

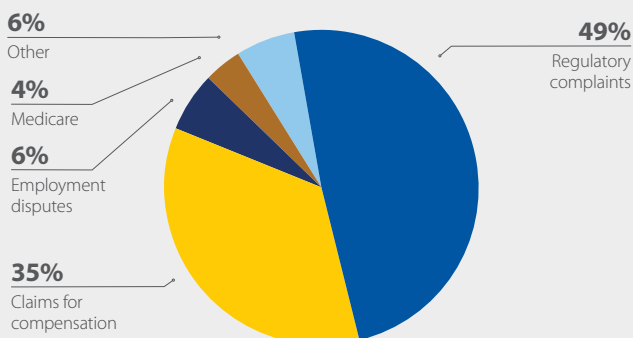
# Claims and complaints insights

## Otolaryngologists – head and neck surgeons



1 in 6 Avant otolaryngologist members had a matter raised about the provision of their care in FY2019-20. Compensation claims and regulatory complaints made up the majority of matters.

Allegations are sometimes made against doctors even in situations when they provided appropriate care. Avant assists otolaryngologists with the following types of matters\*:



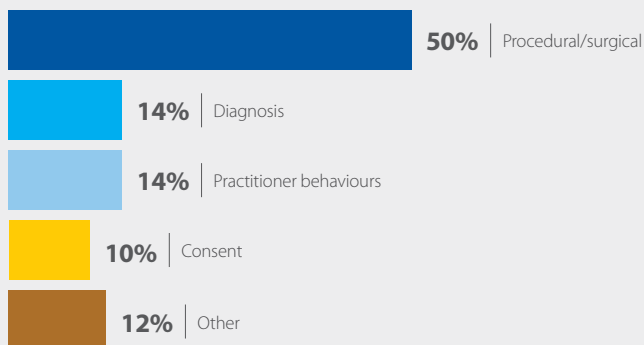
\* Data source: matters indemnified over the four-year period from July 2016 to June 2020.

### Our data analysis

The following retrospective review is of routinely collected and coded data. Our review is based on over 200 claims and complaints involving Avant otolaryngologist members nation-wide, closed over the four-year period from July 2016 to June 2020.

### Common claims and complaints

Compensation claims and regulatory complaints primarily related to:



### Types of procedures (procedural/surgical)

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

- repair of nasal septum (e.g. septoplasty)
- rhinoplasty
- tonsillectomy or adenoidectomy.

### Stage of care (procedural/surgical)

Procedural/surgical issues occurred during the following stages of care:

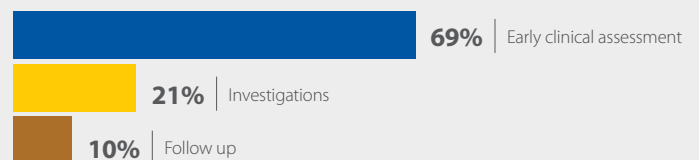
**32%** pre-operative (e.g. allegations of improper selection of procedure/surgical approach)

**57%** intra-operative (e.g. allegations of poor surgical performance/skill/competence)

**11%** post-operative (e.g. allegations of poor performance in managing post-operative complications or outcomes)

### Diagnosis

14% of claims and complaints related to diagnosis issues. Of these, 69% involved early clinical assessment issues, including inadequate examination or failure to refer for diagnostic testing.



Almost half of diagnosis related claims and complaints were associated with neoplasms.

### Practitioner behaviours and consent

- 14% of claims and complaints related to practitioner behaviours, including communication with patients.
- 10% of claims and complaints related to consent issues, including inadequate discussion or failure to warn about risks.

### 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 over two thirds of cases.



### Key points

- Claims and complaints against otolaryngologists are common.
- Procedural/surgical issues were the most common type of allegation, particularly if there were complications or the outcome did not meet the patient's expectations.
- A good consent process can help manage patient expectations about the risks of a procedure.
- Document any consent discussions or information provided to the patient in your medical records.

## 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, consent, medical records 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, case studies, podcasts, webinars, videos, factsheets and many other resources.

## 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.

For any queries on this analysis, 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 [March 2021]. © Avant Mutual Group Limited 2020. MJN-662 03/21 (DT-1846)

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