

AHPRA and National Boards – Q1 2015-16

Performance Report: Complaints management quarterly performance data

Reporting period: 1 July 2015 to 30 September 2015



Australian Health Practitioner Regulation Agency

Aboriginal and Torres Strait Islander health practice	Occupational therapy
Chinese medicine	Optometry
Chiropractic	Osteopathy
Dental	Pharmacy
Medical	Physiotherapy
Medical radiation practice	Podiatry
Nursing and Midwifery	Psychology

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Registration management

No data about AHPRA's management of registration matters has been provided in this report. AHPRA does not believe that the Health Ombudsman has jurisdiction in relation to AHPRA's performance in the management of the registration functions under the National Law. AHPRA will soon begin publishing detailed information about registration management.

Notifications management

Notifications overview

The tables below show the number of notifications about registered health practitioners received during the period, the number of notifications closed during the reporting period and the number of notifications open at the end of the reporting period by stream.

Table 4.1 Number of notifications received, by stream

Stream	Total
Health	60
Performance	242
Conduct	101
Total	403

Table 4.2 Number of notifications closed, by stream

Stream	Total
Health	42
Performance	145
Conduct	96
Total	283

Table 4.3 Number of notifications open at the end of the reporting period, by stream

Stream	September
Health	99
Performance	493
Conduct	301
Total	893

Immediate actions overview

Under the National Law, a National Board may take immediate action in relation to a registered health practitioner registered by the Board if the National Board reasonably believes that because of the registered health practitioner's conduct, performance or health, the practitioner poses a serious risk to persons and it is necessary to take immediate action to protect public health or safety. The Board may also take immediate action if the registered health practitioner's registration was improperly obtained because the practitioner or someone else gave the National Board information or a document that was false or misleading in a material particular or if the registered health practitioner's registration has been cancelled or suspended under the law of a jurisdiction, whether in Australia or elsewhere, that is not a participating jurisdiction.

Under the National Law, a National Board may take immediate action in relation to a student registered by the Board if the National Board reasonably believes that the student poses a serious risk to persons because the student has been charged with an offence, or has been convicted or found guilty of an offence, that is punishable by 12 months imprisonment or more; or has, or may have, an impairment; or has, or may have, contravened a condition of the student's registration or an undertaking given by the student to a National Board; and it is necessary to take immediate action to protect public health or safety. The Board may also take immediate action if the student's registration has been cancelled or suspended under the law of a jurisdiction, whether in Australia or elsewhere, that is not a participating jurisdiction.

The tables below show the number of immediate actions commenced during the reporting period, the number of immediate actions completed during the reporting period and the number of immediate actions open at the end of the reporting period.

Table 5.1 Number of immediate actions commenced

	Total
Immediate actions commenced	26

Table 5.2 Number of immediate actions completed

	Total
Immediate actions completed	32

Table 5.3 Number of immediate actions open at the end of the reporting period

	September
Immediate actions open	3

Outcomes and timeliness of completed immediate actions

The tables below show the outcomes of immediate actions completed during the reporting period and timeliness of immediate actions completed during the reporting period. The tables below also show the timeliness of immediate actions open at the end of the reporting period.

Table 6.1 Number of immediate actions completed, by outcome

Outcome	Total
Immediate action not proposed	0
Immediate action not taken	6
Immediate action taken	26
Total	32

Table 6.2 Immediate actions completed where immediate action was taken, by outcome

Outcome	Total
Accept undertaking	5
Impose conditions	15
Suspend registration	5
Accept surrender of registration	1
Total	26

Table 6.3 Number of immediate actions completed, by time frame

Time frame	Total
Completed in \leq 14 days	17
Completed in $>$ 14 days	9
Total	26

Timeliness of open immediate actions

Table 7.1 Number of immediate actions open at the end of the reporting period, by time frame

Time frame	September
Open for \leq 14 days	0
Open for $>$ 14 days	3
Total	3

Section 150 preliminary assessment overview

Under s150 of the National Law, a National Board must, within 60 days after receipt of a matter, conduct a preliminary assessment of the notification and decide whether or not it relates to a person who is a health practitioner or a student registered by the Board, and whether or not it relates to a matter that is a ground for notification.

