



PREVENTION. CARE. RECOVERY.

Te Kaporeihana Āwhina Hunga Whara

Getting help with an injury caused by treatment



Injury caused by treatment

If you're injured as a result of treatment, ACC may be able to help you.

This brochure tells you all about how and when you can make a claim for treatment injury, and the help we can provide you.

For more information give us a call or check out our website. Our contact details are shown below.

ACC TREATMENT INJURY HELPLINE

0800 725 566 – Mon-Fri from 8.30am to 5pm

ACC INFORMATION ONLINE

www.acc.co.nz keyword: treatment injury

We have interpreters who can help you talk to us.

What is a treatment injury?

A treatment injury is an injury caused as a result of seeking or receiving treatment from a registered health professional.

By 'registered health professional' we mean a:

- chiropractor
- clinical dental technician
- dental technician
- dentist
- medical laboratory technologist
- medical practitioner (doctor, surgeon, anaesthetist, etc)
- medical radiation technologist
- midwife
- nurse
- occupational therapist
- optometrist
- pharmacist
- physiotherapist
- podiatrist.

By 'treatment' we mean:

- diagnosis
- monitoring
- investigation
- advice
- actual treatment received.

Am I covered?



It's important to remember that ACC does not cover all treatment that does not go well or turn out as expected.

You may qualify for cover for a treatment injury if:

- you're injured as a result of treatment by a health professional, and
- the treatment, not your health condition or some other factor, is the cause of your injury.

What may not be covered?

We may not be able to accept your claim if your injury is:

- related to a health condition you had before you received treatment
- a necessary part, or an ordinary result, of your particular treatment
- caused by a decision an organisation made when allocating health resources
- caused because you unreasonably delayed or refused to give consent for your treatment
- treated but the treatment did not achieve the desired result.

However, if you do not have a treatment injury, but have an injury as a result of an accident, seek advice from your registered health provider.

How ACC can help you

If we accept your claim for treatment injury, we may be able to help you with:

- treatment costs
- weekly compensation for salary or wages you've lost because of your injury
- personal help, such as home help or childcare
- travel costs, such as to and from treatment
- equipment, such as crutches, wheelchairs and visual aids
- changes to your home, such as rails or wheelchair ramps.

Keep your receipts

We can't make any payments until we've accepted your claim, but we may be able to refund some costs afterwards. Please keep all receipts for your costs.

If your health professional thinks you need further treatment from another health professional, they'll provide you with a referral. If you need time off work, see your doctor – they'll give you a medical certificate for this – but remember, we can't pay anything until your claim is accepted.

How to make a claim



The first step in making a claim for a treatment injury is to fill out the necessary ACC claim forms (ACC45 and ACC2152) with the health professional who provided the treatment that you believe caused your injury. This is the best person to help you lodge your claim, as they are most likely to have all the relevant information ACC needs to make a decision quickly.

If this is not possible, you can visit another health professional, such as your GP or dentist, and ask them to complete these forms with you. They will send the forms to us and give you a copy of the claim form to keep.

Make sure you make your claim as soon as possible after your injury – we may not be able to accept claims made more than 12 months afterwards. The date you make your claim also affects when you qualify for help and the help that may be available to you.

If you need some advice on whether you may have a treatment injury, you're welcome to call ACC.

Please keep any forms and letters we send you in a safe place.

What happens next?

Once your claim is received, ACC assesses it and decides whether or not you're covered.

In making this decision, we may need more information about your injury and the events that led to it. We may ask for medical advice from other health professionals, including those involved in your care.

We will then write to you with our decision. If your claim is accepted and you have asked for help from ACC, an ACC representative will be in touch. They'll explain how ACC can help you and will work with you during your recovery.

How long does the decision take?

The time it takes to assess your claim and to make a cover decision depends on many factors. Treatment injury claims are complicated so it can take anything from a few weeks to several months, depending on the specific details of your claim and your health history.

A major contributing factor to the timeline is the ease of access to clinical records. Once ACC has received all relevant information, ACC can make a cover decision within a few weeks. Sometimes external clinical advice is required and this can take a few extra weeks. Your ACC clinical advisor will be able to advise you on a timeframe, once your claim has been received, and will keep you updated with progress.


If you're not happy with the decision...

If you disagree with a decision we've made that directly affects you, you can apply for a review of the decision.

For more information on how to do this, see our fact sheet Working Together (ACC255), visit www.acc.co.nz or call 0800 101 996.

Please note that you need to apply for a review within three months of the date you receive ACC's decision, even if you've been trying to resolve the issue with ACC or its complaints service. You may be able to apply later if extenuating circumstances meant you couldn't apply within the three months.

Who should I contact if I am unhappy with a health or disability service I have received or the conduct of the treating practitioner?



If you're not happy with the treatment you've received from a registered health professional, and you'd like to make a complaint under the Code of Health and Disability Services Consumers' Rights, the Office of the Health and Disability Commissioner can help you. For more information, visit www.hdc.org.nz, email hdc@hdc.org.nz or phone 0800 11 22 33.

ACC is not a disciplinary body and has no disciplinary authority over health professionals.

The Code of ACC Claimants' Rights

The Code of ACC Claimants' Rights helps guide how ACC works with people making claims. It sets out what you can expect in your dealings with us and specifies your right to:

- be treated with dignity and respect
- be treated fairly and have your views considered
- have your culture, values and beliefs respected
- a support person or group
- effective communication
- be fully informed
- have your privacy respected
- make a complaint.

Ask us if you would like a copy of the Code. It's also available at www.acc.co.nz in Māori, Cantonese, Cook Island Māori, Mandarin, Niuean, Samoan and Tongan.

If you have concerns about the service you received from ACC (.e.g you do not feel that we have met our Code requirements), please talk to the manager of the branch looking after your claim. Otherwise you can contact our Customer Support Service team by calling 0800 650 222. We aim to work through your concerns as quickly as possible.

If you are unhappy with a decision about your entitlements, you have the right to lodge an application for review. Please lodge a review application within three months of ACC's decision letter. This timeframe may be extended if circumstances outside of your control have prevented your doing so. You can get an Application for Review form from your local ACC branch.

Notes



Use this space to write your own notes.

My important contacts

MY HEALTH PROFESSIONAL (EG DOCTOR, PHYSIOTHERAPIST)

Name

Phone number

MY EMPLOYMENT CONTACT PERSON (EG MANAGER)

Name

Phone number

MY ACC CONTACT PERSON (EG CASE MANAGER)

Name

Phone number

ACC claim number

OTHER CONTACTS

Name

Phone number

Name

Phone number

For more information about ACC and our services,
call 0800 101 996 or visit www.acc.co.nz.

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