

Office of the Health Services Commissioner Report



July - September Quarter 2004

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COMMISSIONER'S REPORT

This quarter complaint trends increased slightly from the previous one. Treatment remains the main issue of health complaints and access to records and their use, the main focus of health records complaints.

There was an emphasis on promotional and out reach activities this quarter including participation at the Royal Melbourne Show manning the Privacy Victoria stand and distributing 10,000 stress balls, hand painting and delivering the health privacy message in a novel way. Other outreach activities included manning promotional stands at major suburban shopping centres, and the production of calico bags and posters to promote the Offices outreach programs to the ATSI community.

I would like to thank the hard working staff of the HSC for their dedicated efforts during the quarter under review.

ANALYSIS OF COMPLAINTS TRENDS

1 July to 30 September, 2004

Figure 1

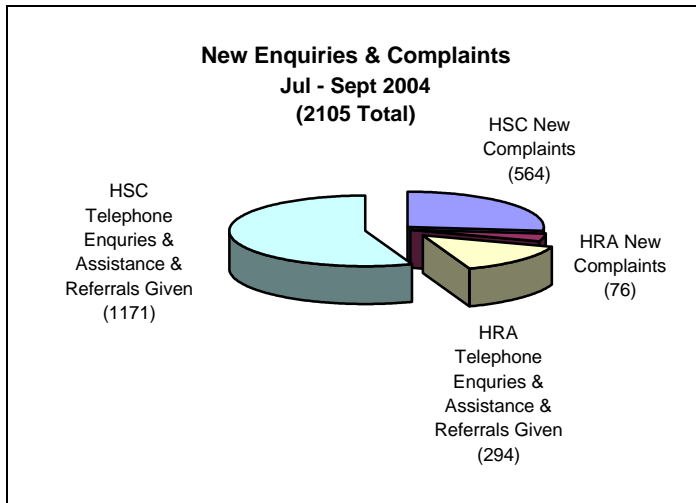
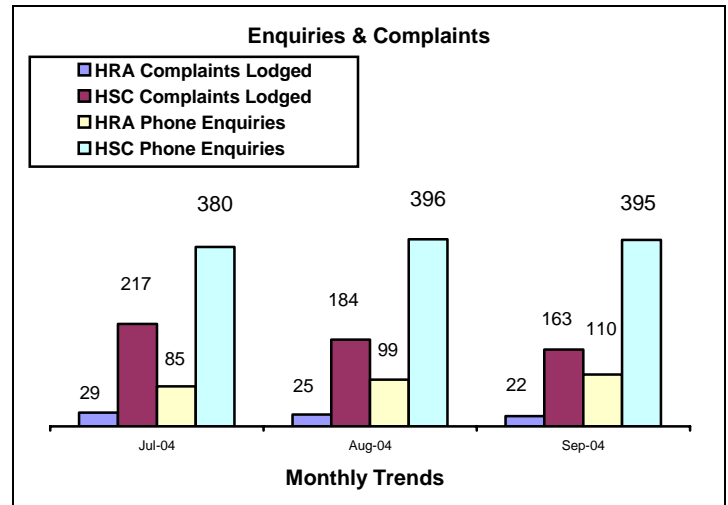


