

19 January 2016

Colleen Morgan

Via email: [fyi-request-3273-3bd14d71@requests.fyi.org.nz](mailto:fyi-request-3273-3bd14d71@requests.fyi.org.nz)

Dear Ms Morgan

### Official Information Act request

Thank you for your email dated 22 October 2015.

#### Your request

You asked for the following information under the Official Information Act 1982 (OIA):

*Please provide the total numbers of malpractice/misconduct claims and the resultant costs per year for acupuncture, chiropractic and osteopathic practitioners. Please also provide the same for the science-based medical sector as a comparison.*

#### Approach to your request

##### Clarification sought

By way of an email to you dated 20 November 2015, we identified components of your request for which we required clarification – in particular, the terms “malpractice/misconduct” and “science-based medical sector” and the period for which data is to be provided.

##### Treatment injury

In a reply on the same date, you confirmed “treatment injury” claims reflected the type of claim information sought.

The term “treatment injury” in the data supplied encompasses treatment injuries, consequential injury and personal injury caused by accident.

For a claim to be a treatment injury under the Accident Compensation Act 2001 (AC Act), the injury must have occurred as a result of receiving treatment from a registered health professional. For the purposes of the AC Act, chiropractors are listed as registered health professionals, while acupuncturists and osteopaths are not.

‘Treatment’ under the AC Act includes the giving of treatment, a diagnosis of a person’s medical condition and/or the failure of any equipment used as part of the treatment process. ACC may consider personal injury caused by accident claims where an injury is caused by a non-registered health professional. Consequential injury claims result from treatment for an already covered injury (refer section 20(d) or (h), AC Act).

##### Time period applicable

Treatment injury data is available from 1 July 2005 when the relevant Accident Compensation Act 2001 (AC Act) provisions came into effect.

The two tables set out below contain data for claims with a date of lodgement between 1 July 2005 and 30 June 2015. (We note that between 1 July 2005 and 30 June 2015, 51,897 treatment injury claims were accepted for cover by ACC.)

“science-based medical sector”

You are yet to clarify what health professions are included in your term “science-based medical sector” in reply to our email dated 20 November 2015. Until you do so, we are not in a position to respond to the second part of your request to provide statistics for your comparative purposes.

**Acupuncture, chiropractor and osteopathy related treatment injury claims**

Table 1 shows the number of accepted injury claims for acupuncture, chiropractor and osteopathy related treatment injuries for each of the fiscal years noted. These are the injury claims related to treatment that were accepted by ACC for cover. ACC’s fiscal year runs from 1 July to 30 June.

Claim lodgement rates are dependent on several factors. These include: where patients reside, the health status of the population, the types of available facilities and the claiming culture (that is, familiarity of health service providers or clients in recognising and/or lodging treatment injury claims). This means that the number of claims accepted cannot be taken as an accurate indication of the occurrence of treatment injuries or the quality of care.

One further point regarding Table 1 - as a matter of practice, ACC does not disclose data relating to small numbers of claims. This limits the potential for particular individuals or matters specific to certain individuals to be identified. Accordingly, some entries in Table 1 only indicate that the relevant number is less than four. 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 natural persons.

**Table 1: Number of accepted injury claims for acupuncture, chiropractor and osteopathy related treatment injuries.**

Year	Acupuncture	Chiropractor	Osteopathy
2005/06	<4	17	<4
2006/07	4	21	<4
2007/08	<4	21	0
2008/09	5	28	0
2009/10	<4	26	0
2010/11	<4	29	0
2011/12	<4	23	0
2012/13	4	37	0
2013/14	9	36	0
2014/15	5	45	0
<b>Total</b>	<b>37</b>	<b>283</b>	<b>&lt;4</b>

The data provided in Table 2 shows the actual amounts paid on accepted injury claims for acupuncture, chiropractor and osteopathy related treatment injuries for each of the fiscal years noted. ACC’s fiscal year runs from 1 July to 30 June.

The costs reported by fiscal year in Table 2 do not take into consideration when a claim was decided or when the service occurred. The costs of each claim accumulate from the year that the claim was accepted for cover by ACC. For example, claims accepted in 2012/13 may have incurred payments in 2013/14 and 2014/15. As well, not all accepted claims will have a cost paid

against them as some treatment related injuries may be minor and require little or no ongoing support from ACC.

There are three broad categories of costs an accepted claim may receive:

- a) *compensation* such as weekly compensation for lost earnings and lump sums
- b) *treatment* includes initial hospital treatment and ongoing treatment
- c) *rehabilitation* takes in physical rehabilitation and various forms of personal support.

**Table 2: Annual costs for acupuncture, chiropractor and osteopathy related treatment injuries claims.**

Year	Acupuncture	Chiropractor	Osteopathy
2005/06	\$5,595	\$3,812	\$95
2006/07	\$3,736	\$14,139	\$9,264
2007/08	\$723	\$65,752	\$0
2008/09	\$1,384	\$41,219	\$0
2009/10	\$8,591	\$30,853	\$0
2010/11	\$467	\$58,689	\$0
2011/12	\$30	\$73,768	\$0
2012/13	\$544	\$40,196	\$0
2013/14	\$10,238	\$61,794	\$0
2014/15	\$3,653	\$162,053	\$0
<b>Total</b>	<b>\$34,960</b>	<b>\$552,274</b>	<b>\$9,359</b>

**Queries or concerns**

We look forward to hearing from you regarding the term “science-based medical sector” so that we can respond to the second part of your request.

If you have any questions about the information provided, ACC will be happy to work with you to answer these. You can contact us at [GovernmentServices@acc.co.nz](mailto:GovernmentServices@acc.co.nz) or in writing to *Government Services, PO Box 242, Wellington 6140.*

You have the right to complain to the Office of the Ombudsman about our decisions regarding your request. You can call them on 0800 802 602 between 9am and 5pm on weekdays, or write to *The Office of the Ombudsman, PO Box 10152, Wellington 6143.*

Yours sincerely

**Government Services**