

23 March 2017

Mr David Lawson
fyi-request-5436-6782f706@requests.fyi.org.nz

Dear Mr Lawson

Official Information Act request

Thank you for your request of 23 February 2017, asking for the following information under the Official Information Act 1982 (the Act):

Referrals for ACC medical assessment to orthopaedic surgeons Mr Vasu Pai/ BONEFIX, Gordon Howie and Michael Barnes

For each of the above specialists, please provide confirmation of;

- 1. the number of medical referrals of ACC claimants that ACC has made to each of the named orthopaedically trained specialists, for the past 4 ACC business reporting years for the assessment, diagnosis and proposed treatment of conditions associated with accident/trauma that has resulted in injury and symptoms to any of the three branches of the trigeminal nerves being the ophthalmic, maxillary, and mandibular divisions of the fifth cranial nerve of the brain.*
- 2. Please confirm whether any of the named orthopaedically trained specialists have contractual arrangements with ACC to provide services to ACC that incorporate the assessment, diagnosis and proposed treatment of conditions associated with accident/trauma that has resulted in injury and symptoms to any of the three branches of the trigeminal nerves being the ophthalmic, maxillary, and mandibular divisions of the fifth cranial nerve of the brain.*
- 3. If any of the named orthopaedically trained specialists do have contractual arrangements with ACC to provide services to ACC that incorporate the assessment, diagnosis and proposed treatment of conditions associated with accident/trauma that has resulted in injury and symptoms to any of the three branches of the trigeminal nerves being the ophthalmic, maxillary, and mandibular divisions of the fifth cranial nerve of the brain, please supply me with a copy of the contract which provides such evidence to this effect.*
- 4. Please confirm which medical professional specialist sub-group listed below ACC is required to refer to for the assessments, diagnosis and recommended treatment for resultant injury and symptoms to any of the three branches of the trigeminal nerves being the ophthalmic, maxillary, and mandibular divisions of the fifth cranial nerve of the brain.:-*
 - a) orthopaedic surgeon,*
 - b) neurologist,*
 - c) neurosurgeon.*
- 5. I have been advised by a respected orthopaedic shoulder surgeon that the assessment, diagnosis and proposed treatment for resultant injury and symptoms to any of the three branches of the trigeminal nerves being the ophthalmic, maxillary, and mandibular divisions of the fifth cranial nerve of the brain, should only be conducted by a registered and practising neurosurgeon, as the assessment, diagnosis and proposed treatment of trauma to the cranial nerves sits outside the practicing scope of the medical disciplines of neurology, and also orthopaedics, since neurologists and orthopaedic surgeons are not trained to assess, diagnose, and recommend treatment, for trauma to the cranial nerves.*

Can you please confirm that the information/advice that I was provided by the orthopaedic surgeon who specialised in the area of shoulder, arm and hand is standard practice within ACC for referrals, and the general medical profession's service delivery model.

6. Please confirm the names of the top 5 Auckland based neurosurgeons who ACC refer ACC claimants to for the assessment, diagnosis and proposed treatment for trauma to the cranial nerves. Please rank in order from top to fifth each of the five Auckland neurosurgeons in accordance with first a) below and then b) separately;

a) the number of ACC referrals per annum for the period, 1 July 2015 through to 30 June 2016 for the assessment, diagnosis and proposed treatment of accidental trauma to the cranial nerves.

b) the annual remuneration in bands of \$50,000 received from ACC for the provision of the assessment, and diagnosis of trauma to the cranial nerves.

Our response

Questions One and Six

The data you have requested is at a level of specificity not held in ACC's reporting systems. Providing you with the data would require a manual search of every assessment recorded under each health provider to identify those relating to injuries involving the trigeminal nerves. We are declining these parts of your request under section 18(f) of the Act as the information cannot be made available without substantial collation or research. We do not consider that fixing a charge or extending the time limit for responding would enable the request to be granted.

Questions Two and Three

We note that on 30 June 2016 we provided you with ACC's generic Clinical Services Contract in response to your request of 22 May 2016. We can advise that the individuals that are the subject of your current request are engaged by ACC under that agreement.

Question Four

We require an extra 5 working days until 30 March 2017 to consult in order to make a decision on this aspect of your request. This extension complies with Section 15A of the Act.

Question Five

This part of your request appears to seek an opinion or explanation from ACC regarding whether we agree or disagree with the opinion of an orthopaedic surgeon. The Act makes a distinction between questions which can be answered by providing information already known to, and held by, an agency, and those which require an agency to form an opinion or provide an explanation. Because this question is not a request for official information, we will not be providing you with a response under the Act.

We are also unable to respond to your request regarding the "general medical profession's service delivery model" as this is not governed by ACC.

ACC is happy to answer your questions

If you have any questions about the information provided, ACC will be happy to work with you to answer these. You can contact us at GovernmentServices@acc.co.nz or in writing to *Government Services, PO Box 242, Wellington 6140*.

You have the right to complain to the Office of the Ombudsman about our decision to withhold some of the information. You can call them on 0800 802 602 between 9am and 5pm on weekdays, or write to *The Office of the Ombudsman, PO Box 10152, Wellington 6143*.

Yours sincerely

Government Services