

07 April 2020

Anthony Jordan

fyi-request-12281-7613e115@requests.fyi.org.nz

Tēnā koe Anthony

Your Official Information Act request, reference: GOV-003889

Thank you for your email of 20 February 2020, asking for the following information under the Official Information Act 1982 (the Act):

Please supply information, without disclosing name of Specialist/Specialists who have been reported by the ACC to medical council, the specialists particular discipline agency or the like for years 2010 to 2019

- 1/ Thier [sic] qualification/Specialty/or other such title allocated by thier [sic] own virtue*
- 2/ the agency that carried out investigation*
- 3/ the outcome of investigation pertaining to the specialist of concern*
- 4/ years specialist has/was/or had ever been contracted by the ACC*
- 5/ the Specialists current position with the ACC contract wise*

Reporting belief of risk of harm to the public

Under sections 34 and 45 of the Health Practitioners Assurance Act 2003 (HPCA) ACC can, and in some instances must, notify the relevant Regulatory Authority if we believe a treatment provider poses a potential risk of harm to the public. More information about the HPCA can be found here:

www.legislation.govt.nz/act/public/2003/0048/latest/DLM203312.html.

Specialists reported to the New Zealand Medical Council (NZMC) by ACC between 1 January 2010 and 31 December 2019

| Specialty | Outcome | Years contracted | Current position with ACC |
|---|--|--|---|
| Rheumatology and Musculoskeletal Specialist | Education provided. No further action taken. | 2008 - present. Does not work under a named provider contract. | Registered as a provider with ACC. Works under Cost of Treatment Regulations. |
| Musculoskeletal Specialist | Education provided. No further action taken. | 2002 – present. Has held ACC contracts. | Provides services under contract. |
| Orthopaedic Surgeon | Education provided. No further action taken. | 2005 – present. Working under ACC contracts. | Provides services under contract. |
| Psychiatrist | MCNZ undertook a performance assessment. | 2004 – present. Does not work under a named provider contract. | Registered as a provider with ACC. Works under Cost of Treatment Regulations. |

| Specialty | Outcome | Years contracted | Current position with ACC |
|-----------------------------------|--|--|-----------------------------------|
| Pain Specialist / Anaesthetist | Interim conditions on scope. The restrictions were lifted once enquiries were complete and education provided. | 2007 – 2015. Worked under a named provider contract. | N/A |
| Musculoskeletal | Education provided. No further action taken. | 2003 – present. Has worked under a named provider contract. | Provides services under contract. |
| Orthopaedic Surgeon | Education provided. No further action taken. | 2002 – present. Has worked under a named provider contract. | Provides services under contract. |

**outcomes are the findings of the Medical Council of New Zealand, they are not ACC's findings.*

Reporting belief of risk of harm under section 284 of the Accident Compensation Act 2001

Under section 284 of the Accident Compensation Act 2001 (the AC Act) ACC is required to report 'belief of risk of harm to the public' based on information collected while processing claims for treatment injury, or those that are in the nature of claims for treatment injury.

The purpose of risk of harm reporting is to provide information to support the prevention of harm to patients in the health sector. ACC is currently working with key health agencies, regulatory and professional health bodies, medical indemnity insurers and clinicians to update the risk of harm reporting process. This is intended to provide information and insight to support the health sector to improve patient safety.

ACC does not carry out any investigations of cases that have been notified to the relevant bodies under section 284 of the AC Act. Therefore, ACC does not hold any information relating to questions two to five of your request for this subset of risk of harm reports. We are therefore refusing to answer questions two to five of your request, for this set of risk of harm reports, under section 18(g) of the Act.

ACC's Treatment Injury team collects information on the facility where the treatment was provided and the treatment context/speciality but not (generally) the names of the individual providers. In rare cases, it is clear that a risk of harm arose from the action of a single healthcare professional but in the majority of cases, multiple professionals were involved, and the risk arose from the system of working rather than the actions of a single provider.

For this reason, we are only providing the number of reports under section 284 that were made to MCNZ between 1 January 2010 and 31 December 2019, by treatment context/speciality in which treatment was provided. The data in the table provided was extracted on 23 March 2020 and may differ if extracted at a later date.

Number of risk of harm reports by treatment specialty sent to the New Zealand Medical Council (NZMC) by ACC between 1 January 2010 and 31 December 2019

| Treatment Specialty | Report Count |
|----------------------------|--------------|
| General Practice | 58 |
| Maternity | 27 |
| Ophthalmology | 17 |
| General Surgery | 13 |
| Emergency Medicine | 12 |
| Pathology | 5 |
| Gynaecology | 4 |
| Radiology | 4 |
| Neurosurgery | 3 |
| Urology | 2 |
| Ear, Nose and Throat (ENT) | 1 |
| Neurology | 1 |
| Oncology | 1 |
| Orthopaedics | 1 |
| Paediatric Medicine | 1 |
| Plastic and Burns | 1 |
| Radiotherapy | 1 |
| Total | 152 |

How to contact us

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



Sasha Wood

Acting Manager Official Information Act Services
Government Engagement & Support