Figure 2



New Complaints & Telephone Enquiry Comparisons

Table 1

	Current Quarter					Previous Quarter		Previous Year	
	Jul	Aug	Sep			April - June	Jul - Sep		
	2004	2004	2004			2004	2003		
Health Services (Conciliation & Review) Act 1987									
New complaints lodged	217	184	163	564	27%	548	27%	611	26%
Telephone Enquiries & Assistance/referrals given									
Access to records	1	0	0	1		18		72	
Brochure	0	2	1	3		9		42	
Fees	53	44	63	160		189		31	
Food & environmental health issues	45	44	63	152		133		143	
Health insurance	11	6	2	19		23		44	
Hospital waiting lists	4	2	3	9		6		9	
Other	129	152	143	424		475		499	
Referred elsewhere	137	146	120	403		392		379	
HSC Total	380	396	395	1171	56%	1245	61%	1343	57%
HSC Total	597	580	558	1735	82%	1793	87%	1954	82%
Health Records Act 2001									
New complaints lodged	29	25	22	76	4%	53	3%	69	
Telephone Enquiries & Assistance/referrals given									
Access to records	56	54	74	184		125		161	
Brochure	2	0	1	3		3		40	
Fees	6	9	23	38		12		39	
Privacy Information	18	24	11	53		60		92	
Referred to Federal Privacy Commissioner	0	0	0	0		1		3	
Referred to FOI Act	3	12	1	16		8		13	
Referred to State Privacy Commissioner	0	0	0	0		1		0	
HRA Total	85	99	110	294	14%	210	10%	348	15%
HRA Total	114	124	132	370	18%	263	13%	417	18%
Total complaints & enquiries	711	704	690	2105	100%	2056	100%	2371	100%

Primary Issues in Complaints

Figure 3

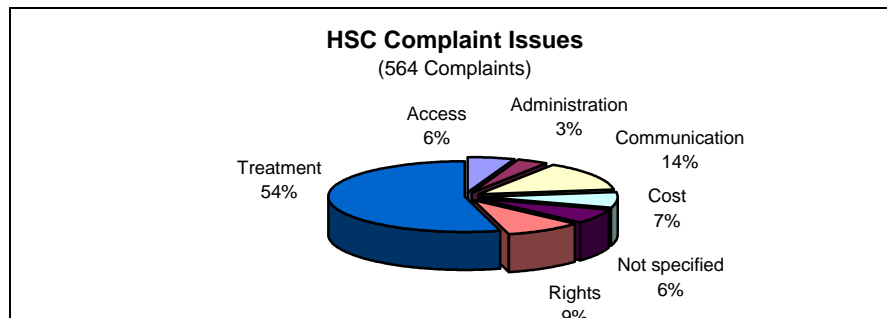


Table 2

	1st Qtr 2004/5	4th Qtr 2003/4		1st Qtr 2004/5	4th Qtr 2003/4
Access			Cost		
Communication breakdown	2	6	Amount charged	14	12
Delay in admission	3	3	Billing practices	13	15
Delay in treatment	9	11	Information on costs	8	7
Discharge arrangements	1	4	Over servicing	2	2
No/inadequate service	13	24	Private health insurance	1	1
Non attendance	1	0	Unnecessary treatment	0	1
Refused admission	0	1	Other	3	1
Waiting list	3	3		41	39
	32	52			
Administration			Rights		
Management practices	4	3	Access to records	0	0
Advertising	0	0	Accuracy of records	1	1
Failure to provide certificate	2	2	Assault	4	5
Hygiene	1	1	Discrimination	7	2
No/inadequate response	9	1	No/insufficient consent	8	3
Other	2	0	Other	8	15
Policy	0	0	Privacy/confidentiality	2	3
Quackery/legality	1	3	Refusal to treat	5	4
	19	10	Unprofessional conduct	16	11
				51	44
Communication			Treatment		
Absence of caring	10	5	Inadequate diagnosis	43	40
Failure to consult	11	9	Inadequate treatment	122	106
Inconsiderate/undignified service	15	20	Medication	28	27
Other	3	1	Negligent treatment	51	63
Poor attitude/discourtesy	22	22	Other	1	2
Wrong/misleading Information	16	11	Rough treatment	16	12
	77	68	Unskilful/incompetent treatment	34	19
			Wrong diagnosis	6	6
			Wrong treatment	5	4
				306	279
			Not Specified	38	56
			Grand Total	564	548

