

07 March 2022



Tēnā koe

Your Official Information Act request, reference: GOV-016605

Thank you for your email of 4 February 2022, asking for the following information under the Official Information Act 1982 (the Act):

The number of new and the number of accepted treatment injury claims involving missed diagnosis, delayed diagnosis, and misdiagnosis of cancer for each of the financial years 2017/18, 2018/19, 2019/20 and 2020/21 inclusive.

Please show for each claim the District Health Board involved, the site of cancer involved (e.g. breast, lung, colon, etc), and the age of the claimant at the time of the treatment injury. Excel or .csv format preferred.

Treatment Injury claims for cancer diagnosis

The information you have requested is provided in tables in the attached Excel file. Please also read the notes section in the file, which provides background and contextual information.

Privacy

Please note that in the tables provided, we have used the value '<4' if the number of claims is between 1 and 3. We have also suppressed some values so small numbers cannot be calculated from totals. In addition to this, we have not provided a year by year breakdown of cancer treatment injuries by DHB. In the majority of cases, the number per DHB per year is less than four.

We have taken these measures to ensure that individuals cannot be inadvertently identified from statistical information we release. This decision is made under section 9(2)(a) of the Act. We considered the public interest in the information withheld and are of the view it does not outweigh the interests being protected.

How to get in touch

If you have any questions, you can email me at GovernmentServices@acc.co.nz.

As this information may be of interest to other members of the public, ACC has decided to proactively release a copy of this response on ACC's website. The released response will be made available at <https://www.acc.co.nz/resources/#/category/12>.

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Nāku iti noa, nā

Sasha Wood
Manager Official Information Act Services
Government Engagement & Support

Official Information Act Request

Cancer Treatment Injury Claims

Background information about treatment injury data

ACC has provided cover for treatment injuries since 1 July 2005. The treatment injury provisions replaced the medical misadventure provisions of the Accident Compensation Act 2001, to bring it more in line with the no-fault nature of the scheme.

A treatment injury is a personal injury caused as a result of seeking or receiving medical treatment from a registered health professional. In order to fulfil the criteria for cover, the person must have suffered a personal injury and there must be a clear causal link between the treatment and the injury, and the injury must not be a necessary part or ordinary consequence of the treatment.

When considering treatment injury data, it is important to note that the number of claims lodged with ACC cannot be taken as an accurate indication of the occurrence of injury during treatment or the quality of care. This is because, among other reasons, not all occurrences of injury during treatment are lodged with ACC.

Context

Treatment injury (TI) data is available from 1 July 2005, when treatment injury provisions came into law.

The ACC website contains further information on treatment injury <https://www.acc.co.nz/for-providers/treatment-safety/>.

A full overview of treatment injury in public and private surgical hospitals and general practice settings is available at <https://www.acc.co.nz/assets/provider/ACC7971-Supporting-Treatment-Safety-2021.pdf>.

Claim lodgement rates are dependent on several factors. They can be influenced by:
population demography i.e. the characteristics of the resident population, visitors and referred patients
health status of the population treated
what level of facility the organisation provides i.e. tertiary versus secondary
familiarity of health providers or clients in recognising and/or lodging treatment injury claims.

Privacy

ACC does not routinely disclose low value numbers related to claims. Accordingly, some of the values in the tables only indicate that the number is less than 4 (denoted as <4). In other instances, values are suppressed and notated as (..) to limit the potential for particular individuals or matters specific to certain individuals from being identified.

Withholding in this way is necessary to protect the privacy of these individuals under section 9(2)(a) of the Act. In doing so, we have considered the public interest in making the information available and have determined that it does not outweigh the need to protect the privacy of these persons.

Cancer treatment injury

In order for there to be cover for a treatment injury there must be a physical injury (actual bodily harm) caused by treatment. Treatment in the context of omission can include a failure to provide appropriate treatment or a failure to diagnose or refer appropriately. A delay in providing treatment caused by resource constraints that results in injury, is not a failure (s 32(2)(b)). Public hospital waiting lists prioritise treatment taking into account available resources. If an injury arose due to the waiting time to be assessed, or treated, as a result of resource allocation this would likely be excluded for cover as it would be attributable to the resource allocation.

Table A: Number of accepted claims by Decision Financial Year, for cancer treatment injuries decided between 1 July 2016 and 30 June 2021

Financial Year	Accepted Claims
2016/2017	38
2017/2018	38
2018/2019	47
2019/2020	52
2020/2021	66
Total	226

Table B: Number of accepted claims by DHB, for cancer treatment injuries decided between 1 July 2016 and 30 June 2021

DHB	Accepted Claims
Auckland	37
Bay of Plenty	7
Canterbury	15
Capital & Coast	7
Counties Manukau	13
Hawke's Bay	9
Hutt Valley	<4
Lakes	<4
Mid Central	11
Northern Marlborough	17
Northland	15
South Canterbury	5
Southern	48
Tairāwhiti	<4
Taranaki	6
Waikato	21
Waikaranga	6
Waitemata	18
West Coast	<4
Whanganui	<4
Total	226

Table C: Number of accepted claims by Cancer Type, for cancer treatment injuries decided between 1 July 2016 and 30 June 2021

Cancer Type	Accepted Claims
Colorectal	41
Lung	27
Prostate	19
Melanoma	17
Oes	16
Breast	16
Cervical	11
Bladder	9
Liver	9
Endometrial	7
Testicular	5
Ovarian	4
Other*	50

* Other types of cancer include: Renal, Brain, Head & Neck, Tonsil, Throat, Nasopharyngeal, Leukaemia, Hodgkin's, Lymphoma, Penis, Parotid, Lymphoma, Bone - Pelvis, Colorectal - pulmonary metastasis, Laryngeal, Adrenocortical, Pharyngeal synovial sarcoma, Duodenal, Sarcoma, Avascular Rhabdomyosarcoma, Thyroid, Nasopharyngeal carcinoma, Ganglioglioma, Oesophageal, Glomus tumour, Orbital lymphoma, Sacral metastasis - Kidney, Osteosarcoma, Bone metastasis - primary breast, Ewing Sarcoma, Adrenal, Pancreas, Tongue, Pancreatic, Adenoid, Gallbladder

Table D: Number of accepted claims by Failure Reason and Decision Financial Year, for cancer treatment injuries decided between 1 July 2016 and 30 June 2021

Treatment Injury	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Total
Delay in treatment	17	12	6	12	16	63
Delayed diagnosis	16	10	23	36	42	127
Misdiagnosis	<4	-	<4	<4	1	10
Mixed diagnosis	1	<4	<4	<4	1	16
Total	30	38	32	52	60	226

Table E: Number of accepted claims by Age Group, for misdiagnosed cancer treatment injuries decided between 1 July 2016 and 30 June 2021

Age Group	Accepted Claims
0-4	<4
5-14	<4
15-24	<4
25-29	7
30-34	11
35-39	10
40-44	12
45-49	13
50-54	21
55-59	34
60-64	40
65-69	18
70-74	28
75-79	13
80-84	<4
85+	<4
Total	226