



31 March 2023

AS Van Wey

fyi-request-20882-2a9add81@requests.fyi.org.nz

Kia ora Amy

Your Official Information Act request, reference: GOV-023705

Thank you for your email of 5 March 2023, asking for the following information under the Official Information Act 1982 (the Act):

*Again, I have NOT requested the number of accepted for treatment injury claims.
I have requested the number of submitted treatment injury claims by a patient (under section 48) or another (under section 49).*

How we have interpreted your request

On 14 March, we contacted you to clarify your request. As we did not receive a response, we have interpreted your request as asking for the number of treatment injury claims submitted for cancer arising from a treatment omission.

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 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 treatment.

Treatment omission can occur due to misdiagnosis, failure to provide appropriate treatment, or a failure to refer or follow-up appropriately.

The data provided

The data for this response has been extracted for treatment injury claims where a claim cover decision has been made between 1 January 2018 and 31 December 2022 and, where the submitted ACC45 injury claim form references a cancer-related condition. The data was extracted on 22 March 2023, and may differ if extracted again at a later date.

Claims made under section 48 of the *Accident Compensation Act 2001* may be included in the data provided but we are unable to readily identify these in our claims data set.

Number of treatment injuries relating to treatment omission for cancer

Injury Year	Delay/Failure to Diagnose		Other Delay/Failure*	
	Accept	Decline	Accept	Decline
2018	7	22	10	9
2019	21	31	16	14
2020	19	13	7	6
2021	9	16	12	9
2022	0	9	4	0

* Other delays/failure includes delays or failures to refer, treat, follow-up or monitor the patient.

Cover is not always provided for the injury referenced on the claim form

There will be instances where claims are accepted for cancer where a cancer-related condition was not recorded on the claim form; these claims will not be captured in the data provided. Likewise, we are unable to determine if ACC has provided cover for another non-cancer related injury identified during the assessment process.

As such, the data provided should be considered indicative only. As noted in our previous response (ref: GOV-022857) the only way to identify cancer-related treatment injury claims is a manual review of all treatment injury claims.

Please note that the data provided in this response is not comparable with the previous set of data we provided you on 10 February 2023 (ref: GOV-022857). Those figures relate to accepted treatment injury claims which, after manual review by our clinical services team in July 2021, were assessed as cancer progression arising from treatment omission.

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

ACC has decided 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 have any questions 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



Sara Freitag
Acting Manager Official Information Act Services
Government Engagement