

4 September 2018

Ms Samantha Thompson
fyi-request-8447-76984672@requests.fyi.org.nz

Dear Ms Thompson

Ref: 0052521

Official Information Act Request

Thank you for your request of 7 August 2018, made via the FYI website, asking for the following information under the Official Information Act 1982 (the Act):

"Regarding LOPE / CSA claims and needing Medical evidence in relation to a MICSA in historical claims.

- 1) *What medical evidence are they actually expecting you to supply to ACC?
re someone getting medical help before the age of 18 years for ACC MICSA covered conditions.
i.e. the signs of PTSD; change in the way they display as child/teen/adult in its symptoms Bed wetting, Dizzy spells, headaches, shakes/tremors, tummy aches, nightmares, to name a few*

Given the age is of under 18 and ones maturity affecting their ability to explain to a DR their symptoms and being historic claims I am seeking information about, Doctors back in 1970's 1980's did not understand PTSD nor did they write much in their notes, in those days.

- 2) *So please I was wanting to know what medical information are they actually wanting from people to prove you seeked medical help before 18 years of age for historical MICSA claims, Could you supply me the symptoms they accept noted by a medical professional as proof you did seek help for your covered conditions. ie PTSD"*

Our response

Decisions regarding a client's entitlement to loss of potential earnings (LOPE) are always made on a case by case basis, and in the context of a client's specific clinical records.

When investigating entitlement to LOPE, ACC may request clinical information to determine the date a client first received treatment for a personal injury, as the eligibility criteria for LOPE requires a client to be deemed to have sustained a personal injury prior to the age of 18.

Any historic clinical information from medical or other sources, such as Oranga Tamariki (formerly Child Youth and Family) or the Police, may provide evidence of sexual abuse events, or if a client was referred for treatment. This information may be useful in clarifying any earlier sexual abuse related presentations. It is understood that these notes will not always outline a full range of symptoms for what may later be diagnosed as post-traumatic stress disorder or another mental injury diagnosis, or that the sexual abuse events would have been disclosed.

The quality and detail of any provided historical clinical information is reviewed by ACC's clinical advisors in order to help determine whether there is evidence of mental injury related presentations at any earlier point in time. Generic symptoms such as tummy aches or headaches can be due to a variety of causes. However, where these are noted as persistent and in combination with other symptoms such as shakes, dizzy spells and nightmares, then the presentation as related to a mental injury might be clearer.

Under the Accident Compensation Act 2001, the date a client first received treatment for a mental injury caused by sexual abuse, is considered to be the date of injury. If that date is after a client has turned 18, they may not be eligible for LOPE. However, if historical medical notes show that the client presented with symptoms prior to the lodgement date of the claim, this may allow us to alter the date of injury to a date prior to age 18, and therefore meet the criteria for LOPE.

Queries or concerns

If you have any questions or concerns about the information provided, ACC will be happy to work with you to resolve these. Please address any concerns by emailing GES@acc.co.nz or in writing to *Government Engagement and Support, PO Box 242, Wellington 6140*.

You also have the right to seek an investigation and review by the Ombudsman if you are unhappy with our response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely

Government Engagement and Support