The tables below show the number of s150 preliminary assessments commenced and completed during the reporting period and the number of s150 preliminary assessments open at the end of the reporting period.

Table 8.1 Number of s150 preliminary assessments commenced

	Total
s150 preliminary assessments commenced	376

Table 8.2 Number of s150 preliminary assessments completed

	Total
s150 preliminary assessments completed	355

Table 8.3 Number of s150 preliminary assessments open at the end of the reporting period

	September
s150 preliminary assessments open	22

Outcomes of completed s150 preliminary assessments

The tables below show the outcome of each preliminary assessment conducted and the timeliness of preliminary assessments completed.

Table 9.1 Number of s150 preliminary assessments completed, by outcome

Outcome	Total
Outcome of decision to take the enquiry further	
Progressed to notification	353
Managed as offence	1
Managed as complaint by co-regulator	1
Outcome of decision to close the enquiry	
Insufficient particulars	0
HCE to retain	0
Unable to identify practitioner	0
General information enquiry	0
Refer all of the notification to another body	0
Other	0
Total	355

Table 9.2 Number of s150 preliminary assessments completed, by timeframe

Time frame	Total
Completed in \leq 30 days	354
Completed in $>$ 30 days but \leq 60 days	
Completed in $>$ 60 days	1
Total	355

Assessment overview

After completing a preliminary assessment of a matter, Boards have the power to take no further action, investigate the matter further, refer the matter for health assessment, refer the matter for performance assessment, refer the matter for hearing by a panel or the responsible tribunal, or to take a form of action under Division 10 of Part 8 of the National Law. If a Board proposes to take action under Division 10 of Part 8 of the National Law, it must undertake a show cause process. This applies when the Board proposes to restrict a practitioner's registration in some way as an interim step to keep the public safe. In these cases, the final assessment decision will not occur until the show cause process has concluded.

After a Board decision to take no further action after an assessment or to take action under Division 10 of Part 8, some matters may remain open to enable administrative processes to be completed.

The tables below show the number of assessments commenced and completed during the reporting period and the number of assessments open at the end of the reporting period.

Table 10.1 Number of assessments commenced

	Total
Assessments commenced	402

Table 10.2 Number of assessments completed

	Total
Assessments completed	284

Table 10.3 Number of assessments open at the end of the reporting period

	September
Assessments open	347

Outcomes and timeliness of completed assessments

The tables below show the outcomes of the assessments completed during the reporting period. The tables below also show the timeliness of conducting the assessments during the reporting period, including any administrative or show cause steps required to complete the assessment.

Table 11.1 Number of assessments completed, by outcome

Outcome	Total
Outcome of decision to take the notification further	
Investigation	80
Health or performance assessment	41
Panel hearing	2
Tribunal hearing	0
Other stage	1
Outcome of decision to close the notification	
Accept undertaking	5
Caution	38
Impose conditions	30
No further action	85
Other	2
Total	284

Table 11.2 Number of assessments completed, by time frame

Time frame	Total
Completed in \leq 60 days	97
Completed in $>$ 60 days but \leq 90 days	95
Completed in $>$ 90 days	92
Total	284

Timeliness of open assessments

The tables below show the number of assessments that remain open at the end of the reporting period and the length of time that they have been in the assessment stage.

Table 12.1 Number of assessments open at the end of the reporting period, by time frame

Time frame	September
Open for \leq 60 days	231
Open for $>$ 60 days but \leq 90 days	72
Open for $>$ 90 days	44
Total	347

Table 12.2 Number of assessments open at the end of the reporting period that have been open \leq 60 days, by stage

Stage	September
Pending Board decision	218
Post Board decision	9
Subject to Division 10 process	4
Total	231

Table 12.3 Number of assessments open at the end of the reporting period that have been open $>$ 60 days but \leq 90 days, by stage

Stage	September
Pending Board decision	52
Post Board decision	3
Subject to Division 10 process	17
Total	72

Table 12.4 Number of assessments open at the end of the reporting period that have been open $>$ 90 days, by stage

Stage	September
Pending Board decision	3
Post Board decision	3
Subject to Division 10 process	38
Total	44

Investigations overview

The below tables show the number of investigations commenced and completed during the reporting period and the number of investigations that remain open at the end of the reporting period.

