

19 January 2022



Tēnā koe

Your Official Information Act request, reference: GOV-015823

Thank you for your email of 6 December 2021, asking for the following information under the Official Information Act 1982 (the Act):

1. *What is the total number of all surgical mesh claims received by ACC dating from- 1st July, 2005 to 1st Dec, 2021?*
2. *Regarding reply to OIA reference: GOV-014547 – Does ACC feel that having only 11 claimants being managed in the Partnered Recovery claims management system reflects the complexity and significance of mesh harm and ongoing needs of those who have been injured?*
3. *If the claimant raises their concerns with their case manager and ask to be moved to Partnered Recovery, will ACC make this happen? In the reply to OIA reference: GOV-014547 ACC stated that “If a client has concerns about which recovery team their claim is with, they are able to raise that concern with a recovery assistant or their recovery team member”.*

Background information about treatment injury data

Before responding to your request, we would first like to provide you with some background information about treatment injuries.

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.

Surgical mesh

Surgical mesh is a medical device that has been used for many years. The most common use is for abdominal surgical wounds such as hernia repairs. More recently, mesh has also been used for stress urinary incontinence and pelvic organ prolapse.

1. *What is the total number of all surgical mesh claims received by ACC dating from 1st July, 2005 to 1st Dec, 2021?*

As of 1 December 2021, 2,005 surgical mesh claims have had cover decisions made of which 1,605 (80%) have been accepted.

This data was extracted on 15 December 2021 and includes claims decided between 1 July 2005 and 1 December 2021. A small number of surgical mesh claims may have been received but not yet had a cover decision and have therefore not been identified in our data.

2. *Regarding reply to OIA reference: GOV-014547 – Does ACC feel that having only 11 claimants being managed in the Partnered Recovery claims management system reflects the complexity and significance of mesh harm and ongoing needs of those who have been injured?*
3. *If the claimant raises their concerns with their case manager and ask to be moved to Partnered Recovery, will ACC make this happen? In the reply to OIA reference: GOV-014547 ACC stated that “If a client has concerns about which recovery team their claim is with, they are able to raise that concern with a recovery assistant or their recovery team member”.*

In the Act a distinction exists between a request for information already known and held by an agency (official information), versus a request for an agency to form an opinion or provide an explanation or comment, and thus create new information to answer a request (not official information). These questions are not requests for official information and as such, we are not required to respond.

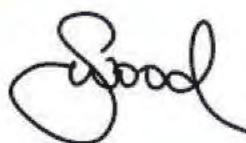
As mentioned in the previous response GOV-014547, all clients with an accepted surgical mesh treatment injury are initially matched to either partnered or supported recovery to be with a dedicated recovery partner or coordinator.

If a client's needs change and can be managed with less staff interaction, then they can be moved from partnered or supported to assisted recovery. Transferring a claim between recovery streams is managed on a case-by-case basis. If a client has concerns about which recovery team their claim is with, they are able to raise that concern with a recovery assistant or their recovery team member.

How to get in contact

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

Nāku iti noa, nā



Sasha Wood
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Government Engagement & Support