

19 May 2016

Mr David Lawson
fyi-request-3913-e56a5218@requests.fyi.org.nz

Dear Mr Lawson

Official Information Act Request

We refer to your email of 20 April 2016.

Your request

You set out the following, with reference to the Official Information Act 1982 (OIA):

" Since Cassie Plant's answer in her email dated 9 March 2016 failed to answer the following questions regarding decisions that she made on matters relating to me when initially handling Treatment Injury Claim 10031989043, I request subject to Section 23 of the Official Information Act 1982 that Cassie Plant provide a written statement in answer to the following questions that were not answered in Casie's email of 9 March 2016 noted above.

- 1) It would be appreciated if you could confirm how you established that XXXXXXX XXXXXXX and XXXXXX X XXXXXXX Physiotherapy was the treatment provider associated with the lodgment of the treatment injury claim in the first instance, since XXXXXXX XXXXXXX and XXXXXX X XXXXXXX Physiotherapy were not noted on the physical record provided to me by my GP and does not appear on any of the claims records of the Print Claim File for TI claim number 10031989043 that was supplied to me last year via C/D format.*
- 2) Can you please confirm whether you had contacted Dr XXXXXXX XXXXXXXXXXXX to establish the treatment provider between 22/7/15 (being claims registration, and when you sent the claim to Dunedin Reg Assessment).*
- 3) If so can you please advise what was discussed and arrange for a copy of the recorded telephone conversation between yourself and Dr XXXXXXX XXXXXXXXXXXX, if such a conversation or copies of any other form of communication took place between yourself and Dr XXXXXXX XXXXXXXXXXXX and or XXXXXX XXX XXXXXXX staff.*
- 4) If no contact was made with Dr XXXXXXXXXXXX regarding the treatment injury claim...can you please confirm to me how you made the connection that XXXXXXX XXXXXXX of XXXXXXX X XXXXXXX Physiotherapy was the treatment provider concerned and then how you established that he was not a registered acc approved acupuncturist.*
- 5) Can you also please confirm whether you had checked whether XXXXXXX XXXXXXX and XXXXXXX and XXXXXXX Physiotherapy were registered acc treatment physiotherapy provider prior to transferring the treatment injury out of treatment Injury claims unit.*

In addition to the above questions please also ask Cassie Plant to provide a written statement under section 23 of the Official Information Act 1982 in answer to my following question;

- 6) If Cassie Plant did not check with my GP prior to transferring this Treatment Injury Claim outside of the treatment injury unit, why did Cassie Plant not check with my GP first, given that my GP lodged the claim as a treatment injury and could have provided this information to Cassie Plant straight away. "*

ACC's response to your request

Your section 23 request

In order for section 23 to apply, the request must be about a decision or recommendation by ACC that is specifically about you in your personal capacity. It will not apply to a decision or recommendation regarding some other person or class of persons more generally, or decisions on policies or public issues more generally.

ACC has determined that your request does not fall within the scope of section 23 of the OIA.

This is essentially because this section does not apply in respect of the administrative steps or actions taken toward reaching a decision or recommendation.

Consideration under Part 2 of the OIA

You are seeking information relating to a decision. Your questions relate to the way in which the treatment provider was established in respect of a treatment injury claim lodged following treatment received by you from a physiotherapist. Such questions are more correctly considered under Part 2 of the OIA.

Our responses to your questions, following the numbering used in your request, are set out below:

Questions 1 and 4

As advised to you earlier by Cassie Plant, following referral of the claim to be considered as a personal injury caused by accident, a David Wheeler, Team Manager at Henderson Branch contacted Cassie Plant and advised the acupuncture treatment had been undertaken by a physiotherapist.

In general terms, under section 32 of the Accident Compensation Act 2001 (AC Act), a treatment injury means a personal injury that is:

- suffered by a person seeking or receiving treatment from one or more registered health professionals; and
- caused by that treatment.

(This definition is subject to exceptions and exclusions.)

A physiotherapist is a registered health professional under the AC Act. Thus, the claim was transferred back to the Treatment Injury Centre for consideration.

In cases where a treatment or service provider is registered with ACC, this can be in an individual capacity or via a medical centre or physiotherapy practice (under which there may be multiple health professionals who may treat patients). The physiotherapist in this instance is recorded as a health professional connected to the physiotherapy practice established as the treatment provider associated with your treatment injury claim for ACC's records.

Questions 2 and 3

No contact was made with the treatment provider.

Accordingly, there is no record of a telephone conversation or other communication to provide to you. We decline under section 18(e) to provide any record as this does not exist.

Questions 5 and 6

The transfer from the Treatment Injury Centre was initiated based on the information contained in the claim form in light of the stated type of treatment.

It is not usual practice for the party undertaking the initial processing steps to clarify information contained in the claim form. This is a step more appropriately taken by a person receiving the claim for consideration in order to seek extra information to inform their decision.

Queries or concerns

You have the right to complain to the Office of the Ombudsman about our response. 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