Table 13.1 Number of investigations commenced

	Total
Investigations commenced	84

Table 13.2 Number of investigations completed

	Total
Investigations completed	73

Table 13.3 Number of investigations open at the end of the reporting period

	September
Investigations open	334

Outcomes and timeliness of completed investigations

The tables below show the outcomes of investigations completed during the reporting period. Table 14.2 shows the timeliness of these completed investigations.

Table 14.1 Number of investigations completed, by outcome

Outcome	Total
Outcome of decision to take the notification further	
Health or performance assessment	1
Panel hearing	9
Tribunal hearing	5
Other stage	2
Outcome of decision to close the notification	
Accept undertaking	1
Caution	14
Impose conditions	3
No further action	37
Practitioner surrender	0
Other	1
Total	73

Table 14.2 Number of investigations completed, by time frame

Time frame	Total
Completed in \leq 6 months	11
Completed in $>$ 6 months but \leq 12 months	10
Completed in $>$ 12 months but \leq 18 months	21
Completed in $>$ 18 months	31
Total	73

Timeliness of open investigations

The table below shows the number of investigations that remain open at the end of the reporting period and the length of time that they have been in the investigation stage.

Table 15.1 Number of investigations open at the end of the reporting period, by time frame

Time frame	September
Open for \leq 6 months	143
Open for $>$ 6 months but \leq 12 months	85
Open for $>$ 12 months but \leq 18 months	54
Open for $>$ 18 months	52
Total	334

Health assessment overview

A health assessment is an assessment of a person to determine whether the person has an impairment and includes a medical, physical, psychiatric or psychological examination or test of the person.

The tables below show the number of health assessments commenced and completed during the reporting period and the number of health assessments open at the end of the reporting period.

Table 16.1 Number of health assessments commenced

	Total
Health assessments commenced	36

Table 16.2 Number of health assessments completed

	Total
Health assessments completed	26

Table 16.3 Number of health assessments open at the end of the reporting period

	September
Health assessments open	60

Outcomes and timeliness of completed health assessments

The tables below show the outcomes of the health assessments completed during the reporting period and the timeliness of these health assessments.

The tables below also show the timeliness of open health assessments at the end of the reporting period.

Table 17.1 Number of health assessments completed, by outcome

Outcome	Total
Outcome of decision to take the notification further	
Investigation	2
Panel hearing	0
Tribunal hearing	0
Other stage	0
Outcome of decision to close the notification	
Accept undertaking	2
Caution	0
Impose conditions	12
No further action	10
Practitioner surrender	0
Other	0
Total	26

Table 17.2 Number of health assessments completed, by time frame

Time frame	Total
Completed in \leq 6 months	15
Completed in $>$ 6 months	11
Total	26

Timeliness of open health assessments

Table 18.1 Number of health assessments open at the end of the reporting period, by time frame

Time frame	September
Open for \leq 6 months	52
Open for $>$ 6 months	8
Total	60

Performance assessment overview

A performance assessment is an assessment of the knowledge, skill or judgement possessed, or care exercised by a registered health practitioner in the practice of the health profession in which the practitioner is registered.

The tables below show the number of performance assessments commenced and completed during the reporting period and the number of performance assessments open at the end of the reporting period.

Table 19.1 Number of performance assessments commenced

	Total
Performance assessments commenced	6

Table 19.2 Number of performance assessments completed

	Total
Performance assessments completed	6

Table 19.3 Number of performance assessments open at the end of the reporting period

	September
Performance assessments open	10

Outcomes and timeliness of completed performance assessments

The tables below show the outcomes of the performance assessments completed during the reporting period and the timeliness of these performance assessments.

