

28 August 2014

Mr Anthony Jordan
fyi-request-1861-5fdfbe25@requests.fyi.org.nz

Dear Mr Jordan

Official Information Act Request

Thank you for your email of 31 July 2014 requesting information under the Official Information Act 1982. I understand that you are seeking information about how ACC manages potential conflicts of interest at the time it refers a client to an assessor who is contracted to ACC, and who is also employed as a Branch Medical Advisor (BMA). I note that in particular, you would like to know whether ACC notifies clients of such a potential conflict of interest.

I refer you to ACC's letter to you of 28 January, which states:

All staff employed by ACC are trained in and obliged to fulfil the requirements of its Staff Code of Conduct. The Code of Conduct requires all employees, including BMAs, to declare any overlapping interests that may affect their employment tasks. Accordingly, if a BMA is referred a client file, for which they have had contact with in their private clinical capacity, they are required to declare a conflict of interest. The client's file will subsequently be referred to another BMA.

If ACC refers a client for an external assessment with a medical professional who is also a BMA, ACC actively checks for conflicts of interest. Accordingly, a BMA who is also working in private practice, would not be referred a client from the branch they are based in, for any type of physical examination or assessment. This ensures that the clinician is not referred a claim as an assessor if he or she has already been involved in the file as a BMA.

Therefore to answer your question, where a potential conflict of interest is identified, it is ACC's practice to refer the client to another BMA or assessor, respectively. The Corporation expects that a BMA would never review a case on which they have provided an external assessment.

It is also important to note, as per ACC's previous response, that in addition to ACC's own code of conduct, clinical practitioners, including BMAs, are bound by their own professional codes of conduct. These establish acceptable ethical practices for practitioners. Professional codes include a requirement that all registered medical practitioners declare any conflicts of interest or previous dealings, in any capacity, with an ACC client, or their claim file. If a medical practitioner is found to have breached their respective professional code of conduct, the governing body can impose sanctions on the practitioner.


We are happy to answer your questions

Please email me at Daniel.James@acc.co.nz if you would like to discuss the information provided. I will be happy to answer any questions or, if you have any concerns, work with you to resolve these.

If you are still not happy, you may make a complaint to the Office of the Ombudsman. You can call them on 0800 802 602, 9am to 5pm weekdays, or write to:

The Office of the Ombudsman
P O Box 10 152
WELLINGTON 6143

Yours sincerely

A handwritten signature in black ink, appearing to read 'Daniel James', with a long horizontal flourish extending to the right.

Daniel James
Advisor, Government Services