Figure 4

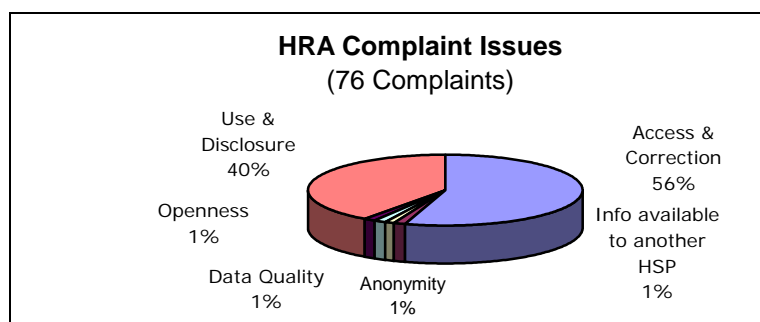


Table 3

	1st Qtr 2004/5	4th Qtr 2003/4
Access & Correction		
Access refused	37	21
Amended statement not appended	0	0
Correction refused	2	0
Inaccurate information not concealed	0	0
No written reason for refusal	2	1
	41	22
Anonymity		
Refusal of anonymity	1	0
Collection		
Breach of in-confidence details	1	3
Inadequate collection statement	0	1
Unnecessary collection	0	2
	1	6
Data Quality		
Data inaccurate, incomplete or out of date		1
Destruction of information of non HSP	0	0
Transferred without notation	0	0
Unsatisfactory protection	1	3
	1	4
Info available to another HSP		
Information refused	0	0
Excessive fee	1	1
	1	1
iIdentifiers		
		0
Misuse		
	0	0
Openness		
Insufficient details given	1	0
Transborder data flows		
Unauthorised transborder transfer	0	0
Transfer/Closure of HSP		
Inadequate notification	0	1
Unsafe storage of records	0	0
	0	1
Use & Disclosure		
Disclosure - Inadequate consent	26	9
Disclosure - Inadequate disclosure	4	7
Use - Insufficient information	0	2
	30	18
Not specified	0	1
Total	76	53

Table 3a - Consumer Profile

Age Range	Female	Male	Total
0 to 01	2	0	2
01 to 04	4	5	9
05 to 14	0	10	10
15 to 24	8	5	13
25 to 34	37	14	51
35 to 44	33	25	58
45 to 54	35	20	55
55 to 64	18	15	33
65 to 74	10	15	25
75 +	18	9	27
Unknown	194	163	357
Total	358	281	640

