

1 May 2014

Ms Gladys Webster  
[fyi.org.nz](http://fyi.org.nz)

Dear Ms Webster

### Official Information Act Request

Thank you for your emails of 13 - 16 March 2014, requesting information regarding claims for mental injury cover. Please find ACC's responses to your questions below.

1. 'A client has cover for PTSD. SCU have several treating practitioner reports citing current active PTSD symptoms. Cover is established. Only investigation required under law (The Act 1992) is a medical assessment regarding s(103) at date of injury. If all this is provided to SCU why do they distress clients by saying investigations will take 4 months?'

The Accident Compensation Act 2001 (the AC Act) allows up to four months for issuing a decision on cover for complicated claims, such as mental injury caused by certain criminal acts. With the client's permission, this timeframe can be extended to nine months from the date of lodgement. However, these statutory timeframes do not apply to making decisions on entitlements.

Once a claim has been accepted for cover, ACC is required to make decisions on entitlements in a timely manner (Section 54 of the AC Act). Entitlements may include treatment, vocational and social rehabilitation, and compensation payments. The time taken to make a decision on a particular entitlement for a client will depend on the individual circumstances of the case.

If a client believes ACC is taking too long to make a decision they can raise this with their case manager in the first instance. ACC's website [www.acc.co.nz](http://www.acc.co.nz), has additional information about raising issues under 'What if I have problems with a claim?'

2. *'The Act provides clients with cover for 'mental or nervous shock.' It would appear that SCU TCM and BAP's translate this to mean ACC in most cases will provide cover for PTSD. Is this the same as what the Act means? Please explain.'*

Cover for mental injury caused by certain criminal acts is determined under section 21 of the Accident Compensation Act 2001. The definition of mental injury is set out in section 27 of the Act, which defines it as a 'clinically significant behavioural cognitive or psychological dysfunction. Post-Traumatic Stress Disorder (PTSD) falls within this description. This, however, is not the only diagnosis which meets the definition of mental injury.

3. How many days did it take for SCU covered claims to be granted entitlements during 2012 and 2013?

ACC does not centrally record the time taken to approve entitlements on claims. ACC would only be able to determine this through an extensive manual investigation of individual claim files. ACC, therefore, declines to provide this information as it could not be made available without substantial collation and research. This decision is made pursuant to section 18(f) of the Official Information Act 1982 (the OIA).

4. How many assessor reports were obtained by SCU per claim during 2012 and 2013?

The below table shows the number of claims managed by the SCU in which a payment for an assessment service was made, the total number of assessment services paid, and the resulting average. An assessment report is usually generated with each assessment service.

**Table 1: SCU claims that received an assessment service**

Financial year	Claims receiving an assessment service	Total assessment services paid	Average assessment services per claim
2011/12	2460	3214	1.3
2012/13	2156	2842	1.3

5. How many clients received cover for 'nervous or mental shock' 2010, 2011, 2012 and 2013?

ACC has not provided cover for mental or nervous shock in this period. Please note that cover for 'mental or nervous shock' is provided under section 21A of the AC Act, and refers to injury claims which meet specific criteria under that section. The vast majority of sensitive claims are considered under section 21, which refers to mental injury, rather than 'mental or nervous shock'.

6. How many clients received cover for PTSD 2010, 2011, 2012, 2013?

The below table shows the number of accepted sensitive claims lodged in the financial years 2009/10 to 2012/13 that had a primary injury code description of PTSD.

**Table 2: Number of accepted sensitive claims with primary injury of PTSD**

Lodgement year	Number of claims
2009/10	497
2010/11	290
2011/12	424
2012/13	415

7. When was the term mental or nervous shock (Act 2001) removed from clients "Mental injury or diagnosis?"

The Accident Compensation Act 2001 came into force on 1 April 2002. Since its enactment it has provided cover for mental injury, as defined under section 27 of the Act.

Please contact me at [terence.routledge@acc.co.nz](mailto:terence.routledge@acc.co.nz) if you would like discuss the information provided.

If you're unhappy with ACC's response, you may make a complaint to the Office of the Ombudsman. You can call them on 0800 802 602 between 9am and 5pm on weekdays, or write to:

The Office of the Ombudsman  
PO Box 10 152  
WELLINGTON 6143.

Yours sincerely



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