

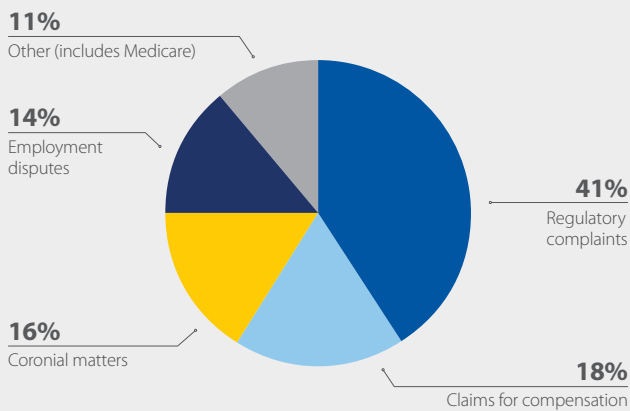
Claims and complaints insights

Cardiologists (interventional and non-interventional)



One in 10 Avant cardiologist members (both interventional and non-interventional cardiologists combined) had a matter raised about the provision of their care in FY2018-19. These matters primarily related to regulatory complaints.

Doctors sometimes have allegations made against them even though they provided appropriate care. The types of matters Avant assists cardiologists with include*:



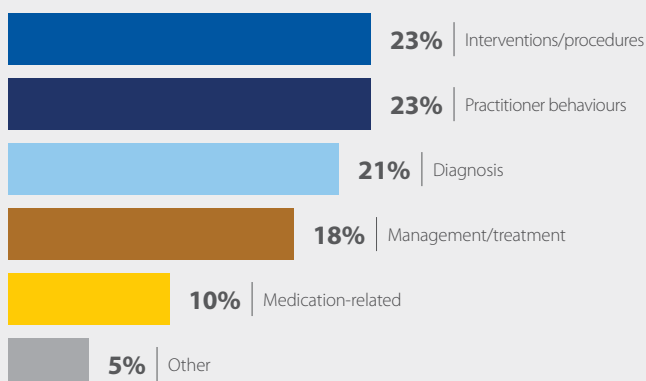
*Data source: matters indemnified FY2015-FY2019

Our data analysis

This retrospective review of routinely collected and coded data is based on over 125 matters involving Avant cardiologist 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:



Interventions/procedures

23% of claims and complaints related to interventional/procedural issues. The stage of care during which these issues occurred:

38% pre-intervention issues (e.g. allegations of improper selection of interventional approach).

45% intra-intervention issues (e.g. allegations of poor interventional performance/skill/competence).

17% post-intervention issues (e.g. allegations of poor follow-up care or management of post interventional complications).

Practitioner behaviours

23% of claims and complaints were related to practitioner behaviours e.g. failure to communicate results or information appropriately to patients or less than optimal manner when communicating with patients.

Diagnosis issues

21% of claims and complaints were related to diagnosis issues. Of these, almost half occurred in cases where the patient had died. The majority of these were due to failed or delayed diagnosis issues during initial assessment, incorrect interpretation of results/image or delay/failure to follow up. The remainder were misdiagnosis issues.

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 the majority of cases. Regardless, these cases can often be prolonged due to regulatory and legal processes, and can take years to resolve.



Key insights

1. One in 10 cardiologists had a medico-legal matter last year e.g. a regulatory complaint, civil claim or other matter.
2. Cardiologists were considered to have met the expected standard of care in most cases.
3. The top three most common reasons for complaints or claims were allegations related to interventions procedures, practitioner behaviors and diagnostic processes.

Summary

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

Interventional/procedural issues and practitioner behaviour issues were the main types of allegations. 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

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 where you will find articles, factsheets, case studies, podcasts and many other 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.

Glossary

- Claims refers to claims for money, compensation and civil litigation claims.
- Complaints relates to formal complaints to regulators.
- 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.

For any queries please contact us at 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 (March 2020). © Avant Mutual Group Limited 2020. MJN261 03/20 (1043-8)

For more information or immediate **medico-legal advice**, call us on **1800 128 268**, 24/7 in emergencies.