Respondent Analysis by Primary Issue

Figure 5

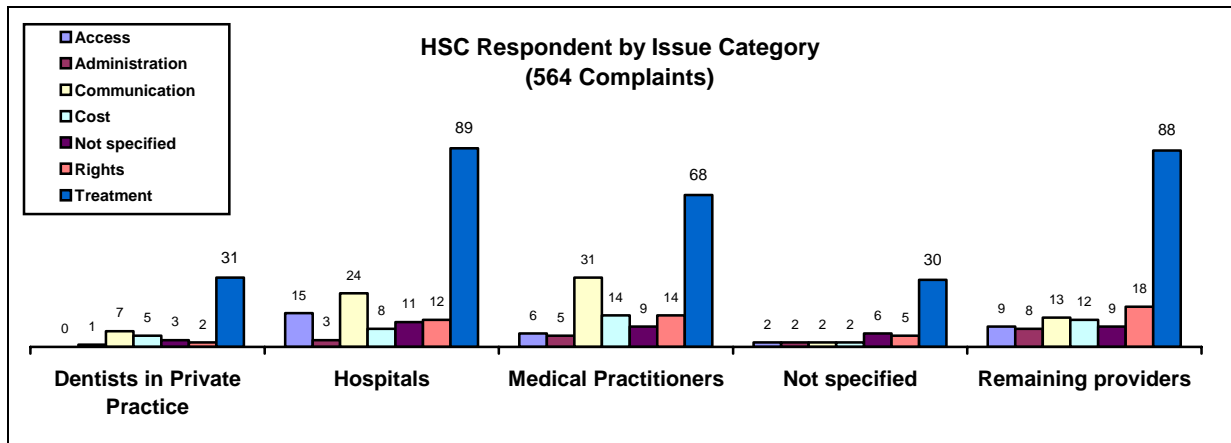


Figure 6

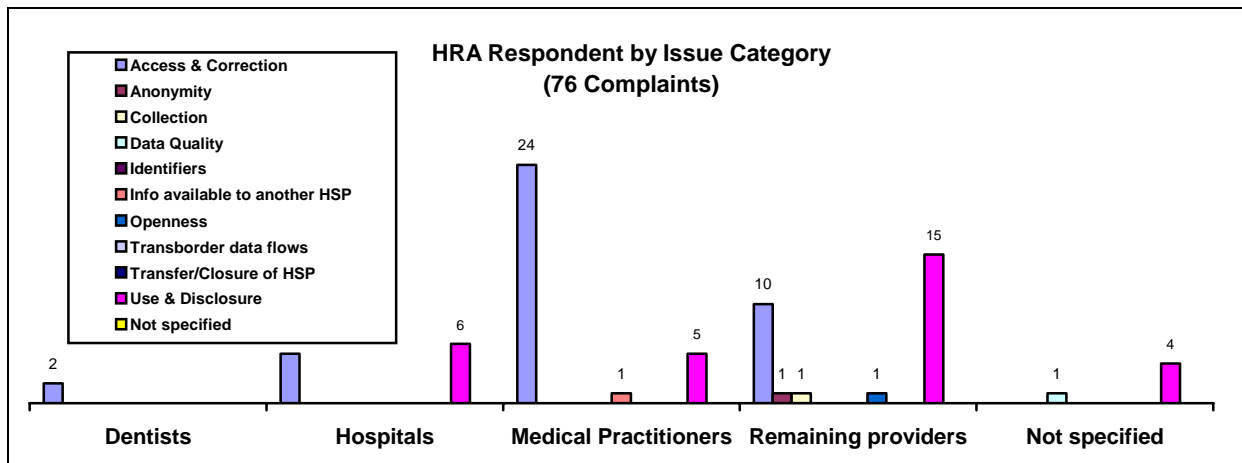


Table 4 – Respondent Type by Issue Category

	1st Qtr 2004-5							2nd Qtr 2004-5						
	Private Practice	Hospitals	Medical Practitioners	Remaining Providers	Not specified			Dentists in Private Practice	Hospitals	Medical Practitioners	Remaining Providers	Not specified		
HSC														
Access	0	15	6	9	2	32	5%	4	16	3	24	5	52	9%
Administration	1	3	5	8	2	19	3%	1	3	1	5	0	10	2%
Communication	7	24	31	13	2	77	12%	11	21	26	9	1	68	11%
Cost	5	8	14	12	2	41	6%	9	7	10	13	0	39	6%
Not Specified	3	11	9	9	6	38	6%	30	11	8	5	2	56	9%
Rights	2	12	18	14	5	51	8%	6	8	10	15	5	44	7%
Treatment	31	89	88	68	30	306	48%	51	86	56	75	11	279	46%
	49	162	171	133	49	564	88%	112	152	114	146	24	548	91%
HRA														
Access & Correction	2	5	24	10	0	41	6%	5	0	11	5	1	22	4%
Anonymity	0	0	0	1	0	1	0%	0	0	0	0	0	0	0%
Collection	0	0	0	1	0	1	0%	1	0	2	3	0	6	1%
Data Quality	0	0	0	0	1	1	0%	0	1	1	2	0	4	1%
Identifiers	0	0	0	0	0	0	0%	0	0	0	0	0	0	0%
Info Available to another HSP	0	0	1	0	0	1	0%	1	0	0	0	0	1	0%
Openness	0	0	0	1	0	1	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	0	0	0%	0	0	1	0	0	1	0%
Use & Disclosure	0	6	5	15	4	30	5%	4	2	1	10	1	18	3%
Not specified	0	0	0	0	0	0	0%	0	0	0	0	1	1	0%
	2	11	30	28	5	76	12%	11	3	16	20	3	53	9%
Grand Total	51	173	201	161	54	640	100%	123	155	130	166	27	601	100%
	8%	27%	31%	25%	8%	100%		20%	26%	22%	28%	4%	100%	

