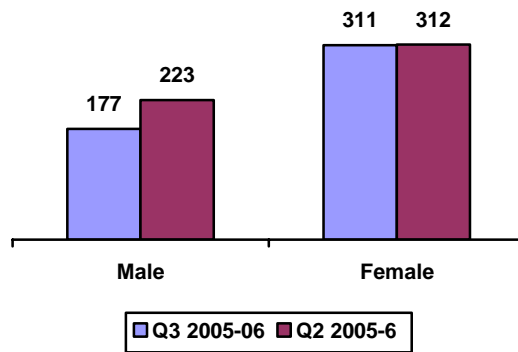
| | Current Quarter | | | | | Previous Quarter | | Previous Year | |
|---|-----------------|------------|------------|-------------|-------------|------------------|-------------|----------------|-------------|
| | Jan 2006 | Feb 2006 | Mar 2006 | | | Oct - Dec 2005 | | Jan - Mar 2005 | |
| <i>Health Services (Conciliation & Review) Act 1987</i> | | | | | | | | | |
| Single Contact | 62 | 59 | 90 | 211 | | 250 | | | |
| Accepted Cases | 74 | 78 | 79 | 231 | | 239 | | | |
| New complaints lodged | 136 | 137 | 169 | 442 | 17% | 489 | 21% | 604 | 32% |
| Enquiries & Assistance given | | | | | | | | | |
| Access to records | 0 | 0 | 0 | 0 | | 10 | | 0 | |
| Brochure | 3 | 4 | 2 | 9 | | 47 | | 25 | |
| Fees | 53 | 64 | 43 | 160 | | 108 | | 112 | |
| Food & environmental health issues | 82 | 75 | 76 | 233 | | 141 | | 200 | |
| Health insurance | 10 | 18 | 11 | 39 | | 45 | | 44 | |
| Hospital waiting lists | 10 | 10 | 6 | 26 | | 26 | | 11 | |
| Other | 196 | 192 | 172 | 560 | | 425 | | 414 | |
| Referred elsewhere | 178 | 188 | 199 | 565 | | 485 | | 420 | |
| | 532 | 551 | 509 | 1592 | 62% | 1287 | 55% | 1226 | 62% |
| HSC Total | 668 | 688 | 678 | 2034 | 79% | 1776 | 76% | 1729 | 88% |
| <i>Health Records Act 2001</i> | | | | | | | | | |
| Single Contact | 5 | 5 | 14 | 24 | | 31 | | | |
| Accepted Cases | 7 | 6 | 9 | 22 | | 33 | | | |
| New complaints lodged | 12 | 11 | 23 | 46 | 2% | 64 | 3% | 50 | 3% |
| Enquiries & Assistance given | | | | | | | | | |
| Access to records | 105 | 89 | 81 | 275 | | 221 | | 110 | |
| Brochure | 2 | 0 | 2 | 4 | | 37 | | 8 | |
| Fees | 15 | 6 | 9 | 30 | | 42 | | 10 | |
| Privacy Information | 18 | 21 | 18 | 57 | | 59 | | 47 | |
| Referred to Federal Privacy Commissioner | 8 | 9 | 7 | 24 | | 5 | | 0 | |
| Referred to FOI Act | 0 | 0 | 0 | 0 | | 0 | | 8 | |
| Referred to State Privacy Commissioner | 0 | 0 | 0 | 0 | | 0 | | 3 | |
| HRA Tel Inquiry | 18 | 30 | 35 | 83 | | 86 | | 186 | |
| HRA Response To Question | 0 | 2 | 2 | 4 | | 4 | | | |
| HRA Consultation | 1 | 0 | 2 | 3 | | 3 | | | |
| HRA Written Inquiry | 3 | 3 | 2 | 8 | | 27 | | | |
| | 170 | 160 | 158 | 488 | 19% | 484 | 21% | 186 | 9% |
| HRA Total | 182 | 171 | 181 | 534 | 21% | 548 | 24% | 236 | 12% |
| Total complaints & enquiries | 850 | 859 | 859 | 2568 | 100% | 2324 | 100% | 1965 | 100% |

The major impact on the work of the Office in this quarter appears to be the substantial increase in enquiries and assistance given. This was a 10% increase on the previous quarter and a 30% increase on the same quarter last year.

Table 3 - Consumer Profile

| Age Range | Female | Male | Unknown | Total |
|-----------|--------|------|---------|-------|
| 0 To 01 | 2 | 0 | 0 | 2 |
| 01 to 04 | 1 | 0 | 0 | 1 |
| 05 to 14 | 1 | 6 | 0 | 7 |
| 15 to 24 | 3 | 5 | 0 | 8 |
| 25 to 34 | 20 | 17 | 0 | 37 |
| 35 to 44 | 30 | 10 | 0 | 40 |
| 45 to 54 | 32 | 7 | 0 | 39 |
| 55 to 64 | 13 | 10 | 0 | 23 |
| 65 to 74 | 12 | 8 | 0 | 20 |
| 75 + | 15 | 4 | 0 | 19 |
| Unknown | 182 | 110 | 0 | 292 |
| Total | 311 | 177 | 0 | 488 |

Figure 3 Consumer Gender



The proportion of males making complaints decreased from 42% last quarter to 36% this quarter while the number of complaints from women was the same as the previous quarter.