The tables below also show the timeliness of open performance assessments at the end of the reporting period.

Table 20.1 Number of performance assessments completed, by outcome

Outcome	Total
Outcome of decision to take the notification further	
Investigation	1
Panel hearing	0
Tribunal hearing	0
Other stage	0
Outcome of decision to close the notification	
Accept undertaking	1
Caution	0
Impose conditions	0
No further action	4
Practitioner surrender	0
Total	6

Table 20.2 Number of performance assessments completed, by time frame

Time frame	Total
Completed in \leq 6 months	1
Completed in $>$ 6 months	5
Total	6

Timeliness of open performance assessments

Table 21.1 Number of performance assessments open at the end of the reporting period, by time frame

Time frame	September
Open for \leq 6 months	7
Open for $>$ 6 months	3
Total	10

Legal services management

Panel hearing overview

A National Board may establish a performance and professional standards panel if the Board reasonably believes, because of a notification or for any other reason, that the way a registered health practitioner practises the health profession is, or may be, unsatisfactory or the registered health practitioner's professional conduct is, or may be, unsatisfactory and the Board decides it is necessary or appropriate for the matter to be referred to a panel.

A National Board may establish a health panel if the Board reasonably believes, because of a notification or for any other reason, that a registered health practitioner or student has or may have an impairment and the Board decides it is necessary or appropriate for the matter to be referred to a panel.

The Panel hearing overview encompasses data about both performance and professional standards panels and health panels.

The tables below show the number of panel hearings commenced and completed during the reporting period and the number of panel hearings that are open at the end of the reporting period.

Table 22.1 Number of panel hearings commenced

	Total
Panel hearings commenced	12

Table 22.2 Number of panel hearings completed

	Total
Panel hearings completed	17

Table 22.3 Number of panel hearings open at the end of the reporting period

	September
Panel hearings open	27

Outcomes and timeliness of completed panel hearings

The tables below show the outcomes of the panel hearings completed during the reporting period and the timeliness of these completed panel hearings.

Table 23.1 Number of panel hearings completed, by outcome

Outcome	Total
Outcome of decision to take the notification further	
Investigation	0
Health or performance assessment	0
Tribunal hearing	0
Other stage	3
Outcome of decision to close the notification	
Accept undertaking	0
Caution	3
Impose conditions	10
No further action	0
Practitioner surrender	0
Reprimand	1
Suspend registration	0
Other	0
Total	17

Table 23.2 Number of panel hearings completed, by time frame

Time frame	Total
Completed in \leq 6 months	11
Completed in $>$ 6 months	6
Total	17

Timeliness of open panel hearings

The table below shows the timeliness of panel hearings that remain open at the end of the reporting period

Table 24.1 Number of panel hearings open at the end of the reporting period, by time frame

Time frame	September
Open for \leq 6 months	25
Open for $>$ 6 months	2
Total	27

Tribunal matters overview

A National Board refers a matter about a registered health practitioner or student to a responsible tribunal if:

- (a) the Board forms the reasonable belief, that the way in which a practitioner behaved constitutes professional misconduct or
- (b) a panel established by the Board asks the Board to refer the matter and it is not a matter that must be referred to the health ombudsman or the health ombudsman asks the Board under section 193(2) to continue to deal with the matter under the National Law.

The responsible tribunal for Queensland is the Queensland Civil and Administrative Tribunal (QCAT).

The tables below show the number of matters referred to the tribunal during the reporting period, the number of matters referred to the tribunal completed during the reporting period and the number of matters referred to the tribunal which remain open at the end of the reporting period.

Table 25.1 Number of matters referred to the tribunal

	Total
Matters referred to tribunal	5

Table 25.2 Number of matters referred to the tribunal completed

	Total
Matters referred to tribunal completed	19

Table 25.3 Number of matters referred to the tribunal open at the end of the reporting period

	September
Matters referred to tribunal open	115

Outcomes and timeliness of completed matters referred to the tribunal

The tables below show the outcomes of matters referred to the tribunal completed during the reporting period and the timeliness of matters referred to the tribunal completed during the reporting period.

