

Guidelines on mental injury claims as a consequence of the Christchurch Earthquake (ACC5808)

It is normal to be distressed and upset after an event such as the Christchurch Earthquake. People may have nervousness, difficulty sleeping and so on. Stress is a normal and natural reaction to a traumatic event, but most people do not go on to develop a mental dysfunction. However, some people may have severe or persistent psychological problems that impact on their ability to cope with everyday life. For example, depression, severe anxiety, or post-traumatic stress disorder (PTSD)¹.

In the first instance, people feeling distressed following the earthquake should see their GP, who can discuss access to services in the community that can help people to cope with any issues they're experiencing. ACC has provided doctors with guidelines on what information they need to obtain from patients to make an ACC claim for mental injury, should there be a need for this.

Government and community support is available

A wide range of support has been made available to those suffering from mental, physical or financial distress as a result of the Christchurch earthquake (see www.canterburyearthquake.org.nz for further information).

- *Mental distress* – the government is providing \$2.5 million this year and \$3.5 million in 2011/12 for trauma counselling. Many organisations are providing free counselling. Appendix 1 contains a list of organisations offering counselling services. As part of meeting health and safety obligations, most large companies have critical incident stress management programmes in place
- *Physical distress* – GP visits were free in the immediate aftermath of the earthquake and high needs groups will continue to be supported for the next month
- *Financial distress* – the government is providing \$120 million in financial relief for workers and employers. Civil Defence and Red Cross grants are also available to meet accommodation, food, bedding, clothing costs and loss of income.

ACC assistance for people who suffer a mental injury

ACC provides cover for mental injury in two circumstances:

- 1) Mental injury as a consequence of a physical injury (MICPI) – where a person has suffered a physical injury and has then developed a mental injury as a result of that physical injury (eg a person has suffered a depressive disorder as a result of the injury sustained and the effect it will have on his or her life).
- 2) Work-related mental injury (WRMI) – where a person suffers a mental injury caused by witnessing or experiencing a traumatic event while at work (eg a person witnesses someone trapped in their building as they are running outside during the earthquake and develops PTSD as a result of that experience). The person must have been at work, or at a place for the purposes of their work, at the time the event occurred.

ACC is simplifying the cover process for people seeking cover for mental injury. The changes aim to complement the wider government and community support available

¹ PTSD is a serious psychological reaction that develops in some people following experience of an overwhelmingly frightening or traumatic event. By definition, PTSD can only be diagnosed after symptoms continue for four weeks

while ensuring those who are eligible receive ACC entitlements. In order that MICPI and WRMI claim decisions are made as fast and as accurately as possible, ACC:

- has developed forms for GPs to submit along with the claim lodgement form. The new forms ask for most of the information ACC usually collects from employers and treatment providers after a MICPI or a WRMI claim is lodged. Both forms are available online at www.acc.co.nz, and must be submitted *in addition to* the ACC45 New Injury Claim form
- will use contracted psychologists (as well as psychiatrists) to undertake assessments
- will use a preferred provider model for treatment of people with mental injury.

Criteria for MICPI

Under legislation, cover for MICPI involves establishing that:

- there is a covered physical injury, and
- there is a clinically significant behavioural, cognitive or psychological dysfunction, and
- that the mental injury is because of the physical injury.

The physical injury does not need to be the **only** cause of the mental injury. However, MICPI does not include situations where no physical injury is covered.

Explanation of terms

<i>Term</i>	<i>Explanation</i>	<i>Specific Christchurch information</i>
<i>Physical injury</i>	A physical injury is a personal injury that causes actual damage to the body (ie wounds, lacerations, burns, sprains, strains, etc). It does not include a diagnosis of pain.	
<i>Clinically significant</i>	ACC requires a psychiatrist or psychologist to diagnose using the DSM IV framework or equivalent.	For a physical injury to be considered a material cause of PTSD, it is reasonable to expect the physical injury to have been serious, or accompanied by a threat of serious injury. For PTSD, a psychiatric/psychological report should reflect this, or include a detailed explanation of why the physical injury is considered a material cause.
<i>Cause</i>	The physical injury must be a material (ie, necessary) cause of the mental injury. In each case a decision must be based on the particular facts and clinical advice given.	Some people with a mental injury suffer their physical injuries in particularly traumatic circumstances, for example, through being trapped in a crushed building and witnessing other trapped/injured people. Decisions as to whether the physical injury was a material cause will be based on the facts of the individual case.

Criteria for WRMI

Under legislation, cover for WRMI involves establishing that:

- the event is considered to meet the criteria for an 'event', and
- as a result of the event the client has developed a clinically significant behavioural, cognitive or psychological dysfunction, and
- the event was the cause of the mental injury, and
- the injury is work-related.

Explanation of terms

<i>Term</i>	<i>Explanation</i>	<i>Specific Christchurch information</i>
<i>Event</i>	<p>The event must be:</p> <ul style="list-style-type: none"> • a sudden event experienced first hand, or the direct aftermath (both at the scene and immediately after moving away from the scene of the event) • occur in the course of the client's work. <p>The event cannot be experienced remotely, such as through television or some other medium.</p>	<p>The Christchurch earthquake of 22 February 2011 is considered to be an event for the purposes of WRMI criteria.</p> <p>It is also possible that the 'event' could be the aftermath of the earthquake and assisting the recovery of people from buildings.</p>
<i>Clinically significant</i>	ACC requires a psychiatrist or psychologist to diagnose using the DSM IV framework or equivalent.	
<i>Cause</i>	There should be a direct causal link between the event and the mental injury.	There is no cover for mental injury caused by events that were not experienced first hand. For example, a travelling salesman out of Christchurch who learns from the radio that his Christchurch colleagues were seriously injured in the earthquake would have not causal link to the event.
<i>Work-related</i>	An injury is work-related if it occurs: at a place of employment (including during refreshment breaks at that place); travelling to or from the place of employment at the beginning and end of the day in transport provided by the employer; or travelling from work to get treatment for a work-related injury.	ACC will need information about where the client was at the time of the earthquake and its aftermath, and what they were doing. This information is necessary to help us determine the claim as WRMI.

Note that ACC-funded access to counselling services requires:

- 1. a covered claim for MICPI or WRMI, and**
- 2. a referral from an ACC-approved provider.**