

Reassessment of declined surgical mesh claims

Questions and answers

October 2020

If you've had a claim for a surgical mesh injury declined, you can ask us to reassess it based on the latest evidence and understanding of mesh injuries.

My claim was declined. How can I get it reassessed?

We know that going through the claims process and further assessments may be difficult for some people, and we're committed to minimising any further trauma. Mesh Down Under has provided input about how we can make this process as supportive as possible.

If you think you might benefit from having your declined claim reassessed, you can:

- contact our dedicated team on 0800 735 566 or email surgical-mesh@acc.co.nz
- visit your GP and take a copy of our [client information](#) with you (print or save on your phone)
- discuss this with your medical specialist (if you are receiving specialist care) at an upcoming appointment
- visit acc.co.nz/surgical-mesh for more detailed information about the process.

We can reimburse you for the cost of the appointment with your GP or specialist. If you're unable to cover the initial cost, please contact us about other options.

When you first contact our team, we'll take your details and arrange a time to call or email you back (depending on your preference).

We'll then look at the information we have on file and let you know what the next steps are. You'll have a dedicated specialist cover assessor who'll be in regular contact with you and will support you through the process – you can choose if they are male or female.

If we need more medical information, which may involve further medical assessment, we'll talk this through with you, help arrange it, cover the costs, and support you through the process.

You'll need to give us your consent to start the reassessment process. If you choose to see your GP or medical specialist first instead of contacting us directly, they can contact us and initiate this for you. We'll then contact you to confirm your consent.

This reassessment opportunity applies to cover decisions made before 28 October 2020.

Are you likely to change the decision on my claim?

You may get a different decision today if:

- there have been developments in medical knowledge since your claim was decided, that impact on your claim
- your claim was declined as an ordinary consequence due to menopause, age, or oestrogen therapy
- new medical information is provided that identifies an injury caused by mesh.

Each claim is assessed on the individual circumstances, so we won't know if your decision will change until you go through the reassessment process. Reassessment may involve more clinical tests or assessments. We'll support and guide you through this process and cover any costs.

How long will it take?

Each cover decision is assessed based on the individual circumstances and some will take longer to consider than others, particularly if more investigation is needed.

Who will reassess my claim?

This will be managed by our dedicated cover assessment team, with support from our clinical staff. In some cases, we may also need advice from an independent medical expert. Where possible, we will offer you choice about who that expert is.

[Read our process map](#) to find out more

Will I need to have more tests, and do I need to pay for that?

It's possible that further clinical tests or investigation will be needed. If this is the case, and if you're happy to go ahead with these investigations, we'll help arrange them, cover the costs, and support you through the process.

How will you support me while my claim is reassessed?

We'll have a small team working on these claims. You'll have a dedicated specialist cover assessor who will be in regular contact with you and will support you through the process – you can choose if they are male or female. If at any point you want us to stop reassessing your claim, you can let us know.

What psychological/emotional support is available to me through this process?

If you feel you need emotional support during the reassessment process you can:

- talk to your GP about what local support is available
- call or text the free 'Need to talk?' service on 1737

We are unable to provide support services while cover decisions are being made. This is because during the cover assessment process ACC can only pay for services that help us decide if the injury claim can be accepted. Because surgical mesh injuries are physical injuries, these services are not needed to determine if your injury can be covered as a treatment injury.

Once a claim is accepted for cover, we can provide appropriate short-term psychotherapeutic interventions, along with any other required support (eg physiotherapy, pain management, home help etc) as agreed with your case owner.

Do I have to have my claim reassessed?

While we won't know if your claim will get a different decision without you asking us to reassess it, you don't have to opt-in to this process. We appreciate that some people who have been injured by mesh may not want to go through the reassessment process and we respect this. If, at a later point, you want us to review your case, you can contact us on 0800 735 566.

Will my GP or specialist know about the reassessment opportunity?

We have let GPs and specialists know about this opportunity in several ways, including through their professional organisations and colleges. If your GP or specialist needs more information, they can contact our dedicated team on 0800 735 566 or email surgical-mesh@acc.co.nz, or visit the [Provider Updates](#) section of our website.

What happens if my claim is accepted after reassessment?

We recognise the complex and sensitive nature of mesh claims and use an approach that ensures clients with mesh injuries are supported by people with appropriate experience and skills. If your mesh claim is accepted, you'll initially be matched to a dedicated ACC case owner who will work with you to manage your injury. Your dedicated cover assessor will manage the transition of your claim to your case owner. During this transition, you will be able to choose if your case owner is male or female.