Table 26.1 Number of matters referred to the tribunal completed, by outcome

Outcome	Total
Outcome of decision to take the notification further	
Other stage	1
Outcome of decision to close the notification	
Accept undertaking	0
Caution	1
Cancel registration	11
Fine registrant	0
Impose conditions	1
No further action	0
Practitioner surrender	0
Reprimand	0
Suspend registration	3
Other	2
Total	19

Table 26.2 Number of matters referred to the tribunal completed, by time frame

Time frame	Total
Completed in \leq 12 months	1
Completed in $>$ 12 months	18
Total	19

Timeliness of open matters referred to the tribunal

The table below shows the timeliness of open matters referred to the tribunal at the end of the reporting period. It details those matters in which the complaint has yet to be filed with the tribunal and those where the complaint has been filed with the tribunal.

Table 27.1 Number of matters referred to the tribunal open at the end of the reporting period, by time frame

Stage	September
Matters referred to the tribunal open for \leq 12 months	
Yet to be filed with a responsible tribunal	7
Filed with a responsible tribunal	10
Matters referred to the tribunal open for $>$ 12 months	
Yet to be filed with a responsible tribunal	2
Filed with a responsible tribunal	96
Total	115

Monitoring and compliance

Practitioner monitoring overview

Health practitioners and students may have restrictions placed on their registration for a range of reasons including as a result of a notification, the assessment of an application for registration or a renewal of registration, or after a referral to QCAT. These restrictions are actively monitored to ensure the compliance of health practitioners.

The tables below show, by stream, the number of monitoring cases commenced and completed during the reporting period and the number of monitoring cases open at the end of the reporting period. A practitioner may have more than one monitoring case.

The tables below also show the number of practitioners with conditions or undertakings on their registration.

Table 28.1 Number of monitoring cases commenced

Stream	Total
Conduct	17
Health	34
Performance	27
Total	78

Table 28.2 Number of monitoring cases completed

Stream	Total
Conduct	28
Health	56
Performance	27
Total	111

Table 28.3 Number of monitoring cases open at the end of the reporting period

Stream	September
Conduct	138
Health	311
Performance	176
Total	625

Table 28.4 Number of practitioners with conditions or undertakings on their registration

Profession	September
Health practitioners with conditions or undertakings ¹	971

1 – This includes practitioners with Scope of Practice conditions or undertakings on their registration for which historically no monitoring case was created. Data cleansing is still ongoing to remove and/or replace with notations, at the National Board's direction, Scope of Practice conditions which are considered not to be required.

Table 28.5 Number of suspended registrants at the end of the reporting period, by profession

Profession	September
Chinese Medicine Practitioner	1
Dental Practitioner	1
Medical Practitioner	14
Nurse	31
Nurse and Midwife	2
Psychologist	2
Total	51

Table 28.6 Number of practitioners subject to a reprimand at the end of the reporting period, by profession

Profession	September
Chiropractor	1
Dental Practitioner	5
Medical Practitioner	26
Nurse	6
Pharmacist	8
Physiotherapist	1
Podiatrist	1
Psychologist	5
Total	52

Table 28.7 Number of matters resulting in a practitioner being cautioned, by profession

Profession	September
Dental Practitioner	2
Medical Practitioner	21
Medical Radiation Practitioner	2
Midwife	1
Nurse	24
Occupational Therapist	1
Pharmacist	4
Psychologist	1
Total	56

Outcomes and duration of completed monitoring cases

The tables below show the outcomes of monitoring cases that were completed during the reporting period.

The tables below also show the duration of monitoring cases completed during the reporting period. It should be noted that some matters will require monitoring of compliance activity for significant periods, including some for the lifespan of a practitioner's registration. A National Board decides when to remove a requirement for monitoring a practitioner's compliance with conditions on their registration when it is assured conditions are no longer needed to keep the public safe. The length of time a practitioner is monitored is tailored to the risk posed by the individual practitioner.