Primary Issues in Complaints

Figure 4: HSC Complaint Issues (n=442)

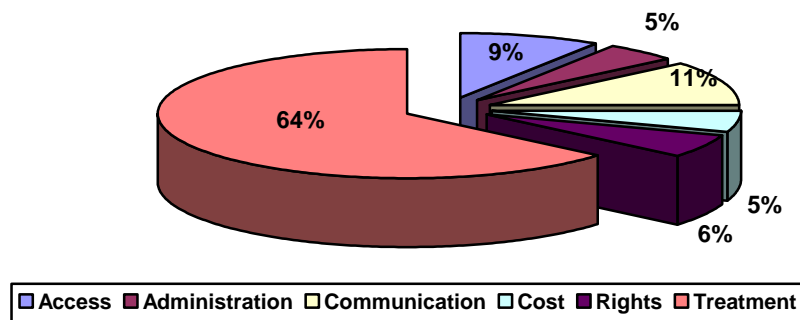


Table 4: HSC Issues

| | 3 rd Qtr 2005/6 | 2 nd Qtr 2005/6 | | 3 rd Qtr 2005/4 | 2 nd Qtr 2005/4 |
|-----------------------------------|-------------------------------|-------------------------------|---------------------------------|-------------------------------|-------------------------------|
| Access | | | Cost | | |
| Communication breakdown | 2 | 2 | Amount charged | 7 | 17 |
| Delay in admission | 6 | 1 | Billing practices | 5 | 10 |
| Delay in treatment | 5 | 13 | Information on costs | 8 | 10 |
| Discharge arrangements | 2 | 0 | Fraud | 0 | 0 |
| Discharge/Transfer | 0 | 0 | Over servicing | 0 | 1 |
| Transfer unsuitable | 0 | 0 | Over servicing - treatment | 2 | 2 |
| No/inadequate service | 13 | 19 | Public/Private election | 0 | 0 |
| Non attendance | 0 | 0 | Private health insurance | 0 | 0 |
| Non attendance - service busy | 0 | 0 | Public health insurance | 0 | 0 |
| Refused to refer | 1 | 0 | Unnecessary treatment | 0 | 1 |
| Other | 5 | 3 | Other | 1 | 3 |
| Refused admission | 2 | 1 | | | |
| Transport | 1 | 1 | | | |
| Waiting list | 3 | 0 | | | |
| | 40 | 40 | | 23 | 44 |
| Administration | | | Rights | | |
| Management practices | 10 | 7 | Access to records | 1 | 0 |
| Advertising | 0 | 0 | Accuracy of records | 1 | 1 |
| Failure to provide certificate | 0 | 1 | Assault | 3 | 2 |
| Hygiene | 4 | 1 | Discrimination | 3 | 4 |
| No/inadequate response | 5 | 4 | No/insufficient consent | 2 | 1 |
| Other | 2 | 1 | Other | 3 | 7 |
| Policy | 0 | 1 | Privacy/confidentiality | 2 | 2 |
| Quackery/legality | 0 | 1 | Refusal to treat | 3 | 4 |
| Retaliation | 0 | 0 | Unprofessional conduct | 8 | 7 |
| | 21 | 16 | | 26 | 28 |
| Communication | | | Treatment | | |
| Absence of caring | 5 | 11 | Inadequate diagnosis | 41 | 35 |
| Failure to consult | 6 | 5 | Inadequate treatment | 123 | 122 |
| Inconsiderate/undignified service | 11 | 16 | Medication | 15 | 19 |
| Other | 3 | 1 | Negligent treatment | 55 | 65 |
| Poor attitude/discourtesy | 16 | 21 | Other | 6 | 7 |
| Wrong/misleading Information | 9 | 13 | Rough treatment | 6 | 19 |
| | | | Unskilful/incompetent treatment | 24 | 16 |
| | | | Wrong diagnosis | 8 | 6 |
| | | | Wrong treatment | 3 | 5 |
| | 50 | 67 | | 281 | 294 |
| | | | Not Specified | 1 | 0 |
| | | | Grand Total | 442 | 489 |

This table reflects the issues raised by complainants rather than those identified in the assessment of the complaint. There are only minimal changes from one quarter to the next with treatment issues again prevalent at 64% in comparison with 60% last quarter.

Figure 5: HRA Complaint Issues (n=46)

