

# Welcome

## The webinar will start shortly.

Please ensure your camera is off and your mic is muted.

# The beginner's guide to ACC for mental injury providers

18 OCTOBER 2022

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**He Kaupare. He Manaaki.  
He Whakaora.**  
prevention.care.recovery.



# Karakia

Whāia, whāia

Whāia te Tika

Whāia te Pono

Whāia te Aroha

Mō te oranga tāngata

Kia puta ki te whai ao

Ki te ao mārama

Haumi e, hui e

Tāiki e

Striving to do what is right

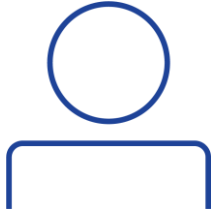
Undertaking to act justly

Being considerate of everyone

That it may improve the lives of all

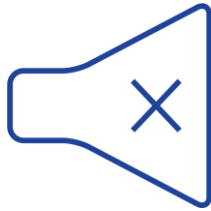
# Welcome

## Welcome to the beginner's guide to ACC for mental injury providers webinar



People

Penny Kokot Louw  
Melissa Porritt



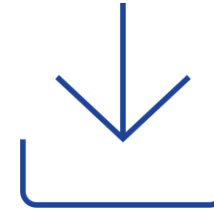
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Questions

Pre-submitted questions  
periodically through  
session and Q&A at the  
end



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# Agenda - Part 1

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What is mental injury?

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2

Types of mental injury

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3

Understanding causation

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4

Contact us

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5

Questions and discussion

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6

Feedback

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# Agenda Part 2: 1 November

1

Completing a strong report

2

Expectations of providers

3

Types of services for clients

4

Questions and discussion

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# What is mental injury?

# 1

# What is a mental injury?

The AC Act defines mental injury as:

**A clinically significant behavioural, cognitive or psychological dysfunction**

- ✓ mental illness v mental injury
- ✓ the role of diagnostic classification systems





# What ACC can provide mental injury cover for

- ✓ Sexual abuse (sensitive claims) (MICA)
- ✓ Covered physical injury or treatment injury (MICPI)
- ✓ Work-related traumatic incident (WRMI)
- ✓ (Non-covered) treatment injury (TIMI)
- ✓ Self-inflicted injuries (sometimes) (WSI)



# What is cover?

- ✓ Cover v entitlements (supports)
- ✓ Supports and entitlements are influenced by different factors: clinical, contractual, legal, and technical
- ✓ Treatment / rehabilitation: must be both necessary and appropriate for the covered injury
- ✓ Aims to return a person to a pre-injury level of functioning, as far as possible



# Accessing supports

## Who can lodge a mental injury claim:

- ✓ treating medical professional (e.g. GP or hospital)
- ✓ an ACC-contracted counsellor

## Who can provide a cover assessment for mental injury:

- ✓ Psychologist, psychiatrist or counsellor (ISSC only)

## Can a client access mental health support without mental injury cover?

- ✓ when there's a covered personal (physical) injury (PICBA) and the client requires psychological support to aid recovery.
- ✓ if they have lodged a sensitive claim and can access pre-cover support before proceeding to a Supported Assessment (cover assessment for sensitive claim).

# Supports available from ACC

- ✓ The symptoms or need are clearly related to the covered injury.
- ✓ The treatment is given by registered healthcare provider or counsellor (exceptions e.g. rongoā Māori practices).
- ✓ It will achieve a rehabilitation outcome.
- ✓ It is evidence-based.
- ✓ It is proportional to the injury.
- ✓ It is responsible use of funds.

## **Clients' needs**

You can let us know what your client needs are via the ACC45, ACC18 or [contact our teams](#).

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# Any questions?

# 1

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# Types of mental injury claims

# 2

# Mental injury caused by physical injury (MICPI)

The physical injury does not have to be the sole cause of the mental injury, but must be a significant factor in its development.

Mental injuries caused by a combination of the physical injury and the accident (or other factors) may also be accepted (especially for traumatic events).

The physical injuries can be sustained under any circumstance, including during medical treatment (treatment injury).

Maternal birth injuries fall under this legislation and the same principles apply.

# Mental injury caused by sexual abuse (MICSA)

**A clinically significant behavioural, cognitive or psychological dysfunction materially caused by certain "Schedule 3 events" as listed in the Crimes Act of 1961**

What kinds of sexual abuse events qualify for cover?

