

Claims and complaints insights

Hospital-based early career doctors

Interns ¹	Residents (PGY2+) ²	Registrars ³
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Incidence of Avant member hospital-based early career doctors who had a medico-legal claim or complaint made against them in FY2020-21.

3 out of 1,000	15 out of 1,000	22 out of 1,000
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What were the main allegations in claims and complaints against hospital-based early career doctors?

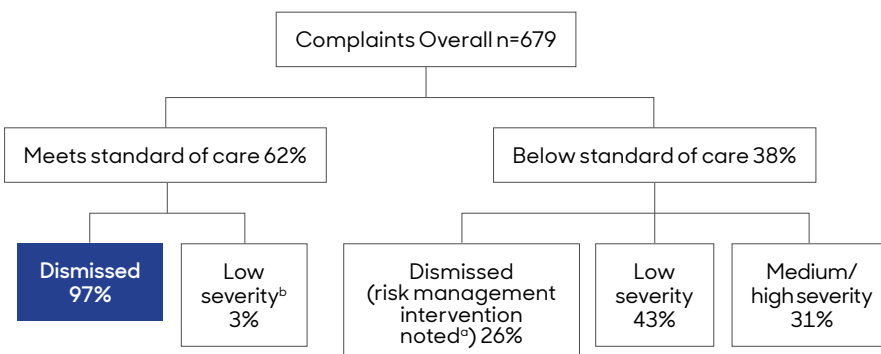
<p>47% Practitioner behaviour</p> <p>Most common allegation was:</p> <ul style="list-style-type: none"> impairment (e.g. mental or psychological) 	<p>30% Practitioner behaviour</p> <p>Most common issues were:</p> <ul style="list-style-type: none"> communication issues (e.g. results and information to the patient) impairment (e.g. mental, psychological or a result of substance abuse) <p>17% Diagnosis</p> <p>These were issues claimed to have adversely affected diagnosis. Most common were:</p> <ul style="list-style-type: none"> inadequate examination delay or failure in referring for diagnostic testing unheeded patient complaints or symptoms 	<p>26% Practitioner behaviour</p> <p>Most frequently reported were:</p> <ul style="list-style-type: none"> communication issues (e.g. disrespectful behaviour) impairment (e.g. mental, psychological or a result of substance abuse) patient boundary issues <p>16% Procedural/surgical</p> <p>Most common allegation was:</p> <ul style="list-style-type: none"> poor performance/skill competence in relation to specific procedures or surgeries
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(Based on Avant claims data from FY2017-21)

¹ Interns only ² Includes residents (PGY2), residents (PGY3-5) ³ Includes hospital registrars, specialists in training

Complaints: Outcomes for hospital-based early career doctors overall

Nearly all complaints against practitioners who were considered to have met the standard of care were dismissed.



Outcomes classified as: dismissed (e.g. discontinued), low severity (e.g. caution, resolution), medium and high severity (e.g. reprimand, conditions). Cases often incur significant legal costs and can take years to resolve. This includes cases that have been dismissed.

Key points

- There is a low incidence of claims and complaints against hospital-based early career doctors in FY2020-21.
- The most common issue in claims and complaints related to practitioner behaviour.
- Diagnosis related issues were a frequent source of allegations for residents (PGY2+).
- Procedural/surgical related issues were a significant source of allegations for registrars.
- Nearly all (97%) regulatory complaints against hospital-based early career doctors deemed to have met the standard of care were dismissed.

The above retrospective review is of routinely collected and coded data. Our review is based on 857 regulatory complaints and compensation claims involving Avant members who are hospital-based early career doctors across Australia (interns, n=36; residents (PGY2+), n=418; registrars, n=403). All matters were closed over the five-year period from July 2016 to June 2021. In this analysis, hospital-based early career doctors included interns, resident medical officers (residents PGY2), senior resident medical officers (residents PGY3-5), hospital registrars and specialists in training. GP registrars were excluded from this sample.

Notes on the outcomes analysis

This analysis was conducted on regulatory complaints made against hospital-based early career doctors from July 2016 to June 2021. Only complaints that were risk assessed and 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, cancellations
 - a) A dismissal may have been granted despite a below standard of care assessment. This outcome would have considered the actions already taken by the member including risk management interventions made or education such that there is no future risk to the patient/claimant.
 - b) In some cases, a practitioner who has met the requisite standard of care may be found to behave in a way that constitutes unprofessional conduct or have an impairment. This may require additional proceedings with a relevant panel, entity or responsible tribunal.

Glossary

- Claims refers to claims for money, compensation and civil claims.
- Complaints relates to formal complaints to regulators.
- Matters include claims, complaints, coronial cases and other matters such as employment disputes and Medicare.
- Employment disputes are matters where Avant defends members against complaints or supports members to resolve employment issues.

Resources

If you receive a claim or complaint, contact us ([avant.org.au/MLAS](mailto:research@avant.org.au)) 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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