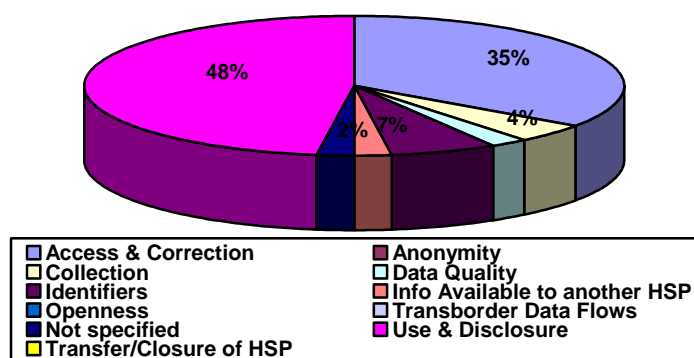


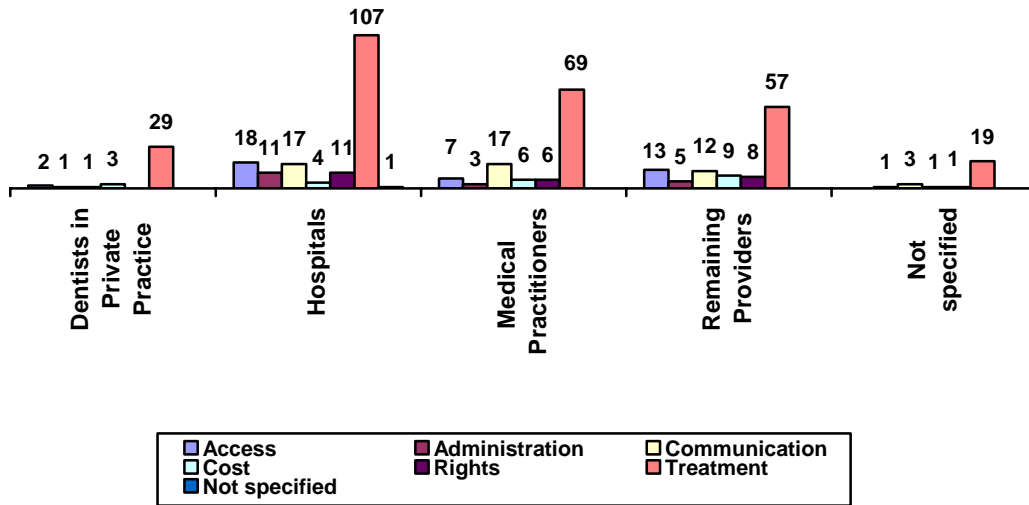
Table 5: HRA Issues

| | 3 rd Qtr 2005/6 | 2 nd Qtr 2005/6 | | 3 rd Qtr 2005/6 | 2 nd Qtr 2005/6 |
|--|-------------------------------|-------------------------------|---|-------------------------------|-------------------------------|
| Access & Correction | | | Info available to another HSP | | |
| Access refused | 14 | 17 | Information refused | 0 | 0 |
| Amended statement not appended | 0 | 0 | Unreasonable time in delivery | 2 | 2 |
| Correction refused | 0 | 0 | Excessive fee | 1 | 0 |
| Inaccurate information not concealed | 1 | 3 | | 3 | 2 |
| No amendment advise | 0 | 0 | Identifiers | | |
| No written reason for refusal | 1 | 1 | Misuse | 1 | 0 |
| | 16 | 21 | Openness | | |
| Anonymity | | | Policies unavailable, unclear or inadequate | 0 | 0 |
| Refusal of anonymity | 0 | 0 | Insufficient details given | 0 | 0 |
| Collection | | | | 0 | 0 |
| Breach of in-confidence details | 0 | 1 | Transborder data flows | | |
| Unlawful/Intrusive collection | 1 | 2 | Unauthorised transborder transfer | 0 | 0 |
| Third party collection | 0 | 0 | Transborder dataflow unreasonable | 0 | 0 |
| Third party collection - Notification | 0 | 0 | | 0 | 0 |
| Inadequate collection statement | 0 | 0 | Transfer/Closure of HSP | | |
| Unnecessary collection | 1 | 3 | Inadequate notification | 0 | 0 |
| | 2 | 6 | Unsafe storage of records | 1 | 2 |
| Data Quality | | | | 1 | 2 |
| Data inaccurate, incomplete or out of date | 0 | 3 | Use & Disclosure | | |
| Deleted without notation | 0 | 1 | Disclosure – Inadequate consent | 17 | 21 |
| Destruction of information of non HSP | 0 | 0 | Disclosure - Inadequate disclosure | 3 | 6 |
| Transferred without notation | 0 | 0 | Use - Insufficient information | 2 | 2 |
| Unlawful deletion | 0 | 1 | | 22 | 29 |
| Unsatisfactory protection | 1 | 1 | Not specified | 0 | 0 |
| | 1 | 6 | Total | 46 | 64 |

The primary issues for HRA –are breach of privacy (disclosure) and refusal of access to records. Together these issues account for most (83%) of complaints under the Health Records Act.

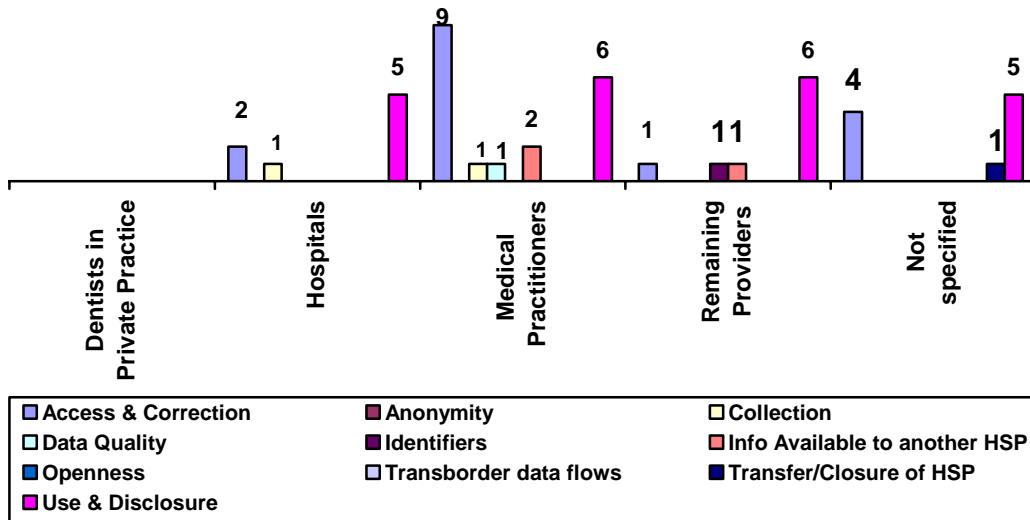
Respondent Analysis by Primary Issue

Figure 6: HSC Respondent by Issue Category (n=442)



The most common issue in complaints under the Health Services (Conciliation & Review) Act against all provider types relates to the provision of treatment

Figure 7: HRA Respondent by Issue Category (n = 46)



Complaints about disclosure of information are now more frequent than complaints about refusal of access under the Health Records Act

