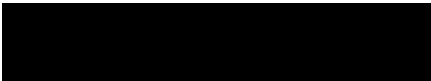




07 April 2022



Kia ora 

Your Official Information Act request, reference: GOV-017392

Thank you for your email of 23 March 2022 to our customer feedback team, asking for the following information:

I'm asking for ACC formal process regarding ACCs process when making a decision regarding a claimants doctor cert to be made yearly.

Your request was referred on to the Government Engagement and Support team to respond to under the Official Information Act 1982 (the Act).

Relevant documents are attached

Please see the GOV-017392 Appendix which contains the policy and process for accepting medical certificates of a duration longer than 13 weeks. The documents provided are:

- Rules for Medical Certificates for Inability to Work
- Medical certification process: extended incapacity for non-serious injury clients
- Medical Certification for Serious Injury Claims - permanent incapacity

Staff names have been removed from these documents as we have considered to be out of the scope of your request.

If you're concerned about this response, please get in touch

You can email me at GovernmentServices@acc.co.nz.

If you are not happy with this response, you can also contact the Ombudsman via info@ombudsman.parliament.nz or by phoning 0800 802 602. Information about how to make a complaint is available at www.ombudsman.parliament.nz

Ngā mihi



Sara Freitag
Acting Manager Official Information Act Services
Government Engagement & Support

Summary

Objective

This guidance outlines the information that ACC require from a medical health professional when they issue an acceptable medical certificate confirming the client is unable to work. This guidance covers retrospective, and forward-dated medical certificates. Refer to this guidance to determine whether a medical certificate contains the information we require to confirm inability to work.

- 1) Rules: medical practitioners issuing medical certificates for inability to work
- 2) Legislation related to the activities of health practitioners and the certification ACC will accept from health practitioners
- 3) Acceptance of certificates
- 4) Retrospective medical certificates
- 5) Forward-dated medical certificates
- 6) Links to guidelines and legislation

Owner

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Procedure

1.0 Rules: medical practitioners issuing medical certificates for inability to work

- a A medical practitioner (or nurse practitioner) can confirm whether a client is unable to perform their employment duties through issuing a medical certificate. A medical certificate can be any of the following:
 - an ACC045 ACC injury claim form
 - an ACC018 Medical Certificate
 - electronically created medical certificate
 - inability to work included within a report from a medical practitioner (or nurse practitioner).
- b The medical certificate should be provided by the medical practitioner (or nurse practitioner) the client consulted about the injury when they became unable to work.
- c For ACC to accept the certificate, it must refer to the injury in question and clearly identify the client's restrictions due to the injury.
- d Electronically created medical certificates can only be accepted from medical practitioners (or nurse practitioners) who have had their certificates approved by Corporate Office and numbers allocated.
- e If that doctor is not available, a medical practitioner (or nurse practitioner) from the same practice can provide the certificate, if details of the consultation can be confirmed.
- f If a public hospital provided treatment to the client but did not complete a certificate, it can be completed later, provided the medical practitioner (or nurse practitioner) completing the certificate has the hospital notes. If required, contact this medical practitioner (or nurse practitioner) to check that the hospital notes were available to them.
- g See the Medical Council of New Zealand's guidelines on medical certification for more information on doctors' professional obligations when completing certificates.

2.0 Legislation related to the activities of health practitioners and the certification ACC will accept from health practitioners

- a Legislative changes mean suitably qualified health practitioners will be able to carry out some activities that could previously only be done by medical practitioners (doctors). Refer to the Health Practitioners (Replacement of Statutory References to Medical Practitioners) Bill in Activity 6.0.
- b One of these involves a change to the Holidays Act 2003. The Holidays Act allows an employer to require an employee to produce proof of sickness or injury. The Act previously stated that this proof may include 'a certificate from a medical practitioner'. The recent amendment changes this to 'a certificate from a health practitioner'.
- c ACC's legislation has not changed and the requirement for an assessment of inability to work remains by a medical or nurse practitioner.
- d However, ACC can accept a health practitioner's certificate for the purposes of determining the first date the client became unable to work, if they had taken time off work to be treated by the health practitioner. ACC would also require confirmation that the client was absent from work to attend that treatment. The treatment would have to be one that ACC is liable to provide and is necessary for the client's covered injury.

3.0 Acceptance of certificates

- a Certificates that result in the granting of support may be accepted by fax or direct from a provider electronically.
- b All medical certificates must be signed by the relevant provider, or, in the case of an eACC18, must be appropriately authorised by the provider. The patient does not need to sign either the ACC18 or eACC18.
- c When we receive a manual ACC18 Medical Certificate it must have a valid provider ID to ensure that the certificate can be approved for payment.
- d Provider detail is a mandatory field in Eos, as they must exist to process a manual ACC18 and/or eACC18. However, Vendor and Facility fields are optional.
- e If the Provider ID is showing as invalid, then you will need to search for the correct Provider or use the dummy number K95229.

4.0 Retrospective medical certificates




- a Medical certificates that cover a period before the date of consultation are less convincing proof of inability to work and may not be acceptable. In this case:
 - obtain further medical information before deciding whether to accept a retrospective certificate
 - determine the basis on which the retrospective medical certificate has been given. This can be sought from the medical practitioner (or nurse practitioner)
 - obtain confirmation from the client's employer that they had time off work due to their inability to work due to the injury.
- b It may also be helpful to get comments from a Medical Advisor before deciding.

- c** Retrospective certificates by a medical practitioner (or nurse practitioner) may be more compelling when read alongside a Health Practitioner's certificate particularly where the client has been treated by them in the intervening period.

