

Injury caused by treatment

*How ACC
can help*



Please talk to us

This brochure is a guide to entitlements and services available from ACC according to the Injury Prevention, Rehabilitation, and Compensation Act 2001

Please talk to us before you make important decisions using the information in this brochure. This general guide may not reflect your circumstances and the complex rules that govern your entitlements and how we can help.

For more information call 0800 735 566.

The information within this brochure may change.

Injury caused by treatment

If you're injured as a result of treatment, ACC may be able to help you.

This brochure tells you all about when you can make a claim for treatment injury, the help we can provide and how you can apply.

It's important to remember that ACC does not cover all treatment that does not go well or turn out as expected.



What is treatment injury?

A treatment injury is an injury caused as a result of seeking or receiving treatment from a registered health professional. Before July 2005 medical misadventure legislation covered such injuries.

By 'registered health professional' we mean a chiropractor, clinical dental technician, dental technician, dentist, medical laboratory technologist, medical practitioner (doctor, surgeon, anaesthetist etc), medical radiation technologist, midwife, nurse, occupational therapist, optometrist, pharmacist, physiotherapist, or podiatrist.

By 'treatment' we mean diagnosis, the actual treatment itself or a lack of treatment that should have been provided. You may qualify for cover for a treatment injury if:

- you're injured as a result of treatment by a health professional and
- the treatment, not your health condition or some other factor, is the cause of your injury.

Who's covered?

ACC covers everyone in New Zealand who is injured— 24 hours a day, seven days a week. This includes overseas visitors who receive treatment while they're in New Zealand.

Special rules apply to New Zealanders injured because of treatment overseas.

What isn't covered?

We may not be able to accept your claim if your injury is:

- related to a health condition you had before you received treatment, or
- a necessary part, or an ordinary result, of your particular treatment, or
- caused by a decision an organisation made when allocating health resources, or
- caused because you unreasonably delayed or refused to give consent for your treatment.

The fact that your treatment did not achieve the desired result, does not mean you have a treatment injury.



How ACC can help

If we accept your claim for treatment injury, we may be able to help you with:

- treatment costs
- weekly compensation for salary or wages you've lost because of your injury
- personal help, such as home help or childcare
- travel costs (such as to and from treatment)
- equipment, such as crutches, wheelchairs and visual aids
- changes to your home, such as rails or wheelchair ramps.

Keep your receipts

We can't make any payments until we've accepted your claim, but we may be able to refund some costs afterwards. Please keep all receipts for your costs.

If your health professional thinks you need further treatment from another health professional, they'll provide you with a referral. And if you need time off work, see your doctor – they'll give you a medical certificate for this. But remember, we can't pay anything until your claim is accepted.

Make sure you make your claim as soon as possible after your injury – we may not be able to accept claims made more than 12 months afterwards. The date you make your claim also affects when you qualify for help and the help that may be available to you.



How to make a claim

The first step in making a claim for a treatment injury is to fill out the necessary ACC claim forms with the health professional who provided the treatment that you believe caused your injury. This is the best person to help you lodge your claim, as they are most likely to have all the relevant information ACC needs to make a decision quickly. If this is not possible, you can visit another health provider, such as your G.P. or dentist, and ask them to complete these forms with you. They will send the forms to us and give you a copy of the claim form to keep. If you need some advice on whether you may have a treatment injury, you're welcome to call ACC on 0800 735 566.

Please keep the forms and any letters we send you in a safe place.

What happens next?

Once your claim is received, ACC assesses it and decides whether or not you're covered.

In making this decision, we may need more information about your injury and the events that led to it. We may ask for medical advice from other health professionals, including those involved in your care.

We will then write to you with our decision. If your claim is accepted and you have asked for help from ACC, an ACC office will be in touch. They'll explain how ACC can help you and will work with you during your recovery.

How long does the decision take?

The time it takes to assess your claim depends on the nature of the claim and the time needed to gather and consider information about it. Straightforward assessments can take a few weeks, while complex claims may take longer. We'll keep you updated on progress.

If you're not happy with the decision...

If you are not happy with any aspect of ACC's service, you can make a complaint to ACC's Office of the Complaints Investigator. For more information on how to do this, call them on **0800 650 222**.

If you disagree with a decision we've made that directly affects you, you can apply for a review of the decision. For more information on how to do this, see our fact sheet Working Together (ACC 255), visit www.acc.co.nz or call **0800 101 996**.

Please note that you need to apply for a review within three months of the date you receive ACC's decision, even if you've been trying to resolve the issue with ACC or its complaints service. You may be able to apply later if extenuating circumstances meant you couldn't apply within the three months.

What if I'd like to take action about the treatment that caused my injury?

If you're not happy with the treatment you've received from a health professional, the Office of the Health and Disability Commissioner can help you make a complaint under the Code of Health and Disability Services Consumers' Rights. For more information, visit www.hdc.org.nz, email hdc@hdc.org.nz or phone **0800 11 22 33**.

ACC is not a disciplinary body and has no disciplinary powers over health professionals.



More information

You can find more information on treatment injury at www.acc.co.nz/claimscare/making-a-claim/treatment-injury/ – or phone us on **0800 735 566**.