How Complaints Are Managed

Table 5

Stage of Complaint Process	1st Qtr 2004-5				4th Qtr 2003-4			
	HRA	HSC	Total	%	HRA	HSC	Total	%
Closed in Enquiry (Single Contact Complaints)	37	270	307	54%	19	213	232	45%
Closed in Assessment	31	198	229	40%	21	232	253	49%
Closed in Conciliation	3	30	33	6%	4	31	35	7%
Closed in Investigation	0	1	1	0%	0	0	0	0%
Complaints closed	71	499	570	100%	44	476	520	100%

Primary Issue In Complaint By Seriousness Rating At Closure

Table 6

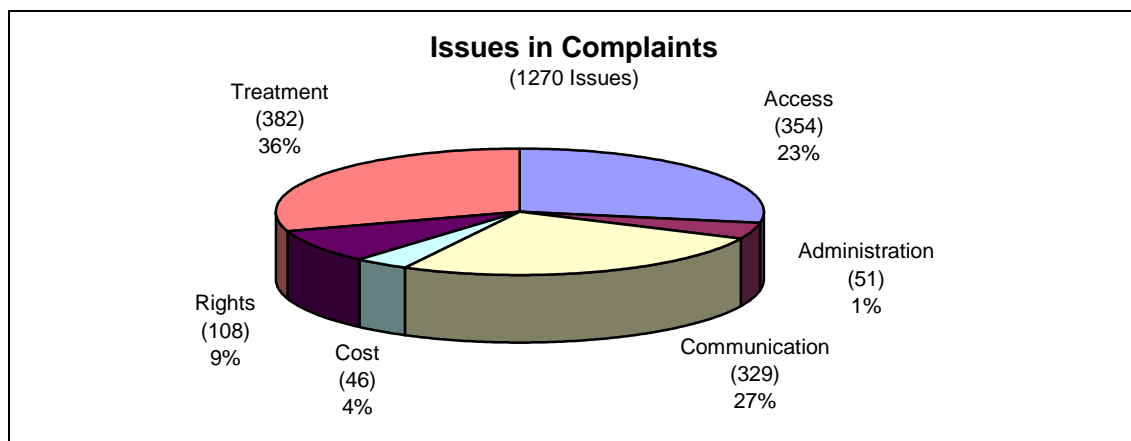
	1st Qtr 2004-5				4th Qtr 2003-4					
	High	Medium	Low	Total	High	Medium	Low	Total		
HRA										
Access & Correction	1	15	14	30	5%	0	9	13	22	4%
Anonymity	0	0	1	1	0%	0	0	0	0	0%
Collection	0	4	0	4	1%	0	0	0	0	0%
Data Quality	0	3	1	4	1%	0	2	4	6	1%
Identifiers	0	1	0	1	0%	0	0	1	1	0%
Info Available to another HSP	0	0	1	1	0%	0	0	0	0	0%
Openness	0	0	1	1	0%	0	0	0	0	0%
Transborder data flow	0	0	1	1	0%	0	0	0	0	0%
Transfer/Closure of HSP	0	0	0	0	0%	0	0	0	0	0%
Use & Disclosure	1	19	8	28	5%	0	8	7	15	3%
Not specified	0	0	0	0	0%	0	0	0	0	0%
	2	42	27	71	12%	0	19	25	44	8%
HSC										
Access	1	16	14	31	5%	1	11	26	38	7%
Administration	0	2	11	13	2%	0	4	8	12	2%
Communication	3	23	44	70	12%	0	19	40	59	11%
Cost	0	10	27	37	6%	0	6	28	34	7%
Not Specified	2	23	13	38	7%	1	23	12	36	7%
Rights	1	10	24	35	6%	3	19	27	49	9%
Treatment	25	135	115	275	48%	19	136	93	248	48%
	32	219	248	499	88%	24	218	234	476	92%
Total Complaints Closed	34	261	275	570	100%	24	237	259	520	100%

HOSPITAL HEALTH COMPLAINTS INFORMATION PROGRAM DATA

During the period under review 35 hospitals submitted data containing 1270 complaints. This report includes access, administration (management practises), communication, cost, rights and treatment issues. Complaints concerning atmosphere/hotel issues such as environmental standards, car parking, size of food portions etc. that are recorded using the Health Complaints Information Program (HCIP) have been excluded from this report.

