

02 May 2019

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Tēnā koe David

Your Official Information Act request, reference: 0053994

I refer to your email of 1 April 2019, in which you have made a request under the Official Information Act 1982 (the Act), for information regarding Initial Medical Assessments and Court decisions.

Please find our responses to each of your requests (in *italics*) below.

Initial Medical Assessments

Please provide copies of all documentation (including but not restricted to ACC policy and ACC employee training documentation...etc) associated with the Corporation's obligation to an ACC client in arranging/facilitating the provision of an initial medical assessment for ACC's clients that was in existence as at the 18 February 2012, together with any and all new iteration's that came into effect through until 31 December 2014.

Please ensure that the official information provided under OIA Request 1 specifies/clarifies the following;

- 1. The prerequisites that are required prior to an ACC case manager commencing the process of arranging for an Initial Medical Assessment to be conducted.*
- 2. The minimum and maximum timeframes after the ACC client became injured for an Initial Medical Assessment to be arranged by an ACC case manager when an ACC client is in provision of weekly compensation entitlements.*
- 3. Complete details of what information a case manager is required to provide to the initial medical assessor prior to an ACC client being reasonably required to attend an initial medical assessment, or an initial medical re-assessment, and or to ensure that the outcomes of an initial medical assessment, or re-assessment is safe from being legally challenged by an ACC claimant due to the omission of substantive medical information held on behalf of the ACC client by the Corporation which has been subsequently found not to have been provided to the initial medical assessor prior to an initial medical assessment or re-assessment.*

Please find attached ACC's Initial Medical Assessment policy for the period specified in your request. The only content change we made during the period was the following addition (in the Referrals sections), which was made on 2 September 2013:

- ensure that for every medical assessment referral you make (IMA, VIMA, MCR) a complete list of all the documents sent with the referral is loaded in Eos. This list will be available to the client and will be provided, with the referral to your assess. See Export document list to an Excel spreadsheet.

The policy includes the rules relating to eligibility for this type of assessment, and the information that case managers must provide to the assessor. There are no specific timeframes as to when a client can undergo an initial medical assessment.

Court decisions

I respectfully request confirmation on an annual basis, for the past 10 years as to the number of District Court cases that have been found in favor of an ACC Client when the Corporation has followed the recommendations of an initial medical assessor and made decisions based on this information, and an ACC client has challenged the Corporation for having omitted, or the Corporation having failed to have had provided an initial medical assessor substantive medical records held by the Corporation, which has lead to a District Court Judge requiring ACC to either

(a) conduct further medical assessment/ investigations on behalf of the ACC client with the substantive medical records that had been withheld or omitted by ACC from an initial medical assessor in the first instance, followed by ACC supporting any treatment and rehabilitation entitlements for the ACC prior to ACC being able to arrange any further initial medical assessments

(b) being required to be placed in front of an initial medical assessor for a reassessment using the information previously withheld and or omitted by ACC.

(c) In the cases where the District Court has not applied name suppression, nor withheld publication of the District Court legal rulings for privacy records in the cases confirmed under OIA Request 2 (a) and (b) above, please provide the the following information for each district court ruling in the following form;

[ACC Client's Name] V Accident Compensation Corporation [Year of ruling i.e 2014] [the applicable NZACC Number] [the date of the District Court Ruling] from the NZLII New Zealand Accident Compensation Appeals - ACC Appeals website.

We decline this request as court decisions are publicly available. This decision is made under section 18(d) of the Act. You can search through District Court decisions on the New Zealand Legal Information Institute's website at <http://www.nzlii.org/>.

Please note that ACC is not able to readily identify court decisions to the level of detail specified in your request. Even if court decisions were not publicly available, we would likely have to decline your request under the substantial collation and research refusal grounds under section 18(f) of the Act.

Questions or concerns

If you have any questions, you can email me at GovernmentServices@acc.co.nz.

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Nāku iti noa, nā



Emma Coats

Manager Official Information Act Services
Government Engagement & Support