

13 May 2021

Mr M Bell

fyi-request-15181-07143459@requests.fyi.org.nz

Tēnā koe Mr M Bell

Your Official Information Act request, reference: GOV-010430

Thank you for your email of 15 April 2021, asking for the following information under the Official Information Act 1982 (the Act):

Please provide a list of all compensation cases approved or declined for vaccine injury or adverse reactions related to vaccines on record. Please provide the date of the decision, the amount of compensation and the reason for being approved or declined.

Background information about treatment injuries

Before responding to your request, we would first like to provide you with some background information about treatment injuries.

ACC has provided cover for treatment injuries since 1 July 2005. The treatment injury provisions replaced the medical misadventure provisions of the Accident Compensation Act 2001, to bring it more in line with the no-fault nature of the scheme.

A treatment injury is a personal injury caused as a result of seeking or receiving medical treatment from a registered health professional. In order to fulfil the criteria for cover, the person must have suffered a personal injury and 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.

Treatment injury data

When considering treatment injury data, it is important to note that the number of claims lodged with ACC cannot be taken as an accurate indication of the occurrence of injury during treatment or the quality of care. This is because, among other reasons, not all occurrences of injury during treatment are lodged with ACC.

Treatment injury (TI) data is available from 1 July 2005, when treatment injury provisions came into law.

The ACC website contains further information on treatment injury <https://www.acc.co.nz/for-providers/treatment-safety/>.

A full overview of treatment injury in public and private surgical hospitals and general practice settings is available at <https://www.acc.co.nz/assets/provider/supporting-treatment-safety-report-2020.pdf>.

Claim lodgement rates are dependent on several factors. They can be influenced by:

- population demography i.e. the characteristics of the resident population, visitors and referred patients
- health status of the population treated
- what level of facility the organisation provides i.e. tertiary versus secondary
- familiarity of health providers or clients in recognising and/or lodging treatment injury claims.

Vaccination related claims

ACC treatment injury data captures the treatment event that resulted in the claimed injury, if a medication was associated with the injury the medication type and name are recorded under two data fields. In the response below the vaccination figures include claims with treatment event = vaccination OR treatment event = injection/medication adverse reaction/medication error with the medication type recorded as a vaccine.

Entitlement claims

Measuring the impact of an injury on a person is challenging. ACC and others use the overall cost of a treatment injury claim as an indicator of the severity of the injury because generally more costly claims have a more severe impact on the person injured. While not always directly related, overall cost is one measure of severity and impact.

Another measure is comparing the number of people who only need medical treatment for their treatment injury with the number of people who receive additional support as well as treatment. An entitlement claim is a claim that has received additional support such as weekly compensation or social or vocational rehabilitation for a covered injury as well as any funded medical treatment required.

Costs

There are three broad categories of costs (entitlements) a claim could receive:

- **Compensation** (weekly compensation for lost earnings, lump sums and death benefits)
- **Treatment** (initial hospital treatment and on-going primary and secondary treatment)
- **Rehabilitation** support (physical rehabilitation and various forms of personal support).

The biggest single factor in determining the long-term costs of some injuries is the amount of personal support needed by the client. Some treatment injury types may pertain to injuries which may be minor and require little or no on-going support from ACC.

Data you requested

Notes about the data

- Costs are GST exclusive.
- A financial year is 1 July to 30 June.
- Payment data relating to this request are limited to services purchased directly by ACC (cost figures exclude PHAS payments).
- The decision year is the year that the treatment injury claim was decided. This can differ from the year the injury occurred.
- The treatment injury data provided below was extracted on 5 May 2021 and may differ if run again on a later date.
- Figures may differ to those previously reported or supplied.

Privacy

ACC does not routinely disclose low value numbers related to claims. Accordingly, some of the values in the tables only indicate that the number is less than 4 (denoted as <4). In other instances, values are suppressed and notated as (..) 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.

Between 1 July 2005 and 30 April 2021 ACC made decisions on 3,114 vaccination claims.

Of those claims, 1,592 were accepted and 1,522 claims were declined. 1,002 claims were declined because there was no physical injury. The other main reasons for declining these claims were 220 claims had no causal link and 186 claims where the injury was an ordinary consequence of the treatment. Other reasons for declining claims included claims being withdrawn or the claim lacked sufficient information.