Issues in Complaints

Figure 7



Primary Issue in Complaint by Seriousness Rating

Table 7

1 st Quarter 2004-5						
	Trivial	Minor	Routine	Substantial	Serious	Total
Access	0	166	138	46	4	354
Administration	0	27	8	16	0	51
Communication	0	157	107	61	4	329
Cost	0	16	20	10	0	46
Rights	0	40	55	12	1	108
Treatment	0	151	158	64	9	382
Total	0	557	486	209	18	1270

REGISTRAR

During the last quarter a total of 305 complaints were discussed with the Registration Boards. Of this total 134 complaints were received by HSC and 171 complaints received by 9 Boards were forwarded to HSC for comment. A total of 188 complaints were about medical practitioners, 55 concerned dentists and 20 complaints were about pharmacists. No complaints were recorded against the Podiatrists Registration Board, Osteopaths Registration Board and the Medical Radiation Technologists Board whilst the balance 42 complaints were about practitioners registered with the 6 remaining Boards. Eighteen complaints received by HSC during the 3 month period, were formerly referred to 4 Registration Boards with 16 of these being to the Medical Practitioners Board. A total of 9 complaints were received by HSC from 4 Boards. Table 8 contains the detailed information.

In addition to the regular interactions which occur between the Registrar and the 12 Registration Boards, consultations occur with other agencies as the need arises. Six complaints were referred to HSC by the Victorian WorkCover Authority and three complaints were received from Consumer Affairs Victoria. Two Freedom of Information requests were processed during this period.

Table 8

Organisation	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	3	0	0
Chiropractors Registration Board of Victoria	4	8	0	0
Dental Practice Board of Victoria	27	28	1	3
Medical Practitioners Board of Victoria	89	99	16	3
Medical Radiation Technologists Board of Victoria	0	0	0	0
Nurses Board of Victoria	4	7	1	2
Optometrists Registration Board of Victoria	4	1	0	0
Osteopaths Registration Board of Victoria	0	0	0	0
Pharmacy Board of Victoria	4	16	0	1
Physiotherapists Registration Board of Victoria	2	2	0	0
Podiatrists Registration Board of Victoria	0	0	0	0
Psychologists Registration Board of Victoria	0	7	0	0
	134	171	18	9

ASSESSMENT & INVESTIGATION

This quarter produced a small increase (3%) in the number of HSC complaints from 548 in the previous quarter to 564 in this quarter. The numbers of HRA complaints increased more substantially (43%) from 53 last quarter to 76 this quarter. HRA enquiries also increased by 40% in comparison with enquiries in the previous quarter. This probably reflects a growing awareness of the Legislation within the community.

The primary issues in HSC complaints showed similar patterns to previous quarters with treatment the most frequently named issue and comprising 54%. The primary issues for HRA were refusal of access and disclosure of information without consent, again similar to the previous quarter.

Of the 570 cases closed this quarter, 95% were closed in the either in enquiry or in the assessment phase. This is similar to the previous quarter. The total of 570 includes those cases, which were registered as potential complaints but were not confirmed by the complainant by the time of this report. Some complaints are confirmed several months after the initial contact and registration. There were 263 confirmed cases closed in this period. 230 (87%) were closed in assessment and investigation and the rest (13%) were closed in conciliation.

CONCILIATION

The quarter under review evidenced another busy time for the conciliation team. Staff shortages due to competing priorities have also been a challenge this quarter. As a result, the waiting list for conciliation has doubled and the team continues to work diligently to work effectively and minimise the waiting period as much as possible. As yet there still does not appear to be any significant changes to the conciliation workload as a result of the effects of the introduction of the Wrongs and Limitation of Actions Acts (Insurance Reform) Act 2003. However, as usual the situation will continue to be monitored.

