



PREVENTION. CARE. RECOVERY.

Te Kaporeihana Āwhina Hunga Whara

Getting help with an injury caused by treatment





Injury caused by treatment

If you're injured as a result of treatment, ACC may be able to help you.

This brochure tells you about how and when you can make a claim for a treatment injury, and the help we may be able to provide you.

For more information

ACC information online

www.acc.co.nz

Treatment injury helpline

0800 735 566

Email

TI.Queries@acc.co.nz

We have interpreters who can help you talk to us.

What is a treatment injury?

A treatment injury is a physical injury caused as a result of seeking or receiving treatment from a registered health professional, eg a:

- chiropractor
- dentist, dental technician or clinical dental technician
- medical laboratory technologist
- medical practitioner (doctor, surgeon, anaesthetist, etc)
- medical radiation technologist
- midwife
- nurse
- occupational therapist
- optometrist
- pharmacist
- physiotherapist
- podiatrist.

Seeking or receiving treatment means:

- diagnosis
- monitoring
- investigation
- advice
- actual treatment received.

Am I covered?

It's important to remember that ACC does not cover all treatment that does not go well or turn out as expected.

You may qualify for cover for a treatment injury if:

- you're injured as a result of treatment by a health professional, and
- the treatment, not your health condition or some other factor, is the cause of your injury.

What may not be covered?

We may not be able to accept your claim if your injury is:

- related to a health condition you had before you received treatment
- a necessary part, or an ordinary result, of your particular treatment
- caused by a decision an organisation made when allocating health resources (eg a decision affecting your place on a waiting list)
- caused because you unreasonably delayed or refused to give consent for your treatment

- a result of treatment not achieving the desired result.

However, if you do not have a treatment injury, but have an injury as a result of an accident, seek advice from your registered health professional.

How ACC can help you

If we accept your claim for a treatment injury, we may be able to help you with cover for:

- treatment costs
- weekly compensation for wages you've lost because of your injury
- personal help, such as home help or childcare
- other types of assistance depending on your circumstances.

If you need further treatment

If your health professional thinks you need further treatment from another health professional, they'll provide you with a referral. It's important you don't delay receiving this treatment while you wait for a claim cover decision from ACC.

We can't make any payments until we've accepted your claim, but we may be able to refund some costs afterwards, so please keep all receipts for your costs.

If you need time off work, see your doctor – they'll give you a medical certificate for this – but remember, we can't pay anything until your claim is accepted.

How to make a claim

The best person to help you lodge your claim is the health professional who provided the treatment that you believe caused your injury. They are most likely to have all the relevant information ACC needs to make a cover decision. The health professional will complete the necessary forms (ACC45 and ACC2152) with you and lodge them for you. If all relevant clinical information is provided when the claim is lodged, we'll be able to make a cover decision faster.

Alternatively, instead of having your treatment injury claim lodged by the person who treated you, you can visit another health professional, such as your GP or dentist, and ask them to complete these forms with you. They will send the forms to us and give you a copy of the claim form to keep.

Make sure you make your claim as soon as possible after your injury – we may not be able to accept claims made more than 12 months afterwards. The date you make your claim also affects when you qualify for help and the help that may be available to you.

If you need some advice on whether you may have a treatment injury, you're welcome to call ACC.

Please keep any forms and letters we send you in a safe place.

What happens next?

Once your claim is received, ACC assesses it and decides whether or not you're covered.

In making this decision, we may need more information about your injury and the events that led to it. We may ask for medical advice from other health professionals, including those involved in your care.

We will then write to you with our decision. If your claim is accepted and you have asked for help from ACC, an ACC representative will be in touch. They'll explain how ACC can help you and will work with you during your recovery.

How long does the decision take?

The time it takes to assess your claim and to make a cover decision depends on many factors. Treatment injury claims

are complicated so it can take anything from a few weeks to several months, depending on the specific details of your claim and your health history.

A major contributing factor to the timeline is the ease of access to clinical records. Once ACC has received all relevant information, ACC can make a cover decision within a few weeks. Sometimes external clinical advice is required and this can take a few extra weeks. Your ACC clinical advisor will be able to advise you on a timeframe once your claim has been received, and will keep you updated with progress.

Resolving issues

If you have an issue with something we've done we'll try to work with you to sort it out as quickly as possible.

Also, if you disagree with a decision we've made that directly affects you, you can apply for a review of the decision.

For more information on how to do this, see our brochure Working together to resolve issues (ACC2393), visit www.acc.co.nz or call 0800 101 996.

What if I am unhappy with a health or disability service I have received?

If you're not happy with the treatment you've received from a registered health professional, or their conduct, and you'd like to make a complaint under the Code of Health and Disability Services Consumers' Rights, the Office of the Health and Disability Commissioner can help you. For more information, visit www.hdc.org.nz, email hdc@hdc.org.nz or phone 0800 11 22 33.

ACC is not a disciplinary body and has no disciplinary authority over health professionals.

My important contacts

My health professional (eg doctor, physiotherapist)

Name

Phone number

My employment contact person (eg manager)

Name

Phone number

My ACC contact person (eg case manager)

Name

Phone number

ACC claim number

Other contacts

Name

Phone number

Name

Phone number

Name

Phone number

Name

Phone number

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