

20 April 2018

Anthony Jordan
fyi-request-7514-9daf6585@requests.fyi.org.nz

Dear Mr Jordan

Reference: 0051690

Official Information Act Request

We refer to your email to ACC via the “fyi” website dated 26 March 2018, asking a series of questions.

As you have sent your queries to Government Engagement and Support (rather than your case manager) through an avenue for making official information requests, namely the “fyi” website, we are treating your questions as a request for information under the Official Information Act 1982 (the Act). To this end we have considered your request to relate to ACC’s general policies and practices, rather than to your individual circumstances. This is because your case manager would respond under the provisions of the Privacy Act 1993 if it were your individual circumstances being considered.

Your request

Your email reads as follows:

On the 23 March 2018, I received the below email from OIA Government Services. I cannot advise of sender as it appeared to be anonymous.

Email Received:

"Dear Mr Jordan

We have been advised that you have made direct contact with some of ACC's contracted External Medical Panel members, in relation to an External Medical panel review.

Panel members are contracted by ACC to provide a specific service and any comments they may have about External Medical Panel reviews would be directed through ACC.

Panel members will not be making any comments or answering any questions outside of these parameters.

Any concerns or questions you have about your review or report in relation to your claim need to be sent directly to your ACC case manager. If you have requests for official information about External Medical Panels or its members you need to direct your queries to the Government Engagement and Support team at ACC. Such a request would be treated as a request for information made under the Official Information Act 1982.

Regards

OIA Services

Government Engagement and Support"

Please note the pasted e mail sent to Dr Kenedi and Dr Hill, it is my opinion that some questions will not be covered by the OI act, however, Government Services have not stated this nor identified what questions would be exempt.

As the ACC has taken it upon themselves to communicated on behalf of Dr Kenedi and Dr Hill, I can only assume the ACC will disclose the information to all the questions.

Please provide:

1/ Information to fulfil the pasted copy of the letter I sent Drs Kenedi and Hill

Email sent to Dr Christopher Kenedi/ Dr Rosamund Hill

"Apologies in advance if this may appear contentious or the like, however, in the interest of transparency, myself 'moving forward' and sorting a long time complex issue, I require your advice and recollection.

On the 8th February 2018, you were part of an External Medical Multi-Disciplinary Panel held at the Justice Centre in Wellington.

You were privy to medical files and claimant records belonging to me.

Namely:

[Private Information withheld]

Can you please confirm:

1/ The files supplied by the ACC, were read in full by yourself

2/ The cover letters in the bundle I supplied were read in full by yourself

3/ Can you please confirm you referred to my provided enclosed bundle papers in order to substantiate my claims and allegations

4/ Can you please confirm if you observed anyone without a Psychiatric, Psychology or Neurology certification make a judgment or medical 'opinion/diagnosis' in the summary of the report

5/ How long does the ACC typically give you to peruse ACC supplied bundles

6/ How long do you usually require to peruse claimants provided material (and how many papers are the maximum permitted)

7/ What Guidelines, code of ethics etc by any medical council, association or the like, are you obligated to adhere to whilst employed by the ACC when doing such reports

8/ Are your services employed by ACC initiation solely

9/ Evidence that would satisfy a layman that your qualification and expertise in Concussion and mTBI is up to date

10/ Where did you qualify to obtain Concussion and mTBI specialty

11/ Where is your private practice based and confirm the number of hours working in private practice

If you were to be questioned regarding your ACC independence, conduct with a report such as the above mentioned or any ACC activity, who might be able to oblige or the process best to use to move forward and find a solution to any concern that may come from a query?"

Our response to your request:

"1/ Information to fulfil the pasted copy of the letter I sent Drs Kenedi and Hill"

We respond to each of your questions below. We have provided a single response to groups of questions where one response covers the matters raised.

Questions 1 to 4

Your questions ask an ACC contractor to provide an opinion or make a comment, and therefore do not qualify as requests for official information under the Act. Accordingly, we are not providing any comment in response and we refer you to our earlier letter dated 19 April 2018 (Ref:0051685) for further details regarding the distinction between information held versus created.

Please refer to correspondence dated and attachments previously provided to you on 7 July 2017. In relation to your questions, these documents outline what an External Medical Panel member receives from ACC and what they do with that information.

Questions 5 and 6

Information is generally provided to Panel members two weeks prior to a Panel review taking place. This can vary depending on the number of cases to be examined and the amount of information to be reviewed. The client's case manager will receive a copy of the information at the same time as the referral is made to the Panel members, to forward to the client.

Question 7

In answer to this question we refer you to our letter of 6 April 2018 (Ref:0051596) with attachments, which also contained a link to the Medical Council of New Zealand's publication titled: *Non-treating doctors performing medical assessments of patients for third parties*.

Question 8

ACC selects the appropriate specialists to be part of a Panel review.

Questions 9, 10 and 11

The qualifications and practice details of medical doctors can be searched on Healthpoint Ltd's website at: healthpoint.co.nz and also on the Medical Council of New Zealand's website. We therefore decline these questions as the information is publicly available. This decision is made under section 18(d) of the Act.

Statement

Please refer to our letter of 19 April 2018 (Ref: 0051685), specifically question 5, which outlines the avenues for raising any complaints in relation to a Panel's report or Panel members themselves.

Queries or concerns

As stated in our email of 23 March 2018 that you quote above, if you have any questions relating to your claim or individual Panel report please contact your case manager directly.

If you have any questions about the information provided in this response please email GES@acc.co.nz.

You have the right to complain to the Office of the Ombudsman about this response letter. You can call them on 0800 802 602 or write to the *Office of the Ombudsman, PO Box 10152, Wellington 6143*.

Yours sincerely

**OIA Services
Government Engagement and Support**