Table 6 – Respondent Type by Issue Category

| | 3rd Qtr 2005-6 | | | | | | | 2nd Qtr 2005-6 | | | | | | |
|--------------------------------------|------------------------------|------------|-----------------------|---------------------|---------------|------------|-------------|------------------------------|------------|-----------------------|---------------------|---------------|------------|-------------|
| | Dentists in Private Practice | Hospitals | Medical Practitioners | Remaining Providers | Not specified | | | Dentists in Private Practice | Hospitals | Medical Practitioners | Remaining Providers | Not specified | | |
| HSC | | | | | | | | | | | | | | |
| Access | 2 | 18 | 7 | 13 | 0 | 40 | 8% | 2 | 15 | 7 | 16 | 0 | 40 | 7% |
| Administration | 1 | 11 | 3 | 5 | 1 | 21 | 4% | 1 | 10 | 1 | 2 | 2 | 16 | 3% |
| Communication | 1 | 17 | 17 | 12 | 3 | 50 | 10% | 1 | 21 | 34 | 8 | 3 | 67 | 12% |
| Cost | 3 | 4 | 6 | 9 | 1 | 23 | 5% | 4 | 7 | 20 | 9 | 4 | 44 | 8% |
| Rights | 0 | 11 | 6 | 8 | 1 | 26 | 5% | 0 | 7 | 12 | 9 | 1 | 28 | 5% |
| Treatment | 29 | 107 | 69 | 57 | 19 | 281 | 58% | 32 | 97 | 94 | 53 | 18 | 294 | 53% |
| Not Specified | 0 | 1 | 0 | 0 | 0 | 1 | 0% | 0 | 0 | 0 | 0 | 0 | 0 | 0% |
| | 36 | 169 | 108 | 104 | 25 | 442 | 91% | 40 | 157 | 168 | 96 | 28 | 489 | 88% |
| HRA | | | | | | | | | | | | | | |
| Access & Correction | 0 | 2 | 9 | 1 | 4 | 16 | 3% | 2 | 2 | 13 | 4 | 0 | 21 | 4% |
| Anonymity | 0 | 0 | 0 | 0 | 0 | 0 | 0% | 0 | 0 | 0 | 0 | 0 | 0 | 0% |
| Collection | 0 | 1 | 1 | 0 | 0 | 2 | 0% | 0 | 1 | 1 | 3 | 1 | 6 | 1% |
| Data Quality | 0 | 0 | 1 | 0 | 0 | 1 | 0% | 1 | 0 | 3 | 0 | 2 | 6 | 1% |
| Identifiers Available to another HSP | 0 | 0 | 0 | 1 | 0 | 1 | 0% | 0 | 0 | 0 | 0 | 0 | 0 | 0% |
| Openness | 0 | 0 | 0 | 0 | 0 | 0 | 0% | 0 | 0 | 0 | 0 | 0 | 0 | 0% |
| Transborder data flows | 0 | 0 | 0 | 0 | 0 | 0 | 0% | 0 | 0 | 0 | 0 | 0 | 0 | 0% |
| Transfer/Closure of HSP | 0 | 0 | 0 | 0 | 1 | 1 | 0% | 0 | 0 | 0 | 0 | 0 | 0 | 0% |
| Use & Disclosure | 0 | 5 | 6 | 6 | 5 | 22 | 5% | 0 | 3 | 11 | 11 | 4 | 29 | 5% |
| Not specified | 0 | 0 | 0 | 0 | 0 | 0 | 0% | 0 | 0 | 0 | 0 | 0 | 0 | 0% |
| | 0 | 8 | 19 | 9 | 10 | 46 | 9% | 3 | 6 | 30 | 18 | 7 | 64 | 12% |
| Grand Total | 36 | 177 | 127 | 113 | 35 | 488 | 100% | 43 | 163 | 198 | 114 | 35 | 553 | 100% |
| | 7% | 37% | 26% | 23% | 7% | 100% | | 8% | 29% | 36% | 21% | 6% | 100% | |

There has been a slight decrease in the percentage of complaints received under the HS(CR)A against medical practitioners (from 34% last quarter to 24% this quarter). Within the complaints against medical practitioners there were proportionally fewer complaints about treatment and communication than in the previous quarter.

HOW COMPLAINTS ARE MANAGED

Table 7: Comparison by Stage of Closure

| Stage of Complaint Process | 3rd Quarter 2005-6 | | | | 2nd Quarter 2005-6 | | | |
|--|--------------------|------------|------------|-------------|--------------------|------------|------------|-------------|
| | HRA | HSC | Total | % | HRA | HSC | Total | % |
| Closed in Enquiry (Single Contact Complaints) | 24 | 216 | 240 | 47% | 31 | 250 | 281 | 45% |
| Closed in Assessment | 19 | 184 | 203 | 40% | 24 | 235 | 259 | 42% |
| Closed in Conciliation | 10 | 52 | 62 | 12% | 7 | 72 | 79 | 13% |
| Closed in Investigation | 0 | 3 | 3 | 1% | 0 | 1 | 1 | 0% |
| Complaints closed | 53 | 455 | 508 | 100% | 62 | 558 | 620 | 100% |

Most complaints closed this quarter were either in enquiry or assessment stage (87%), with the remaining 13% closed in conciliation. This continues the pattern of the previous quarter.

Primary Issue In Complaint By Seriousness Rating At Closure

Table 8: Issue by Seriousness

| | 3rd Quarter 2005-6 | | | | | 2nd Quarter 2005-6 | | | | |
|--------------------------------|--------------------|------------|------------|------------|-------------|--------------------|------------|------------|------------|-------------|
| | High | Medium | Low | Total | % | High | Medium | Low | Total | % |
| HSC | | | | | | | | | | |
| Access | 2 | 10 | 23 | 35 | 7% | 2 | 9 | 21 | 32 | 5% |
| Administration | 0 | 5 | 14 | 19 | 4% | 0 | 7 | 17 | 24 | 4% |
| Communication | 1 | 15 | 36 | 52 | 10% | 1 | 8 | 60 | 69 | 11% |
| Cost | 0 | 4 | 23 | 27 | 5% | 0 | 3 | 46 | 49 | 8% |
| Rights | 3 | 9 | 15 | 27 | 5% | 4 | 12 | 30 | 46 | 7% |
| Treatment | 20 | 129 | 143 | 292 | 57% | 26 | 130 | 182 | 338 | 55% |
| Not specified | 1 | 0 | 2 | 3 | 1% | 0 | 0 | 0 | 0 | 0% |
| | 27 | 172 | 256 | 455 | 90% | 33 | 169 | 356 | 558 | 90% |
| HRA | | | | | | | | | | |
| Access & Correction | 0 | 9 | 11 | 20 | 4% | 0 | 7 | 14 | 21 | 3% |
| Anonymity | 0 | 0 | 2 | 2 | 0% | 0 | 0 | 0 | 0 | 0% |
| Collection | 0 | 1 | 2 | 3 | 1% | 0 | 3 | 3 | 6 | 1% |
| Data Quality | 0 | 1 | 3 | 4 | 1% | 0 | 2 | 6 | 8 | 1% |
| Identifiers | 0 | 0 | 0 | 0 | 0% | 0 | 0 | 0 | 0 | 0% |
| Info Available to another HSP | 0 | 0 | 1 | 1 | 0% | 0 | 1 | 1 | 2 | 0% |
| Openness | 0 | 0 | 0 | 0 | 0% | 0 | 0 | 0 | 0 | 0% |
| Trans border data flow | 0 | 0 | 0 | 0 | 0% | 0 | 0 | 0 | 0 | 0% |
| Transfer/Closure of HSP | 0 | 0 | 1 | 1 | 0% | 0 | 0 | 0 | 0 | 0% |
| Use & Disclosure | 1 | 11 | 10 | 22 | 4% | 1 | 9 | 15 | 25 | 4% |
| Not specified | | | | 0 | 0% | | | | 0 | 0% |
| | 1 | 22 | 30 | 53 | 10% | 1 | 22 | 39 | 62 | 10% |
| Total Complaints Closed | 28 | 194 | 286 | 508 | 100% | 34 | 191 | 395 | 620 | 100% |

There was only slight variation in the numbers of complaints classified as being low medium or high seriousness.

