

22 June 2022

Kyle Tahana

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Kia ora Kyle

Your Official Information Act request, reference: GOV-018467

Thank you for your request of 25 May 2022, asking for the following information under the Official Information Act 1982 (the Act):

I am requesting statics details relating to medical treatment claims relating to misdianose from medical prationer resulting in permanant disability and death namly cancer misdignosis, Number of claims accepted, lump sum payment totals and also acceptance criteria case notes that can be reveiwed.

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.

The cancer-related definition used for this response includes claims where lack of treatment resulted in the progression of a cancer

Generally, ACC does not record specific information related to a misdiagnosis. However, we do collect data for treatment omission, of which, misdiagnosis is a subset. Omission of treatment can occur due to misdiagnosis of cancer, failure to provide appropriate treatment, or a failure to refer or follow-up.

Identification of cancer-related claims involved a review of individual claim details and was therefore only possible for accepted claims that have enough information on file to determine whether the injury was cancer-related or not. Accordingly, the figures in the tables below relate to accepted claims only. This data was extracted on 17 June 2022 and may differ if extracted again.

Table 1: Number of accepted claims by Fatality and Cancer-related Identification, for treatment injuries relating to treatment omission accepted between 1 July 2016 and 30 June 2021

	Fatal	Non-Fatal	Total
Cancer-related	69	175	244
Not Cancer-related	73	629	702
Total	142	804	946

ACC is not able to provide comprehensive fatality statistics

ACC data is collected on the basis of claims made. However, as not all fatalities related to treatment injuries have claims lodged, our fatality statistics are not complete.

For more accurate fatality data, we suggest that you contact the Ministry of Health Mortality Collection (MORT). More information on MORT is available on www.health.govt.nz/nz-health-statistics/national-collections-and-surveys/collections/mortality-collection or by contacting data-enquiries@moh.govt.nz.

ACC does not collect data on treatment injuries resulting in *permanent disability*

However, data is collected on serious injuries for treatment injuries relating to treatment omission. This data is provided in Table 2 below and was extracted using treatment injury claims with the *Serious Injury* flag.

A serious injury is an injury which will likely have a significant impact on a person for the rest of their lives.

Table 2: Number of accepted claims by Serious Injury and Cancer-related Identification, for treatment injuries relating to treatment omission accepted between 1 July 2016 and 30 June 2021

	Serious Injury	Non-Serious Injury	Total
Cancer-related	4	240	244
Not Cancer-related	61	641	702
Total	65	881	946

You may also be interested in previously released cancer-related treatment injury claim data, which is available at: www.catalogue.data.govt.nz/dataset/treatment-injury-claims-for-cancer-diagnosis.

Lump sum payments

Between 1 July 2016 and 30 June 2021, the total lump sum payments made by ACC for cancer-related treatment injuries relating to treatment omission were \$7,585,850. For non-cancer related claims, the total lump sum payments made by ACC were \$4,968,691.

We are unable to provide case notes about specific treatment injury claims

ACC does not routinely provide details about individual claims, such as case notes, to protect our clients' privacy. This decision has been made 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 our clients' privacy.

However, please find attached the *Assess Claim for Cover (Treatment Injury)* process document, which provides general information about assessing a treatment injury claim for cover.

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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