Table 29.1 Number of monitoring cases completed, by outcome

Outcome	Total
Acquired non-practising registration	2
Acquired unrestricted registration	1
Change or remove conditions or undertaking –under s125	29
Removal of condition or revocation of undertaking – under s127	24
Completed board requirements	2
Elected not to renew	30
Panel order	1
Deceased	1
Surrendered registration	12
Tribunal order	1
Status/Stream Change	8
Total	111

Table 29.2 Number of monitoring cases completed, by duration

Duration	Total
Completed in \leq 12 months	52
Completed in $>$ 12 months but \leq 24 months	36
Completed in $>$ 24 months	23
Total	111

Duration of open monitoring cases

Table 30.1 Number of monitoring cases open, by duration

Duration	September
Open for \leq 12 months	297
Open for $>$ 12 months but \leq 24 months	204
Open for $>$ 24 months	124
Total	625

Status of open monitoring cases

The tables below show the number of open monitoring cases, risk profile and level of compliance. These tables report on the risk profile of the practitioner and the compliance status of a monitoring case. When AHPRA's monitoring reveals a practitioner's non-compliance, the matter is referred to a Board to consider further regulatory action. The time frame for this action depends on the level of risk posed to the public by the non-compliance.

The risk profile identifies those registrants that will cause the public, themselves or the reputation of the National Boards and AHPRA significant and immediate harm if the behaviour or conduct leading to the restrictions was to recur. A registrant is evaluated to have a normal risk profile if the recurrence of the behaviour or conduct will not cause the public, the registrant or the reputation of the National Boards and AHPRA significant and immediate harm. A registrant is evaluated to have a high risk profile if the recurrence of the behaviour will cause significant and immediate harm.

The risk posed by any breach of specific restrictions is different in each case and is managed individually. Not all breaches of restrictions require action to protect the public. For example, a practitioner who is two weeks late completing a required education program due to illness, has breached the condition on their registration, but the breach does not demonstrate increased risk to the public which needs to be managed.

The risk profile of each practitioner being monitored determines both how swiftly AHPRA responds and what action is taken.

Table 31.1 Number of monitoring cases where practitioner risk profile was normal

Profession	Compliant	Suspected non-compliant	Non-compliant	Compliance status yet to be assigned ²
Chinese Medicine Practitioner	1			
Chiropractor	8			
Dental Practitioner	29		2	
Medical Practitioner	29	2	2	
Medical Radiation Practitioner	3		1	
Midwife	5			
Nurse	99	1		4
Occupational Therapist	6			
Optometrist	2			
Pharmacist	28	1	1	
Physiotherapist	9			
Podiatrist	2			
Psychologist	15	1	1	
Null Profession	2			
Total	238	5	7	4

Table 31.2 Number of monitoring cases where practitioner risk profile was high

Profession	Compliant	Suspected non-compliant	Non-compliant	Compliance status yet to be assigned ²
Chinese Medicine Practitioner	1			
Chiropractor	1			
Dental Practitioner	12		1	
Medical Practitioner	175	6	22	
Medical Radiation Practitioner	2	1		
Midwife	4	2		
Nurse	98	13	8	2
Occupational Therapist	1			
Osteopath	1			
Pharmacist	6			1
Physiotherapist	2			
Podiatrist	1			
Psychologist	10			
Null Profession	1			
Total	315	22	31	3

2 – Where the compliance status is yet to be assigned, in Tables 31.1 and 31.2, it relates to a Health, Performance or Conduct case not yet due for a Compliance Status update.

Tables 31.3 to 31.10

AHPRA does not currently have system capability to generate data for requests 31.3 to 31.10. Some of this data will be manually collected as part of the Health Ombudsman's quality assurance activities.

Online National Register

Timeliness of changes to online register

AHPRA does not currently have system capability to measure the time taken to update the National Register when a practitioner's registration is cancelled or suspended or when sanctions are imposed or changed. A national project which will enable this information to be provided in the future is currently being scoped.