REGISTRAR

The March quarter saw a further drop in the numbers of complaints discussed with the twelve Registration Boards. Discussions occurred in relation to 180 complaints. This is a decrease of 49 from the last quarter. Exactly 50% of the complaints discussed were about medical practitioners with the remaining 50% being shared between eight Boards as indicated in the Table below. There were no complaints recorded with the HSC in relation to three of the Boards. Of the 72 HSC complaints discussed, 3 were referred for consideration by two of the Boards, whilst four Boards formally referred five complaints to the HSC. Two Freedom of Information requests pertaining to five complaints were processed during this period.

Table 9 Registration Board Contacts

| Registration Boards | HSC Complaints discussed with Boards | Board Complaints discussed with HSC | HSC Complaints formally referred to Boards | Board Complaints formally referred to HSC |
|---|---|--|---|--|
| Chinese Medicine Registration Board | 0 | 5 | 0 | 0 |
| Chiropractors Registration Board of Victoria | 0 | 0 | 0 | 0 |
| Dental Practice Board of Victoria | 13 | 21 | 0 | 0 |
| Medical Practitioners Board of Victoria | 43 | 47 | 2 | 1 |
| Medical Radiation Technologists Board of Victoria | 0 | 0 | 0 | 0 |
| Nurses Board of Victoria | 4 | 6 | 1 | 1 |
| Optometrists Registration Board of Victoria | 5 | 0 | 0 | 0 |
| Osteopaths Registration Board of Victoria | 0 | 0 | 0 | 1 |
| Pharmacy Board of Victoria | 5 | 14 | 0 | 2 |
| Physiotherapists Registration Board of Victoria | 0 | 0 | 0 | 0 |
| Podiatrists Registration Board of Victoria | 1 | 1 | 0 | 0 |
| Psychologists Registration Board of Victoria | 1 | 14 | 0 | 0 |
| | 72 | 108 | 3 | 5 |

ASSESSMENT & INVESTIGATION

Table 10 - Resolution in assessment

| Type of Resolution | 3rd Qtr 2005/06 | | 2nd Qtr 2005/06 | |
|--|-----------------|-------------|-----------------|-------------|
| | Number | % | Number | % |
| Single Contact Complaints | 232 | 52% | 273 | 50% |
| Apology given | 7 | 2% | 5 | 5% |
| Costs refunded or reduced | 7 | 2% | 15 | 3% |
| Explanation/Information provided | 71 | 16% | 74 | 14% |
| Fee waived | 2 | 0% | 0 | 0% |
| Service/Objective obtained | 15 | 3% | 21 | 4% |
| Not specified | 4 | 1% | 11 | 2% |
| Total resolved | 338 | 76% | 399 | 74% |
| Declined | 54 | 12% | 70 | 13% |
| Referred to Board or VCAT or elsewhere | 32 | 7% | 39 | 7% |
| Objective not obtained | 17 | 4% | 29 | 5% |
| Withdrawn | 5 | 1% | 4 | 1% |
| | 108 | 24% | 142 | 26% |
| Total | 446 | 100% | 541 | 100% |

Of the 508 complaints closed this quarter 446 (89%) were in assessment. As usually occurs, approximately half of these were closed in enquiry because they were not confirmed by the return of the complaint form. For the rest, almost all received a written explanation and some of these also obtained access to services, refunds of fees or apologies.

CONCILIATION

The first quarter of 2006 saw the normal slow start in January due to the holidays and the absence of most of the legal fraternity. Otherwise it was an uneventful period with nothing unusual to report on.

The conciliation team met weekly to discuss cases and other issues throughout this quarter. During this period the Acting Chief Conciliator instituted monthly meetings with all conciliators to review caseloads and progress with files, and to deal with any individual problems.

During the quarter the conciliators met with the individual parties or stakeholders on 65 occasions, including 10 meetings in regional Victoria. There were 19 conciliation meetings (ie. Meetings between the parties, chaired by the conciliator) including 2 in regional Victoria. In addition the conciliators gave 7 lectures or talks, including 3 in regional Victoria, and attended 12 seminars or conferences.

Table 11 - Resolution in Conciliation

| Type of Resolution | 3rdQtr 2005/06 | | 2ndQtr 2005/06 | |
|----------------------------------|----------------|-------------|----------------|-------------|
| | No's | % | No's | % |
| Apology given | 3 | 5% | 0 | 0% |
| Change in procedure/policy | 2 | 3% | 5 | 6% |
| Compensation | 5 | 8% | 1 | 1% |
| Explanation/Information provided | 15 | 24% | 12 | 15% |
| Objective or Service obtained | 17 | 27% | 22 | 28% |
| Total resolved | 42 | 68% | 40 | 77% |
| Referred to Board or VCAT | 6 | 10% | 2 | 3% |
| Non-concilliable | 14 | 23% | 16 | 30% |
| | 20 | 32% | 18 | 23% |
| Total | 62 | 100% | 58 | 100% |

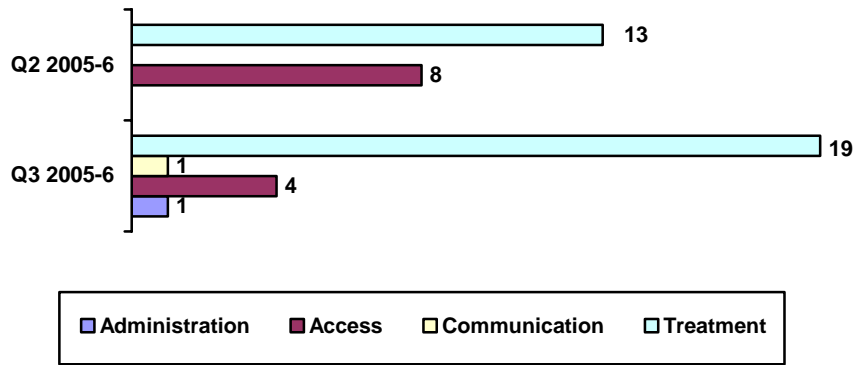
Of the 508 complaints closed this quarter 62 (12%) were in conciliation. The number of closures was similar to the previous quarter.

