

8 April 2016

Caroline Evans

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Dear Ms Evans

Official Information Act request

Thank you again for your email of 18 March 2016 asking for the following information under the Official Information Act 1982 (the Act):

“the number of requests recorded by ACC for cover from injury with mesh in Rectopexies, mesh in incontinence or bladder surgery, and mesh used in Pelvic organ prolapse, and mesh used for any other bowel or gynecological procedure, that is recorded by ACC in the last ten years, and the number of claims that were then covered or declined, and the reasons given for covering or declining the claims”

ACC's response

Between 1 January 2006 and 31 December 2015, ACC made cover decisions for 89,444 treatment injury claims. 55,302 (62%) were accepted and 34,142 (38%) were declined.

Of these 89,444 decided claims, 575 (0.6%) claims related to surgical mesh. 467 (81%) of these were accepted and 108 (19%) were declined.

Decisions related to mesh

ACC's Treatment Injury Centre collects data related to physical injuries and associated events. When considering your request, ACC is not able to provide you with specific data about the use of mesh, for example in rectopexies, because the treatment injury data is not collected to that level of detail. ACC is however able to provide high level data concerning the use of surgical mesh following hernia repair, vaginal repair and 'other surgery' events.

The 'other surgery' category refers to all mesh-related surgeries other than vaginal repair and hernia repair procedures, for example breast construction, non-hernia surgeries where mesh is used to treat abdominal wall defects, bladder surgery and other bowel or urogynaecological mesh surgeries (abdominal mesh repair). Please note vaginal repair includes TVT tape/colposuspension treatment for stress incontinence, pelvic floor repair for prolapse and other unspecified vaginal repair procedures.

Due to the complexity of the surgical procedures, if more than one procedure was undertaken, and vaginal or hernia repair was not the main surgical procedure, the claim may be also recorded under 'other surgery'.

Of the 575 surgical mesh claims, 182 related to hernia repair, 309 related to vaginal repair and 84 related to other surgery.

The number of claims accepted or declined

The following table shows the number of accepted and declined surgical mesh claims, by treatment events involving the use of surgical mesh between 1 January 2006 and 31 December 2015:

Treatment Event	Accepted	Declined	Total
Hernia repair	142	40	182
Vaginal repair	261	48	309
Other surgery	64	20	84
Total	467	108	575

Reasons for covering or declining claims

In regard to the last point of your request, around the reasons given for covering or declining the claims, ACC assesses all lodged surgical mesh claims under the legislative criteria of Treatment Injury defined in the Accident Compensation Act 2001, section 32. To meet that definition an injury must be one which:

- is suffered by a person seeking or receiving treatment from one or more registered health professionals
- is caused by that treatment
- is not a necessary or ordinary part of that treatment in the context of the person's underlying health condition and the clinical knowledge at the time of treatment.

There are also some exclusionary criteria which include:

- personal injury that is wholly or substantially caused by a person's underlying health condition
- where the person has unreasonably withheld or delayed consent to undergo treatment
- injuries that are solely attributable to a resource allocation decision
- outcomes where treatment does not achieve the desired result.

ACC considers all relevant clinical evidence and medical opinions, and then apply them to legislative criteria to arrive at a cover decision.

The following table below shows the number of declined surgical mesh claims by reason of decline between 1 January 2006 and 31 December 2015:

Decline reasons	Number of claims	%
No physical injury identified	53	49
No causal link between the treatment and injury	27	25
Ordinary consequence of a treatment	18	17
Underlying health condition	<4	<4
Claim withdrawn	<4	<4
Necessary part of treatment	<4	<4
Desired results not achieved	<4	<4
Lack of information	<4	<4

Decline reasons	Number of claims	%
Previously declined medical misadventure	<4	<4
Total	108	100

Of the 108 declined surgical mesh claims, the most common reasons for declining cover were that no physical injury could be identified and no causal link could be established between the injury and treatment provided by a registered health professional. The next most common reason was that the injury was an ordinary consequence of a treatment.

Context around ACC's data response

Please note that with this data, claim counts that are less than four (1, 2 or 3) are presented as "<4" for privacy reasons.

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

- population demography (where patients reside)
- health status of the population
- what level of facility the organisation provides (tertiary versus secondary) or
- the claiming culture (familiarity of health providers or clients in recognising and/or lodging treatment injury claims).

Claims lodged with ACC therefore cannot be taken as an accurate indication of the occurrence of treatment injuries or the quality of care.

The data provided is for the period between 1 January 2006 and 31 December 2015 (last 10 calendar years) and includes:

- Number of accepted and declined treatment injury claims
- Number of accepted and declined surgical mesh treatment injury claims.

The data includes treatment related injury claims from all ACC fund accounts, not only the treatment injury fund account. As a result the data will include consequential injury claims which result from treatment for an already covered injury. For example, treatment for an already covered 'personal injury caused by accident' (PICBA) claim that results in another injury caused by treatment, may be accepted as a consequential claim under section 20(2)(d) & (h) of the Accident Compensation Act 2001.

The data was extracted on 23 March 2016, and note the figures may differ if run again in the future.

Limitations of the information provided

Please be aware that ACC has limitations on its ability to meet your requests. ACC is reliant on the injury-related information claimants provide when they complete a claim form, called the ACC45 form.

There are a variety of fields that can be completed when filling out the ACC45 form, but only some are mandatory. For example, it is mandatory for a claimant to indicate when their accident occurred or whether the accident occurred at home. Although the ACC45 form contains an accident location field, it is not mandatory for a claimant to name the exact location of their accident – just indicate the locale or place where the accident occurred, such as simply stating "Invercargill".

The ACC45 form also contains a free text field. This field allows a claimant to provide a brief description and/or further details regarding their injury(ies) – including where this happened. Significantly, it is not mandatory to complete this free text field and not every claimant does so.

The free text field means ACC may still be able to locate relevant data, in respect of your request, where a claimant has provided a fuller description of where their injury happened. Notably, even where claimants provide greater detail regarding their injury, the nature and quality of the information provided, or words used, varies considerably. Such a degree of variance can make it difficult to search for a particular item or issue with any degree of accuracy or specificity.

Nonetheless, an analyst can perform an electronic free text search by applying a filter to ACC's electronic data records. They could, for instance, use the words "Alexandra police station". The results yielded are limited to those that include the search words and thus are constrained by what information has been supplied to ACC. Such a search will also not identify what proportion of data is 'missing' as a result of claimants who have opted to leave the free text field blank.

Free text searches are a useful tool for identifying trends when the search yields a large number of results. It is less suited to searching for very specific issues and terms. Accordingly, ACC cannot be certain that any statistics collated and provided to you on specific sites in response to your request would be reliable or necessarily complete.

Comments and queries

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 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 decision. 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