Consider legislative issues such as list of Schedule 3 events and “ordinarily resident”

## **The AC Act 2001**

[Accident Compensation Act 2001 No 49 \(as at 28 October 2021\), Public Act Schedule 3 Cover for mental injury caused by certain acts dealt with in Crimes Act 1961 – New Zealand Legislation.](#)



# Mental injury caused by sexual abuse (MICSA)

## Privacy: How much information to share?

No burden of proof but must be a plausible event description and logical link between the Schedule 3 event and the mental injury, with clear examples of the symptoms to support diagnoses and treatment planning.

The Schedule 3 event does not have to be the sole cause of the mental injury, but it must be demonstrated to have been a significant factor in its development.

Why ACC needs a “supported” cover assessment.

# Work-related mental injury (WRMI)

- ✓ Since 1/10/2008: A mental injury materially caused by direct exposure to a traumatic work-related event or its direct outcome
- ✓ A single, sudden event that occurred in the client's employment (or series of events that arise from the same cause or time-limited circumstance)
- ✓ Population test = would provoke extreme distress, horror or alarm in most people and be outside of the normal range of human experience
- ✓ Exclusions: Indirect exposure (e.g. through media), gradual onset (e.g. harassment, bullying)

# Treatment injury mental injury (TIMI)

- ✓ Refers to a mental injury that has arisen as a result of a non-covered physical injury, which has occurred during necessary and appropriate medical treatment.
- ✓ ACC doesn't provide cover for the physical consequences of treatment where it was considered necessary and appropriate, and where there's been good care.
- ✓ Treatment injury legislation: “ordinary consequence”



# Wilfully self-inflicted injury (WSI)

- ✓ ACC can provide treatment and rehabilitation to people suffering from self-inflicted injuries in some circumstances.
  - ✓ ACC does not provide financial compensation or long-term supports to people who've harmed themselves intentionally.
  - ✓ Ensures no financial motivation that could incentivise people to harm or kill themselves.
- ✓ Where WSI is suspected, we need to consider a range of factors around the deliberateness, the person's intentions and whether they had the cognitive capacity to understand the likely consequences of their actions.
  - ✓ ACC will not disentitle someone whose self-inflicted injuries were due to a covered mental injury.

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Any questions?

2

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# What ACC cannot cover under mental injury?

# 3

# What ACC cannot cover under mental injury

- ✗ traumatic events occur in the absence of a physical injury or sexual abuse, outside of work
- ✗ the injury event is a minor contributing factor in the development of the diagnosed condition (not a material factor)
- ✗ condition is caused by work stress or other gradual processes
- ✗ pre-existing conditions are triggered by an injury event

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# Causation

# 4



# Understanding causation - clinical concepts

## Main test

- ✓ material contribution = test of significance

## General test

- ✓ could it? – population means, research data, scientific literature
- ✓ and consensus

## Specific test

- ✓ did it? – unique factors of this case
- ✓ risk or predisposition is insufficient
- ✓ acceleration principle final straw / rendering symptomatic
- ✓ link to covered injury – both fact and degree: how direct should the link be? Consider time, intervening events

# Understanding causation – tech/legal concepts

## Legislative details

- ✓ ordinarily resident
- ✓ date of injury

## Sexual abuse

- ✓ certain Schedule 3 Acts only

## Timeframes

- ✓ **MICPI:** date of physical injury = same date as MI
- ✓ **MICSA or WRMI:** date of first seeking treatment for the condition that is eventually covered
- ✓ **But for test** – used in addition to *material contribution* test in certain cases (helpful when considering intervening factors; ACC policy = do not apply to MICSA)

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Any questions?

4

# Psychology Advisor (PA) Hotlines

**Sensitive claims:**

09 354 8425

**Physical injury:**

09 354 8426



# Useful contacts

**Clients supported by a dedicated Recovery Partner:**  
0800 735 566

**Clients supported by Assisted Recovery:**  
0800 735 566 ext. 87878

**Update contractual and referral information:**  
[health.procurement@acc.co.nz](mailto:health.procurement@acc.co.nz)

**Contract, newsletter and reporting link:**  
[mentalhealth@acc.co.nz](mailto:mentalhealth@acc.co.nz)

**Submit ISSC reports to ACC:**  
[Sensitiveclaimsproviderreports@acc.co.nz](mailto:Sensitiveclaimsproviderreports@acc.co.nz)



# What's next?

## **We want your feedback.**

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Please click on the survey link in the chat and share your feedback for today's webinar.

You'll receive an email with a link to the recording of this webinar, where you can also download slides.

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Thank you