

18 October 2013

Ms Heather Barker
fyi-request-1156-7e146d54@requests.fyi.org.nz

Dear Ms Barker

Thank you for your response to the information ACC provided to you on 15 October 2013, under the Official Information Act 1982.

In your original request of 23 September 2013, you had asked for the number of claimants who had applied for ACC cover due to statin related (treatment) injury or death, and how many claimants were accepted by ACC.

You write that the information ACC provided to you did not match up with the data provided by Otago University, in the report "Statin Adverse Reactions" recorded in the CARM database.

The data recorded with ACC and the data made available from the Otago University (CARM) are not comparable, because not all adverse reactions to antilipaemics are lodged as claims with ACC.

Prior to 2005, adverse reactions claims were considered under the medical misadventure provision. Under this provision, ACC had to consider if the client had suffered a personal injury; there must be a causal link between the injury and the treatment given or not given; the treatment must have been provided by a registered health professional; the injury must be the result of medical mishap or medical error. The criteria under this provision was very rigid, and an amendment to the Accident Corporation Act 2001 was made.

On 1 July 2005, the provision for medical misadventure was replaced with treatment injury. This amended provision allowed ACC to consider a treatment injury claim if the client had suffered a personal injury; the injury had happened in the context of treatment; there had to be a clear causal link between the treatment and the injury; the injury must not be a necessary part or ordinary consequence of the treatment; the claim must not fall under any of the treatment injury exclusions from cover.

The data ACC provided to you contains any simvastatin related claims recorded since 2005 under the treatment injury provision. If you would like to pursue medical misadventure claims prior to 2005, I can request the data for you, but please be aware that the resulting data will not provide you with the same statistics as those recorded in the report CARM from Otago University.

Please contact me at anne.fitzgerald@acc.co.nz if you wish to pursue medical misadventure claims prior to 2005, or if have any questions regarding this letter.

Yours sincerely

Anne ~~Fitzgerald~~

Anne Fitzgerald
Advisor, Government Services