5.0 Forward-dated medical certificates

- a** Medical certificates specifying a period of inability to work, that starts sometime after the date of consultation, can be accepted depending on the circumstances of each case. Factors to be considered in deciding whether to accept a forward-dated medical certificate include:
 - the reason for the certificate being forward-dated, e.g. if surgery is expected, or a current certificate of inability to work is due to expire
 - gap between the date the certificate was completed and the specified start date for the period that the client was unable to work (this must only be a few days)
 - the duration of inability to work is specified, particularly where the certificate is forward-dated because surgery is planned
 - the medical details of the injury and inability to work, i.e. if the available facts clearly support that the person would be unable to work
 - the basis on which the forward-dated medical certificate has been given should be determined. This may be sought from the medical practitioner (or nurse practitioner).
- b** It may also be helpful to get comments from a Medical Advisor before deciding.
- c** Where ACC does accept a forward-dated medical certificate, the period of inability to work is taken from the 'date specified on the certificate', not the date the certificate is completed.
- d** Ensure the reasons for accepting or rejecting a forward-dated medical certificate are recorded on Eos Contacts Log.

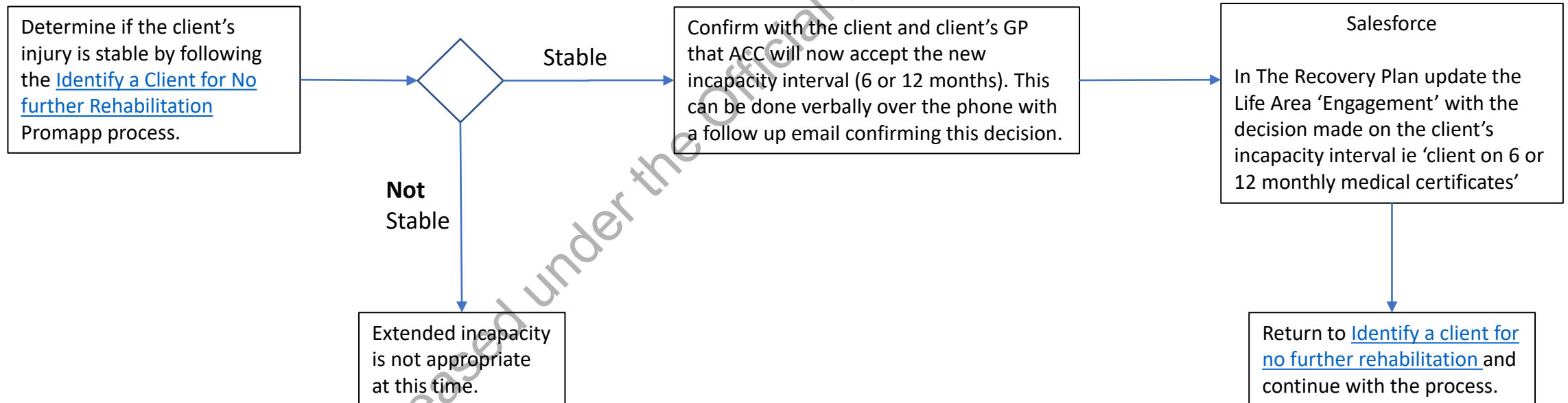
6.0 Links to guidelines and legislation

-  Medical Council of New Zealand's guidelines on medical certification
<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&s>
-  Health Practitioners (Replacement of Statutory References to Medical Practitioners) Bill
<http://www.legislation.govt.nz/bill/government/2015/0/>
-  Holidays Act 2003
<http://www.legislation.govt.nz/act/public/2003/0129/45>

MEDICAL CERTIFICATION PROCESS: EXTENDED INCAPACITY FOR NON SERIOUS INJURY CLIENTS

Medical certificates can be accepted for periods exceeding 13 weeks, for a maximum period of 12 months, if all the following are met:

- physical or mental restrictions have stabilised and are likely to remain unchanged
- these restrictions mean the client is unable to perform any work
- eligibility for long-term support is not in doubt.



Medical Certification for Serious Injury Claims - permanent incapacity v13.0



Summary

Objective

Serious injury claims are managed using a disability approach, this is a different service approach than for non-serious injury claims.

Owner

Out of Scope


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Procedure

1.0 Rules

- a** In relation to medical certification, serious injury clients differ because:
- they have sustained a significant and permanent impairment
 - once their condition is stable, a one time determination can usually be made on their ability to return to their pre-injury employment
 - they will usually have a long term treatment relationship with one or more medical practitioners.

The process chart below sets out the overall process for Serious Injury clients.

 Medical Certification SI Permanent Incap process chart.pptx

- b** A further decision can be made at a later date, if required by:

- the client undertaking vocational rehabilitation, including the Initial Occupational Assessment/Initial Medical Assessment process
- the client's condition or level of compliance changing
- identification that the status of their inability to work is likely to, or needs to, be altered.

This process complies with the legislation and removes the unnecessary burdens of the process for non-serious injury clients for this group. It removes the financial burden to clients, of attending a doctor just for an ACC medical certificate and allows ACC to withdraw from their lives, thereby enhancing any ongoing relationship with ACC. The process also reduces the administrative burden for staff.

Issues around Fraud and return to work expectations will be managed outside of the medical certification process.

2.0 Key Points of the new process

- a** An initial decision is made while the client is in post-acute rehabilitation, or soon after, about whether ongoing medical certificates are required. This decision involves the Recovery Team Member consulting with the team Leader, and if required an appropriate Clinical Advisor, and is made based on if:
- the disability arising from the impairment has reached a point from which it is unlikely to significantly improve.
 - the client is unable to return to the employment they had at the time of the injury
 - the client is participating, or planning to participate in vocation rehabilitation, including the Initial Occupational Assessment/Initial Medical Assessment process
 - there is any indication the client will be non-compliant with necessary treatment requirements, or with the Individual Planning process.