Complaints referred to conciliation continue to be prioritised as follows:

HRA complaints are allocated immediately because most are about failure to provide access to records within the statutory time frame stipulated under the Act.

Other complaints are dealt with according to date of referral to conciliation (oldest file in the Office is dealt with first) unless the state of health of the complainant and/or provider dictates otherwise or there is a time problem due to the Limitation of Actions Act 1958 and subsequent amendments made by the Wrongs and Limitation of Actions Acts (Insurance Reform) Act 2003.

Currently files are actioned within four to six weeks of referral to conciliation. The majority of conciliation files as always raise issues of a complex nature, which require in depth analysis, research, consultation and management.

Where the conciliation process identifies systemic issues within the Victorian health service industry, the conciliation team continues to adopt a very proactive role, in cooperation with the participants, to address these issues effectively to achieve long-term change management.

Aboriginal Outreach Program

The Koori Outreach Programme (which is part of the conciliation team's brief) continues to be very dynamic, reaching many remote communities in country Victoria (see Report below) The Programme recognises the Koori Community's reluctance to complain formally, requiring immediate handling of matters that arise, in a culturally sensitive manner. The Koori Liaison Officer is also involved in broad education outreach programmes relating to the HSC and HRA legislation.

The focus of the first quarter for the 2004/2005 year largely focused on the following issues:

Attendance at the National Mediation Conference in Darwin, where there was an opportunity to liaise with a number of other Indigenous people involved in alternative dispute resolution.

Producing and printing promotional materials aimed at Aboriginals & Torres Strait Islanders.

Agreeing to conducting an extensive Privacy training package in conjunction with the Victorian Aboriginal Community Controlled Health Organisation (VACCHO).

Mail out of promotional materials with publications order form enclosure to 200 organisations.

Promotional Materials

The following promotional materials were produced during the quarter.

"Health Care Issues?" calico bags;

"Health Care Issues?" poster; and

"Health Privacy – It's Our Business. A guide for people working with Aboriginal & Torres Strait Islander Communities in Victoria" (currently being printed.)

Feedback:

So far, community feedback has been very positive with a number of requests for training sessions based on the privacy manual. VACCHO staff have indicated that the Privacy manual is a very useful tool for the people to whom they provide training. It has been stated that the manual is very "Koori friendly." A request has been made for a number of the manuals to be sent to VACCHO to be distributed to Health Workers doing courses at VACCHO.

1. PROVISION OF INFORMATION (ATSI)

Mail outs of brochures, fridge magnets, annual reports & other information:	21
Requests for information/training sessions:	16
Number of ATSI information sessions attended:	5
Total number of meetings/training sessions attended:	14

2. MEETINGS/TRAINING ATTENDED BY THE ALO

1 July – 2 July	Attended National Mediation Conference in Darwin
29 July	Meeting with Aboriginal Liaison Officer at Melbourne Assessment Prison
5 August	Attended Conciliation Planning Day
9 August	Meeting with a complainant
16 August	Meeting with graphic designer
18 August	Co-conciliated a meeting with another conciliator
19 August	Meeting with graphic designer
20 August	Meeting with a complainant

20 August	Meeting with printer regarding printing of "Health Privacy – It's Our Business"
24 August	Meeting with a prisoner
26 August	Meeting with a complainant
30 August	Participated in a study at Monash University for the Public Records Office in regards to access to information as part of an oral history project
30 August	Meeting with graphic designer
20 September	Manned the Privacy stall at the Royal Melbourne Show
22 September	Attended Dame Phyllis Frost Centre. Met with the Koori Liaison Officer and some of the prisoners.
23 September	Met with staff at the Victorian Aboriginal Community Controlled Health Organisation.

Table 9 Provision of information (ATSI)

Enquiries & Referrals	
Request for brochures & reports	22
Speaking engagements	5
Food, environmental health enquiries	1
Health Insurance enquiries	2
Referral to Federal Privacy Commissioner	0
Referral to State Privacy Commissioner	0
Referral to Aboriginal Legal Service	4
Referral to other dispute settlement service	0
Referred elsewhere	5
Other enquiries	40
	79

Table 10

Complaints	
Access	4
Administration	0
Cost	0
Communication	2
Rights	1
Treatment	10
	17

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.

