

Claims and complaints insights

General practitioners

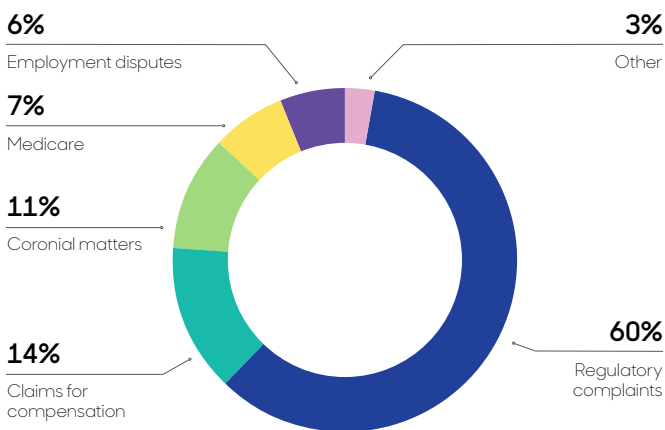


1 in 10

On average*, every year one in 10 Avant general practitioner (GP) members had a matter raised about the provision of their care.

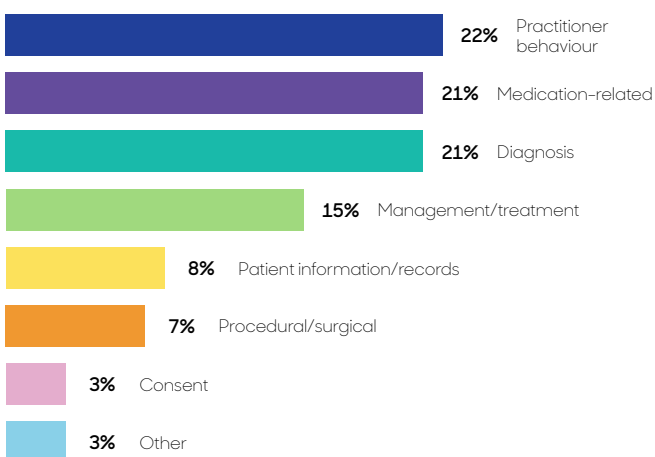
Allegations are sometimes made against doctors even when they provided appropriate care.

Types of claims and complaints indemnified:



*Five-year average
Data source: matters indemnified FY2018-22

Types of compensation claims and regulatory complaints:



Breakdown of claims and complaints

22% related to practitioner behaviour

42% of these were about interpersonal issues with patients such as poor communication of results or information, inappropriate comments, poor manner, lack of empathy or being brusque, rude or intimidating.

Another 20% were about boundary transgressions including those of a sexual nature, treating family or close friends, inappropriate examinations and inappropriate manner or behaviour of a non-sexual nature.

21% related to medication

48% of these were about prescribing drugs of dependence including inappropriate prescribing, over-prescribing and inappropriate refusal, cessation or dose reduction.

21% related to diagnosis

75% of these were about a missed or delayed diagnosis, mostly during the initial assessment. This may have been because of an inadequate examination, not referring for appropriate diagnostic testing or not heeding patient complaints or symptoms.

Standard of care outcomes for GPs

When a medico-legal evaluation of expected standards of care was conducted, the doctor was considered to have met the standard in nearly two thirds of cases.



Key points

- GPs are more likely to be subject to a regulatory complaint, rather than be sued for compensation.
- The most common types of claims and complaints were related to practitioner behaviours, medication and diagnosis.
- In almost two-thirds of cases the GP was considered to have met the standard of care and the outcome was favourable for the GP.

Communication is a key risk management tool

Reports from Australian medical regulators consistently highlight communication issues as one of the top five underlying reasons for patient complaints. Almost every aspect of patient care involves communication, from obtaining history, to agreeing a care plan, or recommending and obtaining consent to treatment. If there is a problem with communication at any stage, there is a greater chance of unmet expectations or a complaint. Paying attention to communication with patients can help to reduce the likelihood of experiencing a claim or complaint. See our analysis of [doctor-patient communication-related claims](#) available at the Avant Learning Centre.

Medication-related issues

Medication-related allegations are common for GPs, especially regarding prescribing drugs of dependence. Our medico-legal evaluation found these were more likely to fall below the expected standard of care compared to other types of matters. See our analysis of [opioid prescribing-related claims](#) available at the Avant Learning Centre.

Missed or delayed diagnoses

GPs can be susceptible to missed or delayed diagnosis issues during any stage of care but they are most common during initial assessment. A thorough history and physical examination, appropriate and timely referrals, and effective use of follow-up and recall systems can help reduce the risk of a diagnosis-related complaint or claim.

Glossary

- Claims refer to claims for money, compensation and civil claims.
- Regulatory complaints relate to formal complaints to regulators such as 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.

Medico-legal advice

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



For more information on communicating with patients, including advice about obtaining consent and a wide range of other topics, visit the Avant Learning Centre, avant.org.au/avant-learning-centre, where you will find articles, case studies, podcasts, webinars, videos, factsheets and many other resources.

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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 [July 2023]. © Avant Mutual Group Limited 2023. MJN-1306 08/23 (DT-3313)