

08 November 2023

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Kia ora John

**Your Official Information Act request, reference: GOV-028402**

Thank you for your email of 15 October 2023, asking for the following information under the Official Information Act 1982 (the Act):

- *I would like to know the total number of claims made between 2018 and now for nerve damage.*
- *How many claims related to nerve damage caused by surgery and were claimed as a treatment related injury.*
- *How many were accepted*
- *How many nerve injuries were ulnar nerves*
- *How many nerve injuries went on to PIC assessments.*
- *How many of these PIC assessments were accepted*
- *The percentage assessments of impairment assessed as a PIC relating to nerve injuries and ulnar nerve injuries*

**A treatment injury (TI) is a personal injury caused as a result of 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 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.

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.

**Nerve damage TI claims**

Some details pertaining to TI claims are not recorded until a cover decision has been made. Therefore, the data provided has been extracted for TI claims where a cover decision was made between 1 January 2018 and 21 October 2023, where the claim included the term 'ulnar nerve'. The data was extracted on 30 October 2023 and may differ if re-run at a later date.

**Table 1. Nerve related treatment injury claims that resulted from surgical events, for claims where a cover decision was made between 1 January 2018 and 21 October 2023**

Treatment Injury Decision	Not related to surgical events	Related to surgical events	Total
Accept	1,497	1,723	3,220
Decline	461	554	1,015
<b>Total</b>	<b>1,958</b>	<b>2,277</b>	<b>4,235</b>

**Table 2. TI claims where 'ulnar nerve' was mentioned, for claims where a cover decision was made between 1 January 2018 and 21 October 2023**

Treatment Injury Decision	Ulnar Nerve not mentioned	Ulnar Nerve mentioned	Total
Accept	2,979	241	3,220
Decline	978	37	1,015
<b>Total</b>	<b>3,957</b>	<b>278</b>	<b>4,235</b>

**Number of claims that went through PIC assessment process and level of impairment**

To ascertain these details, we would have to manually review thousands of nerve related treatment injury claims in ACC's claim management system, Eos. Therefore, we are refusing this part of your request as it would require substantial collation and research to complete. This decision has been made under section 18(f) of the Act.

In doing so, we considered extending the time limit to respond to your request and applying a charge (as allowed under the Act). However, neither of these were offered as responding using either option would still have unreasonably interfered with the everyday functions of the team(s) involved.

However, we can advise that between 1 January 2018 and 30 October 2023, there have been 113 accepted nerve damage claims that have received independence allowance or lump sum compensation payments. Of these, only one claim was related to ulnar nerve damage.

**If you have any questions about this response, please get in touch**

You can email me at [GovernmentServices@acc.co.nz](mailto:GovernmentServices@acc.co.nz).

If you are not happy with this response, you can also contact the Ombudsman via [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by phoning 0800 802 602. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Ngā mihi



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