Department of Human Services – Statement of Understanding

The HSC and Manager, Executive Services develop the SOU annually and in July met with DHS to review the operations of the OHSC and negotiate priorities and budget requirements for the office. An agreed SOU developed from the meeting and was signed in August. It specifies the services delivered, including key performance indicators (kpi), by the OHSC and it also sets out the funding requirements to deliver the services.

Health Records Act 2001

The office continues to educate 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 and a number of other holders of health information ranging from employers to child care centres.

The following tables show activity by the HRA team for the period 1 July 2003 to 30 September 2004.

Requests	
Published articles	0
Consultation in office	6
Presentation to a group	11
Response to question	7
Telephone inquiries	194
Written inquiries	27
Review policy documents	3

HRA Team Contacts	
HRA brochures sent out	2604
HSC brochures sent out	4276
Access to records brochures sent out	1938
No of posters sent	32
Amount of people attending presentations	0

Royal Melbourne Show

The Office of the Health Services Commissioner joined Privacy Victoria on their stand in the Government Expo Centre at the 2004 Royal Melbourne Show (16-26 September). Over 500,000 people attended the Show and approximately 65% of them visited the Government Expo Centre.

It was a great opportunity to alert the public of their Privacy rights and also the fact an organisation exists where they can complain about health services. Together we provided information to the public on information privacy in the public sector and privacy of health information in the public and private sectors. Brochures, information sheets and 10000 stress balls were distributed over the duration of the show.

Shopping Centre Displays

The office also joined Privacy Victoria in providing a display at Westfield shopping centres Southland, Geelong and Fountain Gate during the quarter. This provided great exposure for the office in bringing the role of the Health Services Commissioner to the attention of the public.

Train the trainer

The HRA team continued to offer 'train the trainer' training so privacy and training officers of various organisations could attend and develop their knowledge of the legislation and train staff in their own organisations. The most recent session was held on 6 August 2004 attended by 20 individuals from various organisations. The package is available on our website and the offer for training is open to any organisation covered by the HRA.

Website

The 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 July 2003 to 30 September 2004.

Month	Hits		Sessions	Visitors
July	9,976	32.90%	1,297	978
August	9,444	31.10%	1,729	1,323
September	10,899	35.90%	1,397	1,059
Average	10,106	33.30%	1,474	1,120
Totals	30,319	100%	4,412	1,798

APPENDICES

APPENDIX 1 - Providers by Type

Dentists in Private Practice		51
Hospitals		173
Medical Practitioners		201
Remaining Providers		
Aboriginal Health Worker	38	
Age Care	1	
Alternative therapist	2	
Ambulance Service	7	
Beauty Therapist	1	
Chiropractor	4	
Community Health Centre	4	
Corrections Health	34	
Counsellor	2	
Dental Prosthetist	9	
Diagnostic Service	9	
Health Insurance	1	
Not a health service provider (organisation)	13	
Nurse	1	
Nursing Home	1	
Nursing service	1	
Occupational therapist	1	
Optical Dispenser	7	
Pharmaceutical supplier	6	
Pharmacist	3	
Physiotherapist	2	
Psychiatric Health Service	9	
Psychologist	1	
Radiology Service	1	
Rehabilitation Service	1	
Supported Residential Service	2	
Not specified	54	
		148
Total		640

APPENDIX 2 - Medical Practitioner Specialities

Specialty	Total
Allergist	1
Emergency Medicine	1
Obstetrics/Gynaecology	1
Vascular Surgery	1
Ear, Nose and Throat	2
Medico-legal Examiner	2
Neurologist	2
Paediatrician	2
Plastic Surgery	2
Anaesthetist	3
Gastroenterology	3
Mens Health	3
Cardiologist	4
Physician	4
Ophthalmologist	5
Orthopaedic surgeon	7
Psychiatrist	7
General Surgery	9
General Practice	58
Not specified	84
	201