



05 July 2022

Kia ora [REDACTED]

Your Official Information Act request, reference: GOV-018694

Thank you for your email of 8 June 2022, asking for the following information under the Official Information Act 1982 (the Act):

Under the Official Information Act can you please provide me with the following statistical information on claims that have been assessed/processed for Fetal Valproate Syndrome, Fetal Valproate Spectrum Disorder, Fetal Carbamazepine Syndrome, Fetal Hydantoin Syndrome, or Fetal Anticonvulsant Syndrome (or other classifications ACC may have e.g. exposure to sodium valproate in utero):

- 1. Financial year*
- 2. New claims*
- 3. Active claims*
- 4. Total cost broken down into categories: Compensation, Treatment and Rehabilitation*
- 5. Region*
- 6. Accepted and declined claims*
- 7. On average how long are claims taking before a decision is made, bearing in mind that some claims are declined at 9 months only to be immediately reopened*
- 8. Ethnicity*
- 9. Accepted claims broken down into 18 and over, under 18*
- 10. Total cost of those on Loss of Potential Earning*

The information you have requested is categorised and recorded as a treatment injury by ACC.

A treatment injury is a personal injury caused due to seeking or receiving medical treatment from, or at the direction of, a registered health professional

To fulfil the criteria for cover, the person must have suffered a personal injury, 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.

Please note that not all occurrences of injury during treatment are lodged with ACC. Treatment injury (TI) data is available from 1 July 2005.

Fetal valproate syndrome data

The treatment injury data provided below was extracted on 28 June 2022 and includes claims decided between 1 July 2005 and 17 June 2022.

Total claims

Between 1 July 2005 and 17 June 2022 ACC has made 68 cover decisions for treatment injury claims for fetal anticonvulsant syndromes. Of the 68 claims, 42 have been accepted for cover and 26 have been declined. All accepted claims involved the maternal use of sodium valproate or carbamazepine that resulted in injury to the fetus.

Ethnicity

Of the 42 accepted claims 32 were for clients with European ethnicity. Four accepted claims were for clients with Māori ethnicity. The remaining six claims are for clients with Pacific, Asian, or Other ethnicities, with fewer than four accepted claims in each of these categories.

This ethnicity data is based on ACC's 'prioritised ethnicity' data field. This method reduces the six ethnic responses to a single response by a system of "prioritisation" where: Māori regardless of other ethnicities listed is classified as Māori; Pacific peoples with any other response other than Māori is classified as Pacific; Asian peoples with any other response other than Māori and Pacific are classified as Asian; Other ethnicity regardless of any other response other than Māori, Asian or Pacific is classified as Other. Those that listed European and did not list Māori, Pacific, Asian or Other are classified as European.

ACC reports ethnicity using a different method to Statistics New Zealand. Care must be taken when comparing ACC's ethnicity data with other Government agencies or census data.

Cost of claims

Between 1 July 2005 to 17 June 2022, ACC has made payments for all 42 accepted fetal anticonvulsant syndrome claims, totaling \$17.8 million (excluding GST). Table 1 below provides breakdown, by financial year, of claims, costs paid, and the number of claims paid in the year ('active' claims) for fetal anticonvulsant syndrome injuries. As of 17 June 2022, ACC had made payments on 24 of the 26 declined claims at a total cost of \$49,838.

Table 1: Claim count, cost (ex GST) and claims paid count by financial year for fetal anticonvulsant syndrome injuries, decided between 1 July 2005 and 11 June 2022

Financial Year	Accepted Claims	Accepted Claims Paid	Cost (\$)	Declined Claims	Cost (\$)
2007/08	0	4	800	0	0
2008/09	5	5	19,862	0	147
2009/10	<4	9	128,396	<4	700
2010/11	<4	8	178,251	0	1,166
2011/12	0	8	177,499	<4	3,350
2012/13	0	9	326,526	<4	896
2013/14	4	13	415,107	<4	2,212
2014/15	<4	14	591,705	<4	1,783
2015/16	6	20	670,580	<4	5,089
2016/17	5	22	1,272,425	<4	559
2017/18	<4	25	1,280,207	<4	1,539
2018/19	5	30	1,745,313	<4	2,666
2019/20	9	39	2,583,321	8	3,528
2020/21	<4	42	4,541,040	<4	1,992
2021/22 ¹	<4	41	3,845,715	<4	24,212
Total	42	42	17,776,747	26	49,838

¹Partial year, 1 July 2021 to 17 June 2022.

Breakdown of cost

The costs paid for accepted claims can be broken down into three groups: compensation, rehabilitation, and treatment. Table 2 provides a breakdown of the cost and number of claims paid by each of these cost groups.

Table 2: Cost and claims paid count by cost group for fetal anticonvulsant syndrome treatment injuries accepted between 1 July 2005 and 17 June 2022

Cost Group	Accepted Claims Paid	Cost (\$)
Compensation	36	1,949,427
Rehabilitation	39	14,913,976
Treatment	42	913,314
Total	42	17,776,747

Loss of potential earnings (LOPE)

Ten accepted claims for fetal anticonvulsant syndrome injuries had received LOPE payments, totaling \$1,255,623 as of 17 June 2022.

Claims by region

Of the 42 accepted treatment injury claims for fetal anticonvulsant syndromes, 12 were from the Southern DHB region, nine were from the Auckland DHB region and five were from the Mid Central DHB region. The remaining 16 claims were from several other DHB regions, which have not been specified in order to protect the privacy of individuals.

Of the 26 declined treatment injury claims for fetal anticonvulsant syndromes 5 were from Southern DHB region. The remaining claims were from several other DHB regions which cannot be specified for privacy reasons.

Age

Fewer than four accepted treatment injury claims for fetal anticonvulsant syndromes were for clients 18 years or older at date of injury (first date the client sought treatment for the claimed injury); 28 clients were under the age of one. On 28 June 2022, 22 clients with accepted fetal anticonvulsant syndrome injury claims are under the age of 18 years, 20 clients are 18 years or over.

Time taken to make a cover decision

The analysis below shows the time elapsed between a claim being lodged with ACC and the most recent cover decision. It should be noted that all 68 claims reported for fetal anticonvulsant syndromes have received an initial cover decision within nine months of being lodged with ACC.

Table 3: Time Elapsed between a claim being lodged with ACC and the Most Recent Cover Decision Being Made

Time From Lodgement to Latest Decision	Number of Claims
Under 3 months	6
3 months to under 6 months	9
6 months to under 9 months	22
9 months to under 1 year	5
1 year to under 2 years	11
2 years to under 3 years	11
3 years or longer	4
Total	68

Privacy

ACC does not routinely disclose low value numbers related to claims. Accordingly, some information regarding ethnicity and region has been withheld. Additionally, some of the values in table 1, only indicate that the number is less than 4 (denoted as <4) 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.

As this information may be of interest to other members of the public

ACC may decide to proactively release a copy of this response on ACC's website. All requester data, including your name and contact details, will be removed prior to release. The released response will be made available www.acc.co.nz/resources/#/category/12.

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



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