

01 September 2020

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Tēnā koe [REDACTED]

**Your Official Information Act request, reference: GOV-006128**

Thank you for your letter of 5 August 2020, asking for the following information under the Official Information Act 1982 (the Act):

*Can I please have the hernia claim statistics for the year 6/7/2019 to 6/7/2020 regarding claims made to ACC?*  
*How many hernia injuries were claimed?*  
*How many accepted?*  
*How many declined?*  
*How many of those declined decisions were challenged?*

**Hernia claims**

ACC holds two sets of data relevant to hernia claims, one set caused by treatment and another for hernias caused by a personal injury/accident. As such, we have provided two sets of hernia claims data, one for each circumstance.

**Treatment Injury data**

Treatment Injury (TI) data is available from 1 July 2005, when TI provisions came into law. A full overview of TIs in public and private surgical hospitals and general practice settings is available at: [www.acc.co.nz/treatmentsafetypublication](http://www.acc.co.nz/treatmentsafetypublication). ACC's TI provisions can also be found on the open data website: <https://catalogue.data.govt.nz/dataset/acc-treatment-injury-data>.

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 TI claims.

Therefore, claims lodged with ACC cannot be taken as an accurate indication of the occurrence of TI or the quality of care.

**Hernia related TI data**

The following points should be considered when interpreting the data provided about hernias caused by treatment injury:

- The figures include treatment injury claims with a primary or secondary injury equal to 'hernia – incisional', 'hernia – para stomal' or 'hernia – other'.
- There are some claims that have multiple hernia injuries, for example an incisional hernia and a para stomal hernia.

- The data was extracted on 10 August 2020 and may differ if extracted at a later date.

### **Data**

Between 6 July 2019 and 6 July 2020, 429 TI claims for hernia injuries were lodged with ACC. Of the 429 claims 287 (67 percent) were accepted for cover and 142 (33 percent) were declined.

A small number of declined hernia related TI claims were reassigned as PICBA (personal injury caused by accident) claims to be assessed for cover under ACC's wider legislation.

### **Hernia related personal injury data**

The following points should be considered when interpreting the data provided about hernias caused by personal injury:

- All claims counted had an injury code that includes the word hernia.
- Hernia claims that have been identified as TI claims have been excluded from this claim count.
- Claims with multiple injuries have been included, a hernia injury diagnosis may not be the primary diagnosis.
- The claims have been counted by the date they are lodged with ACC. A claim can be lodged immediately after an injury or at a later date.
- Accredited employer claims have been excluded as ACC holds limited information about these.
- The data was extracted on 28 August 2020 and may differ if extracted at a later date.

### **Data**

Between 6 July 2019 and 6 July 2020, 2,542 claims for hernia related personal injuries were lodged with ACC. Of the 2,542 claims, 962 (38 percent) were accepted for cover, 1,553 (61 percent) were declined and 27 (1 percent) have a held status. Held claims are claims awaiting a cover decision.

In some cases, because a claim can have more than one diagnosis, the decision to decline may not necessarily be related to a hernia.

### **Reviews**

The claim review process is open to both accepted and declined claims. An accepted claim may have a review submitted in relation to specific entitlements, a declined claim may have a review submitted in relation to cover.

The numbers provided below may change because reviews for recently lodged claims are still able to be submitted, and some claims have more than one review. Reviews can be withdrawn or settled prior to the review process. In some cases, there is 'no jurisdiction for review', meaning the review submission did not meet the review criteria, for example the review submission is outside the review timeframe.

### *Privacy*

As a matter of practice, ACC does not disclose data below certain values. This approach limits the potential for particular individuals or matters specific to certain individuals to be identified. Accordingly, some figures below only indicate that the relevant number of claims is fewer than four (<4).

Withholding in this way is necessary to protect the privacy of specific 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 natural persons.

Eight reviews have been undertaken for seven hernia related treatment injury claims lodged in the specified timeframe.

One hundred and four reviews have been undertaken for 100 hernia related personal injury claims lodged in the specified timeframe. The outcomes of these reviews are provided in Table 2.

**Table 1: Claim count by review outcome for hernia related treatment injury claims, with lodgement date between 6 July 2019 and 6 July 2020, submitted for review**

Review Outcome	Claim Count
In favour of ACC	<4
In favour of client	<4
Settled/Withdrawn*	4

\*Settled/Withdrawn also includes reviews where there was no jurisdiction for review.

**Table 2: Claim count by review outcome for hernia related personal injury claims, with lodgement date between 6 July 2019 and 6 July 2020, submitted for review**

Review Outcome	Claim Count
In favour of ACC	26
In favour of client	6
Settled/Withdrawn*	68

\*Settled/Withdrawn also includes reviews where there was no jurisdiction for review.

There are a number of reviews with no outcome which are not included in the above tables. This is because either a review hearing has not yet taken place, or a review hearing has taken place and a review decision has not yet been issued.

#### How to contact us

If you have any questions, you can email me at [GovernmentServices@acc.co.nz](mailto:GovernmentServices@acc.co.nz).

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](http://www.ombudsman.parliament.nz) or by phoning 0800 802 602.

Nāku iti noa, nā



Sasha Wood  
**Manager Official Information Act Services**  
 Government Engagement & Support