PRISONER COMPLAINTS

Table 12 – breakdown of prisoner complaints

| | Jan-06 | Feb-06 | Mar-06 | Total | |
|----------------|-----------|-----------|----------|-----------|-------------|
| Access | 2 | 1 | 1 | 4 | 16% |
| Administration | 1 | 0 | 0 | 1 | 0% |
| Communication | 1 | 0 | 0 | 1 | 0% |
| Cost | 0 | 0 | 0 | 0 | 0% |
| Rights | 0 | 0 | 0 | 0 | 0% |
| Treatment | 6 | 9 | 4 | 19 | 76% |
| Total | 10 | 10 | 5 | 25 | 100% |
| | 40% | 40% | 20% | 100% | |

Figure 8 – Prisoner Complaints



The number of prisoner complaints increased from 20 last quarter to 25 this quarter. Issues were mainly around access and treatment.

PSYCHIATRIC SERVICES

Figure 9: Psychiatric Services Complaints

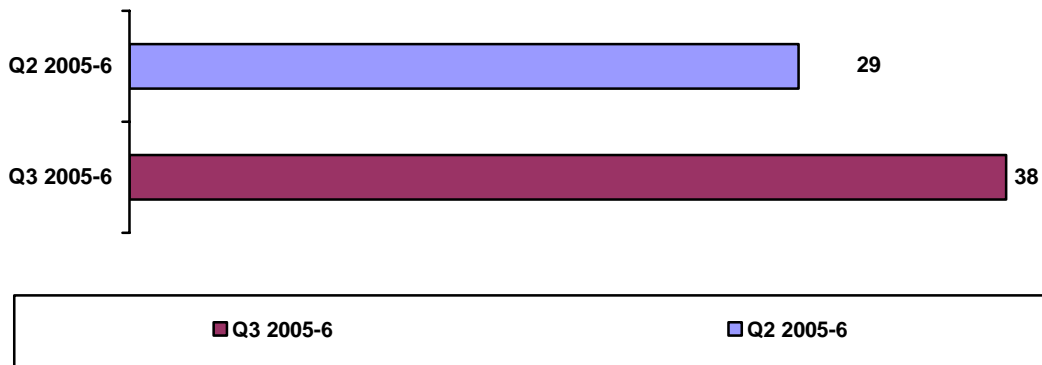
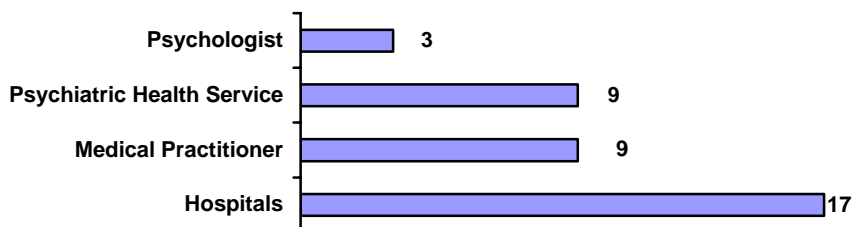


Table 11: Psychiatric Services

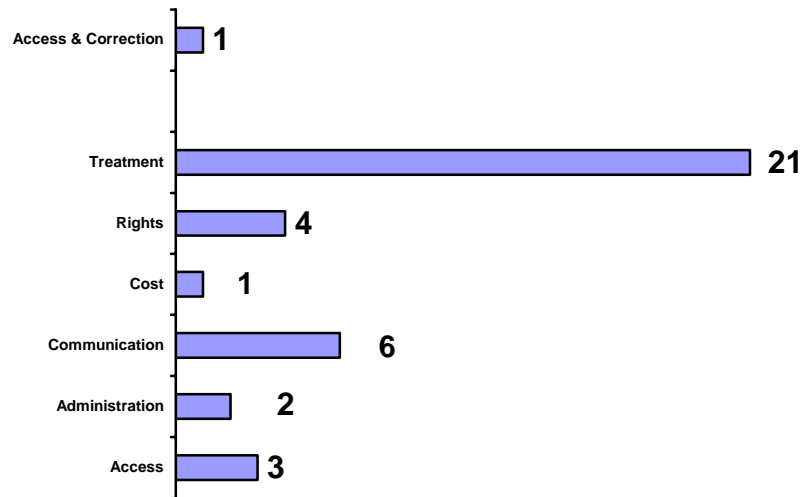
| | Jan-06 | Feb-06 | Mar-06 | Total | |
|----------------------------|-----------|-----------|-----------|-----------|-------------|
| Hospitals | 4 | 7 | 6 | 17 | 45% |
| Medical Practitioner | 3 | 2 | 4 | 9 | 24% |
| Psychiatric Health Service | 4 | 4 | 1 | 9 | 24% |
| Psychologist | 3 | 1 | 2 | 3 | 8% |
| Total | 11 | 13 | 11 | 38 | 100% |
| | 29% | 34% | 29% | 100% | |

Figure 10: Types of Service



Complaints about psychiatric services increased from 29 last quarter to 38 this quarter.

Figure 11: Issues in Psychiatric Complaints



There were 38 complaints about psychiatric services this quarter compared to 29 last quarter, Again this quarter they were mostly about hospitals and medical practitioners. Treatment (55%) was again the dominant issue.

ABORIGINAL OUTREACH PROGRAM

Provision of information (ATSI)

This quarter largely focused on presenting and facilitating workshops at Aboriginal Cooperatives and Health Clinics, and to Aboriginal Health Worker students.

This Office is also in negotiation with the Victorian Aboriginal Community Controlled Health Organisation (VACCHO) regarding featuring regular articles in their quarterly newsletter. Given that VACCHO already has an established network throughout Victoria, it is hoped this coverage will increase awareness of HSC in areas we ordinarily may not reach, thereby gauging further need for privacy training in Aboriginal organisations.

New complaints were mostly resolved and finalised at the enquiries stage.