Table 1: Vaccination claim decisions 1 July 2005 to 30 April 2021

Financial Year Decided	Number of Claims					All Decisions
	Decision	Reason for Decline				
	Accept	No Injury	No Causal Link	Ordinary Consequence of Treatment	Other	
2005/06	77	44	7	30	6	164
2006/07	60	49	11	15	5	140
2007/08	78	39	5	18	10	150
2008/09	75	54	8	12	5	154
2009/10	90	81	--	--	<4	201
2010/11	77	67	8	5	11	168
2011/12	99	54	<4	--	8	167
2012/13	122	61	13	5	12	213
2013/14	108	50	16	10	9	193
2014/15	122	65	19	15	4	225
2015/16	110	54	24	17	10	215
2016/17	141	74	18	18	7	258
2017/18	108	87	17	7	9	228
2018/19	119	102	22	<4	<4	248
2019/20	134	83	14	9	8	248
2020/21*	72	38	19	8	5	142
All Years	1,592	1,002	220	186	114	3,114

* 2020/21 is 1 July 2020 to 30 April 2021

Entitlement payments covering compensation and/or rehabilitation costs were paid for 63 accepted claims. 57 of these accepted claims were paid compensation and of these, weekly compensation was paid for 21 claims. The table below shows the number of accepted claims being paid entitlements, compensation, and weekly compensation by the year in which they were first decided.

Table 2: Number of accepted vaccination claims receiving payments

Financial Year	Entitlement Claims	Compensation Claims	Weekly Compensation Claims
2005/06	5	5	<4
2006/07	8	8	<4
2007/08	7	7	<4
2008/09	6	6	<4
2009/10	<4	<4	0
2010/11	0	0	0
2011/12	<4	<4	<4
2012/13	<4	<4	0
2013/14	<4	<4	0
2014/15	5	5	<4
2015/16	5	5	<4

2016/17	<4	<4	<4
Financial Year	Entitlement Claims	Compensation Claims	Weekly Compensation Claims
2017/18	<4	<4	<4
2018/19	4	4	<4
2019/20	5	4	<4
2020/21*	4	<4	<4
Total	63	57	21

* 2020/21 is 1 July 2020 to 30 April 2021

ACC has paid a total of \$2.2 million to cover accepted vaccination injury claims. Although only 4% of accepted claims received compensation payments, compensation costs accounted for \$1.3 million or 59% of payments made.

The total payments made against claims accepted in the year are shown below. Payments may have been made in years following the decision on the claim.

Table 3: Payments made on accepted claims by year claim decided

Financial Year	Treatment Costs (\$)	Compensation Costs (\$)	Rehabilitation Costs (\$)	Claim Costs (\$)	Weekly Compensation Costs (\$)
2005/06	19,253	6,436	3,154	28,843	1,144
2006/07	33,141	193,903	11,242	238,286	188,522
2007/08	24,538	32,929	21,080	78,548	16,941
2008/09	37,768	17,080	59,498	114,346	15,476
2009/10	16,003	1,828	0	17,831	0
2010/11	14,493	0	0	14,493	0
2011/12	12,834	34,581	3,269	50,684	24,070
2012/13	20,298	14,169	0	34,467	0
2013/14	79,128	433	765	80,327	0
2014/15	39,155	692,176	11,039	742,370	32,685
2015/16	21,116	15,825	0	36,941	12,080
2016/17	25,923	65,920	125	91,968	30,539
2017/18	145,831	160,788	14,201	320,819	158,695
2018/19	18,346	38,825	190,798	247,969	36,344
2019/20	43,792	30,326	7,095	81,214	29,444
2020/21*	20,226	6,228	1,342	27,796	3,035
Total	571,844	1,311,448	323,609	2,206,901	548,976

* 2020/21 is 1 July 2020 to 30 April 2021

Contact

If you have any questions, you can email me at GovernmentServices@acc.co.nz. If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Nāku iti noa, nā



Sasha Wood
Manager Official Information Act Services
 Government Engagement & Support