

10 June 2020

Anthony Jordan

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Tēnā koe Anthony

Your Official Information Act request, reference: GOV-004871

Thank you for your email of 12 May 2020, asking for the following information under the Official Information Act 1982 (the Act):

- *part of the act that permits the ACC to exclude a non-contracted New Zealand qualified Clinicians medical report or any other advices*
- *what process would a Claimant use to submit a non-contracted Clinicians opinion that is felt to be significant to thier case*
- *should a non-contracted clinicians information being previously rejected by the ACC be valid to be tabled but Claimant under impression such information couldn't be, What liability could a Claimant hold the ACC to account*
- *part of the act that permits an ACC funded reviewer to exclude a non-contracted New Zealand qualified Clinicians medical report or any other advices*
- *what process would a Claimant use to submit a non-contracted Clinicians opinion that is felt to be significant to thier case in review or conciliation to a ACC funded reviewer, that may have been omitted by ACC*
- *should a non-contracted clinicians information being previously rejected by a ACC funded reviewer be valid to be tabled but Claimant under impression such information couldn't be, What liability could a Claimant hold the ACC funded review company to account*

ACC decisions on cover and entitlements (Questions 1 – 3)

Section 54 of the Accident Compensation Act 2001 (AC Act) states that the Corporation must make every decision on a claim on reasonable grounds, having regard to the requirement of the Act, the nature of the decision, and all the circumstances.

1. Part of the act that permits the ACC to exclude a non-contracted New Zealand qualified Clinicians medical report or any other advices

There is no section or part of the AC Act that requires or permits ACC to 'exclude' medical opinion from a medical professional on the basis they are not providing services under an ACC contract.

As you are aware, ACC makes decisions on cover and entitlements based on a range of relevant information and the provisions of the AC Act. From time to time we receive differing medical opinions and in coming to our decisions, ACC considers all the opinions, alongside other relevant information.

Further to this, in relation to 'non-contracted clinicians', I note that we wrote to you on [6 March 2014](#) advising that treatment providers who provide services to ACC clients are not necessarily party to a contract. For example, an individual doctor may be employed or engaged by a clinic or a DHB, which holds the contract with ACC.

2. What process would a Claimant use to submit a non-contracted Clinicians opinion that is felt to be significant to their case

Clients can email or post any medical information they consider relevant to their claim to their Case Manager, a Resolution Specialist or other ACC staff working on their claim.

3. Should a non-contracted clinicians' information being previously rejected by the ACC be valid to be tabled but Claimant under impression such information couldn't be, what liability could a Claimant hold the ACC to account

You are asking ACC to form an opinion on a hypothetical situation. This is outside our obligations under the Act. Therefore, we are not providing a response to this part of your request. Please refer to page 7 of the Ombudsman's Guide for requestors 'Making official information requests', which is available at www.ombudsman.parliament.nz.

ACC clients are able to challenge ACC decisions via the review process. Information on this is available on our website at this [link](#).

Review decisions (questions 4 – 6)

Part 5 of the AC Act deals with dispute resolutions matters, including reviews and Court appeals. You can view this legislation at this [link](#).

- 4. Part of the act that permits an ACC funded reviewer to exclude a non-contracted New Zealand qualified Clinicians medical report or any other advices**
- 5. What process would a Claimant use to submit a non-contracted Clinicians opinion that is felt to be significant to their case in review or conciliation to an ACC funded reviewer, that may have been omitted by ACC**

These questions relate to the conduct of the review. I refer you to sections 140 and 141 of the AC Act. If a client is challenging an ACC decision through a Review, they may send additional information directly to the Reviewer.

- 6. Should a non-contracted clinicians' information being previously rejected by a ACC funded reviewer be valid to be tabled but Claimant under impression such information couldn't be, What liability could a Claimant hold the ACC funded review company to account**

This question asks ACC to form an opinion in relation to a hypothetical situation. As explained above, this is outside our obligations under the Act, and therefore we are not providing a response to this part of your request.

Noting this, and as you will be aware, if a client disagrees with a review decision, they can lodge an appeal with the District Court within 28 days of receiving the decision, or at a later time if the Court allows it.

Queries about this response

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

A handwritten signature in black ink, appearing to read 'Sasha Wood'.

Sasha Wood
Manager Official Information Act Services
Government Engagement & Support