Table 14 Provision of information (ATSI)

| Enquiries & Referrals | |
|--|-----------|
| Request for brochures & reports | 50 |
| Speaking engagements | 9 |
| Food, environmental health enquiries | 0 |
| Health Insurance enquiries | 0 |
| Referral to Federal Privacy Commissioner | 0 |
| Referral to State Privacy Commissioner | 0 |
| Referral to Aboriginal Legal Service | 0 |
| Referral to other dispute settlement service | 0 |
| Referred elsewhere | 0 |
| Other enquiries | 9 |
| | 68 |

Table 15 Complaints (ATSI)

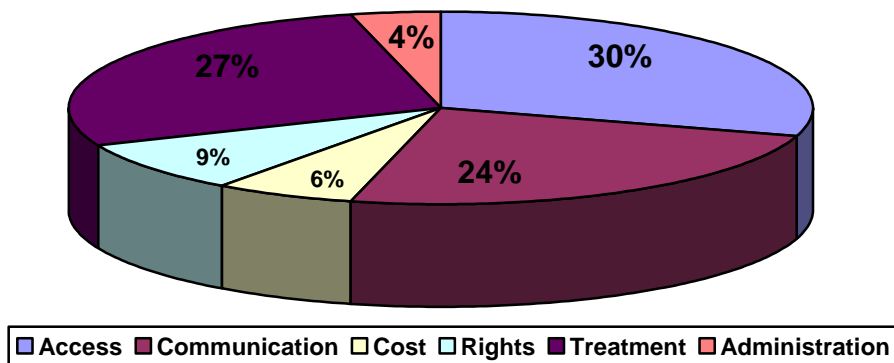
| HSC Complaints | | HRA Complaints | |
|----------------|----------|-------------------------------|----------|
| Access | 2 | Access & Correction | 0 |
| Administration | 0 | Anonymity | 0 |
| Communication | 1 | Collection | 0 |
| Cost | 0 | Data Quality | 0 |
| Rights | 0 | Identifiers | 0 |
| Treatment | 3 | Info Available to another HSP | 0 |
| None | 0 | Openness | 0 |
| | | Transborder data flows | 0 |
| | | Transfer/Closure of HSP | 0 |
| | | Use & Disclosure | 0 |
| | 6 | | 0 |

HOSPITAL HEALTH COMPLAINTS DATA

During this quarter 35 hospitals/community centres provided complaints data which showed they received 1051 complaints. The major area of concern to people was spread evenly among other treatment making up 24% (313), Access 30% (287) or Communication 27% (253).

Issues in Complaints

Figure 11: Issues in HCIP Complaints (n=1051)



Primary Issue in Complaint by Seriousness Rating

Table 16: Issue by Seriousness

| | Access | Admin | Communication | Cost | Rights | Treatment | Total | |
|--------------|------------|-----------|---------------|-----------|-----------|------------|-------------|-------------|
| Trivial | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0% |
| Minor | 182 | 23 | 127 | 23 | 40 | 102 | 497 | 47% |
| Routine | 124 | 18 | 119 | 42 | 47 | 155 | 505 | 48% |
| Substantial | 6 | 1 | 6 | 0 | 3 | 25 | 41 | 4% |
| Serious | 1 | 0 | 1 | 0 | 1 | 5 | 8 | 1% |
| Total | 313 | 42 | 253 | 65 | 91 | 287 | 1051 | 100% |
| | 30% | 4% | 24% | 6% | 9% | 27% | 100% | |

Most complaints (95%) were of a minor nature or considered routine.

Table 17: Site by Issue

| | Access | Admin | Communication | Cost | Rights | Treatment | Total | |
|--------------------------|------------|-----------|---------------|-----------|-----------|------------|-------------|-------------|
| Admissions | 48 | 3 | 5 | 0 | 1 | 0 | 57 | 5% |
| Aged Care | 0 | 0 | 2 | 0 | 0 | 4 | 6 | 1% |
| Day Procedure Unit | 6 | 0 | 5 | 0 | 1 | 8 | 20 | 2% |
| Emergency department | 31 | 5 | 32 | 9 | 17 | 74 | 168 | 16% |
| Hospital grounds | 8 | 4 | 5 | 31 | 9 | 1 | 58 | 6% |
| Intensive care unit | 3 | 0 | 3 | 0 | 2 | 6 | 14 | 1% |
| Operating theatre | 11 | 2 | 1 | 1 | 3 | 8 | 26 | 2% |
| Other | 102 | 13 | 53 | 10 | 17 | 46 | 241 | 23% |
| Outpatient clinic | 38 | 12 | 38 | 6 | 2 | 26 | 122 | 12% |
| Ward | 66 | 3 | 109 | 8 | 39 | 114 | 339 | 32% |
| Total | 313 | 42 | 253 | 65 | 91 | 287 | 1051 | 100% |
| | 30% | 4% | 24% | 6% | 9% | 27% | 100% | |

In over 71% of complaints the either in the wards or in the Emergency department or were not specified.

Table 18: Outcome by Issue

| | Access | Admin | Communication | Cost | Rights | Treatment | Total | |
|---------------------|------------|-----------|---------------|------------|------------|------------|-------------|-------------|
| CHANGE IN POLICY | 4 | 1 | 2 | 1 | 2 | 11 | 21 | 1% |
| LAPSED | 89 | 9 | 29 | 8 | 24 | 57 | 216 | 14% |
| NOT UPHELD | 8 | 0 | 14 | 4 | 9 | 17 | 52 | 3% |
| REFERRED | 13 | 4 | 16 | 20 | 4 | 20 | 77 | 5% |
| REMEDIAL | 10 | 3 | 23 | 1 | 1 | 24 | 62 | 3% |
| RESOLVED | 283 | 42 | 271 | 67 | 80 | 297 | 1040 | 74% |
| Total | 407 | 59 | 355 | 101 | 120 | 426 | 1468 | 100% |
| | 27% | 4% | 24% | 7% | 9% | 29% | 140% | |

74% of all complaints were resolved while another 14% lapsed.

EXECUTIVE SERVICES

The Executive Services Unit comprises two staffing streams and provides corporate support services for the office including Finance, Human Resources, Information Technology, Purchasing, Vehicle Management, Building Services and Reception Services. It is also responsible for the operation of the *Health Records Act 2001*(Vic) (HRA) and the provision of legal advice to the Commissioner and staff.