Your case owner will then contact you to talk about the ways we may be able to help, including identifying any support that may be available. We may be able to help you by contributing to treatment costs you've already incurred, and/or

arranging and paying for future treatment. We may also be able to provide help at home, with transport, and provide equipment or other types of support. If you're unable to work because of your injury, we may be able to help with payments for loss of earnings. Your case owner can check if you're eligible and talk to you about how to apply.

If you have ongoing complex needs, you'll stay with your dedicated case owner and they will continue coordinating your support. If your support has been established, your needs are stabilised and you are confident in your recovery, your case owner will talk to you about whether it is appropriate to transfer you to our team management approach.

What happens if my claim is still declined after reassessment?

Usually when a claim is declined, you have review rights and can apply to have our decision reviewed. When that happens, we take another look at the decision we made, and one of our review specialists works with you to try to resolve the issues you've raised as quickly as possible. If we can't resolve things together, we can involve an independent reviewer or conciliator, who can help us resolve the issues you've raised, or decide whether to uphold or overturn our decision.

For this reassessment process, if we have considered new relevant clinical information about your claim that we didn't have for our original decision, but the claim is still declined, you can apply for a review. You'll need to apply within three months of our decision. We may accept late applications in some situations, for example, if your injury meant you couldn't apply in time.

However, if we confirm that the original decision to decline your claim has not changed and that no new medical information about your claim was required to make that decision, we'll let you know that the decision hasn't changed, and discuss what next steps might be available to you.

Who can I talk to if I want to find out more?

We have a dedicated number you can call for more information. Please call us on 0800 735 566. Alternatively, you can email us at surgical-mesh@acc.co.nz.

What will be accepted as a treatment injury?

To assess cover, each case will continue to be considered on a case by case basis in line with the clinical information available and in accordance with the Accident Compensation Act 2001. To assist with this, we have worked with an external advisory group to develop new cover guidance for surgical mesh injuries.

The new guidance means:

- Where there is clear evidence of mesh erosion/extrusion, specific nerve damage, or infection directly caused by the treatment, we're likely to accept the claim.
- In some cases, there is evidence of symptoms such as pain or sexual dysfunction, but no clear diagnosis of a physical injury causing the symptoms. In some cases, new medical evidence may support the link to mesh injury, and we can support further assessment to investigate if there is a physical injury, if you're happy to have the necessary assessments done.
- We now know that age, menopause, and use of oestrogen therapy are not relevant to the cause of surgical mesh injuries. Claims are unlikely to be declined due to these reasons alone.

It is important to note that we will reassess any declined surgical mesh claim regardless of the type of mesh you have, at your request.

How did you develop the guidance?

We developed the cover guidance with an external advisory group including New Zealand representatives of the Urology Society of Australia and New Zealand (USANZ), the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG), the Royal Australasian College of Surgeons (RACS), and the New Zealand Pain Society. The people on the reference group were nominated by their professional body or college.

The external advisory group considered a literature review of the latest medical evidence conducted by the University of South Australia as well as information from our look back, to finalise the guidance.

Mesh Down Under provided feedback on the guidance.

What is Mesh Down Under (MDU)?

MDU was originally established as an online community to connect people harmed by surgical mesh in New Zealand and to provide a safe place to share information and experiences. Over time the organisation has become a recognised consumer advocacy group and its leaders were partners in the co-design of the restorative justice programme that led to this reassessment of declined claims process.

Website: www.meshdownunder.co.nz

Open Facebook page: www.facebook.com/MeshDownUnder

Closed Facebook group, apply to join here: <https://www.facebook.com/groups/MeshDownUNDERSupport>

What did the initial look back find?

Based on the sample of claims we looked at, we believe decisions were generally made correctly considering the information available at the time.

Some claims could potentially get a different decision today based on new medical information and with knowledge we've gained about mesh injury. Some people's claims might benefit from further investigation but may not get a different decision. In these cases, if you request reassessment, we will discuss what is needed with you, arrange and fund the necessary assessments, and support you through the process.

Find out more about the [initial look back](#)

Was my claim one of the ones you looked at?

Whether or not your case was part of the initial look back, if you have a previously declined cover decision you can have your claim reassessed, at your request. A different team of people will reassess your claim than those involved in the initial look back.

If you would like to know whether your claim was one of the ones we looked back at, please contact us on 0800 735 566 or email surgical-mesh@acc.co.nz. Even if your claim was included in the look back sample, we're likely to need more information to reassess the decision.

How are you going with the other actions you committed to in the restorative justice report?

Updates on all of the actions committed to as part of the restorative justice process are available on the [Ministry of Health website](#).