

Claims and complaints insights

Orthopaedic surgeons

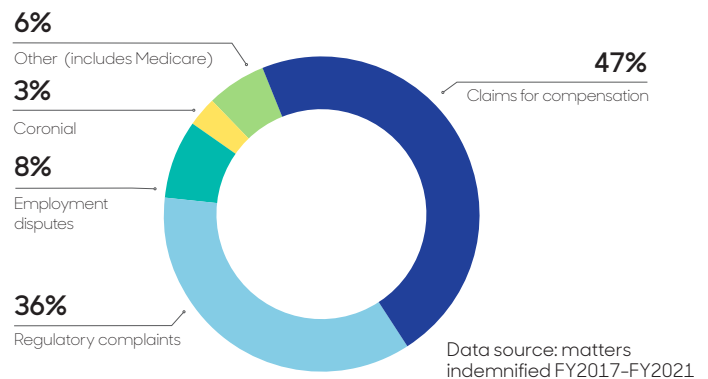


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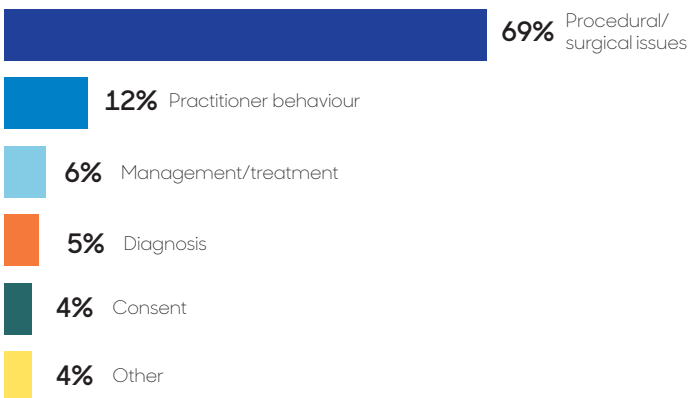
Avant orthopaedic surgeon members had a matter raised about the provision of their care. Five year average FY2017–FY2021.

Data source: matters indemnified FY2017–FY2021

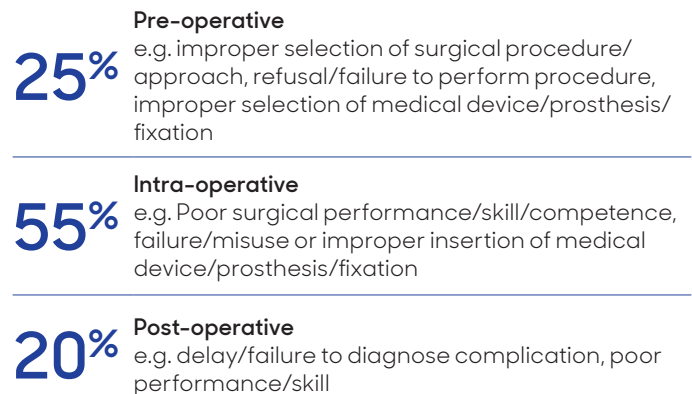
The types of matters Avant assisted orthopaedic surgeon members with included:



Regulatory complaints and compensation claims against orthopaedic surgeons related to:



The stage of care during which procedural/surgical issues occurred



Practitioner behaviour issues

Allegations relating to practitioner behaviour included:

- Failing to communicate results and information appropriately to patients or other providers/staff (16%)
- Rudeness, poor attitude or lack of empathy towards patients (16%)
- Boundary transgressions (14%)

Management/treatment issues

Allegations relating to management/treatment issues included:

- Treatment plans (56%) e.g. delay/failure/refusal to instigate an appropriate treatment plan
- Ongoing assessment issues (33%)

Diagnosis issues

Allegations relating to diagnosis were more likely to be of a missed or delayed diagnosis (76%) during initial assessment or follow-up, than a misdiagnosis.

Complaints: Outcomes for orthopaedic surgeons



Note: Cases often incur significant legal costs and can take years to resolve. This includes cases that have been dismissed.

Key points

- Medico-legal matters against orthopaedic surgeons are relatively common.
- Orthopaedic surgeons are more likely to be sued for compensation than to be subject to a disciplinary complaint, although complaints still make up 36% of matters.
- The majority of compensation claims and regulatory complaints were related to procedural/surgical issues and half of these occurred during the intra-operative stage of care.
- The majority of regulatory complaints against orthopaedic surgeons were dismissed.

Notes on the outcomes analysis

This analysis was conducted on regulatory complaints filed against orthopaedic surgeons who are Avant members over the five-year period from July 2016 to June 2021 (FY2017-FY2021). Only complaints with a known outcome were included.

The outcomes were classified based on the degree of severity for members. Shown below are some of the types of outcomes in each category.

- **Dismissed** – e.g. discontinued, no further action
- **Low severity** – e.g. counselled, caution, conciliation, resolution, fine
- **Medium and high severity** – e.g. reprimand, conditions, registration changes, suspension, cancellation

Glossary

- Claims refers to claims for money, compensation and civil claims.
- Complaints/regulatory complaints relate to formal complaints to regulators e.g. Ahpra.
- Medicare matters include Medicare investigations and audits.
- Employment disputes are matters where Avant defends members against complaints or supports members to resolve employment issues.
- Matters include: claims, complaints, coronial cases and other matters such as employment disputes and Medicare.

Resources

If you receive a claim or complaint, contact us (avant.org.au/MLAS) on 1800 128 268 for expert medico-legal advice on how to respond – available 24/7 in emergencies.

For any queries on this analysis, please contact us at research@avant.org.au

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IMPORTANT: Avant routinely codes information collected in the course of assisting member doctors in medico-legal matters into a standardised, deidentified dataset. This retrospective analysis was conducted using this dataset. The findings represent the experience of these doctors in the period of time specified, which may not reflect the experience of all doctors in Australia. This publication is not comprehensive and does not constitute legal or medical advice. You should seek legal or other professional advice before relying on any content, and practise proper clinical decision-making with regard to the individual circumstances. Persons implementing any recommendations contained in this publication must exercise their own independent skill or judgement or seek appropriate professional advice relevant to their own particular practice. Compliance with any recommendations will not in any way guarantee discharge of the duty of care owed to patients and others coming into contact with the health professional or practice. Avant is not responsible to you or anyone else for any loss suffered in connection with the use of this information. Information is only current at the date initially published [June 2022]. © Avant Mutual Group Limited 2022. MJN930 06/22 (DT-2470)