Health Records Act 2001

The office continues to offer training, education and support to holders of health information and consumers on their respective responsibilities and rights under the legislation. These organisations include health services providers, government departments and agencies, local government, employers and many other holders of health information.

Table 19: HRA Requests

| Requests | |
|-------------------------|----|
| Published articles | 0 |
| Consultation in office | 4 |
| Presentation to a group | 6 |
| Response to question | 4 |
| Telephone inquiries | 86 |
| Review policy documents | 8 |

Table 20: HRA Contacts

| HRA Team Contacts | |
|---|------|
| HRA brochures sent out | 561 |
| HSC brochures sent out | 2296 |
| Guide to help health services handle complaints | 177 |
| Access to records brochures sent out | 131 |
| No of posters sent | 8 |
| Amount of people attending presentations | 157 |

Interpreter services

On Thursday 30 March Daniel Andrews MP, Parliamentary Secretary for Health launched the *Problem with a health service or concerns about translating and interpreting services?* brochure at Footscray's Western Hospital. The brochure a joint initiative between the OHSC and the Victorian Multicultural Commission outlines the rights of patients and the responsibilities of Department of Human Services (DHS) funded health care providers in their delivery of services to people from a culturally and linguistically diverse (CALD) background.

DHS funded agencies are required to provide information in a person's preferred language when they need to be informed of their rights, give informed consent and be advised of critical information relating to one's health and wellbeing. Individuals also have a right to participate in decision making related to medical and other human service matters that affect them.

Website

The office website (www.health.vic.gov.au/hsc) is featured prominently in all of the office promotional material. It is a source of information for the community on the role of the OHSC and includes publications produced by the office, appropriate links and the latest information.

The following table is for the period 1 January to 30 March 2006.

Table 21: Website Statistics

| Month | Pages Viewed | Sessions | Visitors |
|---------|--------------|----------|----------|
| Jan | 28277 | 4005 | 3380 |
| Feb | 34649 | 4843 | 4089 |
| Mar | 42702 | 5963 | 5963 |
| Average | 35209 | 4937 | 4477 |
| Totals | 105628 | 14811 | 13432 |

Staff Training and Development

On 8 February 2006 Associate Professor Larry McNicol - Chairman of the Victorian Consultative Council on Anaesthetic Mortality & Morbidity provided an informative talk to OHSC staff

APPENDICES

APPENDIX 1 - Providers by Type and Specialities

| Grouping | Type of organisation | Speciality | Sub speciality | | | |
|------------------------------|-----------------------------------|----------------------|------------------------|-------------------------|---------------------|---|
| Dentists in Private Practice | 36 | Dental Surgery | 5 | | | |
| | | Dentist | 31 | | | |
| Hospitals | 177 | <i>Not specified</i> | 22 | | | |
| | | Private Hospital | 16 | | | |
| | | Public Hospital | 112 | | | |
| | | <i>Psychiatric</i> | 17 | | | |
| | | <i>Specialist</i> | 4 | | | |
| | | <i>Womens</i> | 6 | | | |
| Medical Practitioners | 127 | Medical Clinic | 13 | <i>Group Practice</i> | 2 | |
| | | | | <i>Laser Eye Clinic</i> | 1 | |
| | | | | <i>Mens Health</i> | 3 | |
| | | | | <i>Not specified</i> | 7 | |
| | | | Medical Practitioner | 114 | <i>Allergist</i> | 2 |
| | | | | | <i>Anaesthetist</i> | 3 |
| | | | | | <i>Cardiologist</i> | 2 |
| | <i>Dermatologist</i> | 3 | | | | |
| | <i>Ear, Nose and Throat</i> | 1 | | | | |
| | <i>Gastroenterologist</i> | 1 | | | | |
| | <i>General Practitioner</i> | 46 | | | | |
| | <i>Neurologist</i> | 2 | | | | |
| | <i>Not specified</i> | 18 | | | | |
| | <i>Obstetrician/Gynaecologist</i> | 4 | | | | |
| | <i>Oncologist</i> | 1 | | | | |
| | <i>Ophthalmologist</i> | 4 | | | | |
| | <i>Psychiatrist</i> | 9 | | | | |
| | <i>Surgeon</i> | 16 | | | | |
| | | | General | 2 | | |
| | | | Neurological | 1 | | |
| | | | Not specified | 6 | | |
| | | | Orthopaedic | 4 | | |
| | | | Plastic | 2 | | |
| | | | Vascular | 1 | | |
| | | | <i>Urologist</i> | 2 | | |
| | Not specified | 35 | | | | |
| | Remaining Providers | 113 | Alcohol & Drug Service | 1 | | |
| Allied Health | | | 3 | | | |
| Alternative therapist | | | 5 | <i>Naturopath</i> | 4 | |
| | | | | <i>Other</i> | 1 | |
| Alternative Therapist Clinic | | | 5 | | | |
| Ambulance Service | | | 6 | | | |

| | | | |
|--|------------|---------------------------|----|
| Beauticians/ laser therapists | 3 | | |
| Community Health Centre | 7 | | |
| Corrections Health | 25 | <i>Not specified</i> | 15 |
| | | <i>Public</i> | 4 |
| | | <i>Private</i> | 6 |
| Counsellor | 2 | | |
| Dpt of Human Services | 3 | | |
| Dental Prosthetist | 2 | | |
| Diagnostic Service | 15 | <i>Diagnostic Imaging</i> | 6 |
| | | <i>Not specified</i> | 5 |
| | | <i>Pathology</i> | 4 |
| Health Insurance | 1 | | |
| Locum Service | 1 | | |
| Not a health service provider (organisation) | 1 | | |
| Nursing Home | 2 | | |
| Nursing service | 1 | | |
| Optical dispenser | 6 | | |
| Optometrist | 1 | | |
| Pharmacists | 2 | | |
| Pharmaceutical supplier | 5 | | |
| Pharmacist | 1 | | |
| Podiatrist | 1 | | |
| Psychiatric Health Service | 9 | | |
| Psychologist | 3 | | |
| Rehabilitation Service | 2 | | |
| Grand Total | 488 | | |

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