

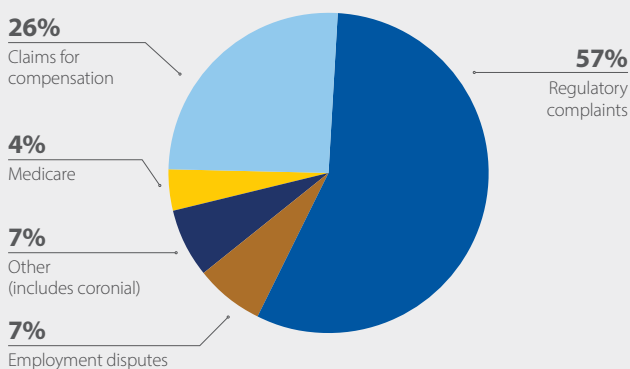
# Claims and complaints insights

## Ophthalmologists



One in nine Avant ophthalmologist members had a matter raised about the provision of their care in FY2018-19. Matters related to compensation claims and regulatory complaints primarily. Doctors sometimes have allegations made against them even though they provided appropriate care.

The types of matters Avant assists ophthalmologists with include\*:



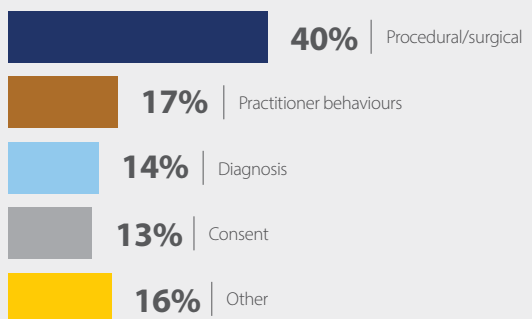
\*Data source: matters indemnified FY2015-FY2019

### Our data analysis

This retrospective review of routinely collected and coded data is based on over 120 matters involving Avant ophthalmologist members from across Australia. All matters were indemnified and closed over the five-year period from July 2014 to June 2019.

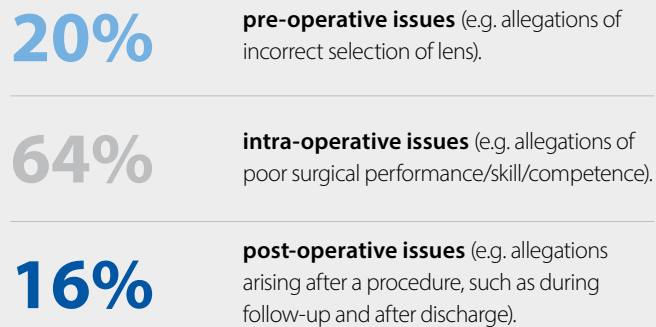
### Common claims and complaints

The majority of medico-legal matters were claims for compensation and regulatory complaints. These related to:



### Procedural/surgical issues

40% of claims and complaints related to procedural/surgical issues. The stage of care during which these occurred:



The most common types of **procedures** associated with allegations of surgical issues were:

- extraction and insertion of lens e.g. for treatment of cataracts
- keratoplasty and other procedures on cornea
- plastic procedures on soft tissue e.g. on eyelids to treat blepharochalasis or ptosis.

### Practitioner behaviours

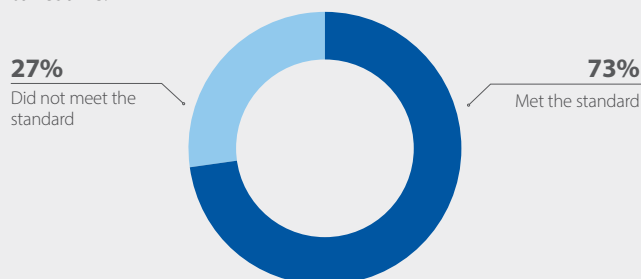
17% of claims and complaints were related to practitioner behaviours. These included issues regarding communication with patients; billing practices and other practitioner behaviours.

### Diagnosis issues

14% of claims and complaints were related to diagnosis issues. The majority of these were during the initial assessment stage, (for example, allegations of a missed or delayed diagnosis due to inadequate examination).

### Are doctors meeting standards?

When a medico-legal evaluation of expected standards of care was conducted, the doctor was considered to have met the standard in more than half of cases. Regardless, these cases can still take years to resolve.



## Key insights

According to our analysis ophthalmologists are more likely to be subject to a complaint than to be sued. In the majority of matters we analysed, the ophthalmologist's care was found to meet the standard expected. However, experiencing a medico-legal matter is often stressful, even if your care is appropriate.

It is not surprising procedural/surgical issues were the main type of allegation, though we also identified other issues that can give rise to claims and complaints, such as communication. In our experience, paying attention to communication with patients can help to reduce the likelihood of experiencing a claim or complaint.

These insights may help you better understand and manage your medico-legal risks and optimise the quality and safety of your care.

## Resources

If you receive a claim or complaint contact us on **1800 128 268** for expert medico-legal advice on how to respond – available 24/7 in emergencies.

For more information on communicating with patients and a wide range of other topics, visit the Avant Learning Centre – [avant.org.au/avant-learning-centre](http://avant.org.au/avant-learning-centre) where you will find articles, factsheets, case studies, podcasts and many other resources.

## Glossary

- Claims refers to claims for money, compensation and civil litigation 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.

For any queries please contact us at [research@avant.org.au](mailto:research@avant.org.au)

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 2019). © Avant Mutual Group Limited 2019. MJN-179 10/19 (1043-7)

For more information or immediate advice, call our **Medico-legal Advisory Service** on **1800 128 268**, 24/7 in emergencies.