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Tēnā koe Bernice

Your Official Information Act request, reference: GOV-014684

Thank you for your comment of 13 October 2021 on data.govt.nz, asking for the following information under the Official Information Act 1982 (the Act):

Can I please get a copy of the data related to shoulder injuries (SIRVA) due to covid vaccination or any other type of vaccination that has been received by ACC in the last 10 years and the number of cases actually accepted and covered by ACC for this injury in this time frame Can you also provide me with the criteria that ACC has in place for accessing (SIRVA) Shoulder Injury Related to Vaccine Administration

Background information about treatment injury data

Before responding to your request, we would first like to provide you with some background information about treatment injuries.

ACC has provided cover for treatment injuries since 1 July 2005. The treatment injury provisions replaced the medical misadventure provisions of the Accident Compensation Act 2001, to bring it more in line with the no-fault nature of the scheme.

A treatment injury is a personal injury caused as a result of seeking or receiving medical treatment from, or at the direction of, a registered health professional. In order to fulfil the criteria for cover, the person must have suffered a personal injury and there must be a clear causal link between the treatment and the injury, and the injury must not be a necessary part or ordinary consequence of the treatment. When considering treatment injury data, it is important to note that the number of claims lodged with ACC cannot be taken as an accurate indication of the occurrence of injury during treatment or the quality of care. This is because, among other reasons, not all occurrences of injury during treatment are lodged with ACC.

Context

Treatment injury (TI) data is available from 1 July 2005, when treatment injury provisions came into law. Further information about treatment injury can be found at the following links:

- <https://www.acc.co.nz/for-providers/treatment-safety/> and
- <https://www.acc.co.nz/assets/provider/ACC7971-Supporting-Treatment-Safety-2021.pdf> (overview of treatment injury in public and private surgical hospitals and general practice settings).

Claim lodgement rates are dependent on several factors. They can be influenced by:

- population demography i.e. the characteristics of the resident population, visitors and referred patients
- health status of the population treated
- what level of facility the organisation provides i.e. tertiary versus secondary
- familiarity of health providers or clients in recognising and/or lodging treatment injury claims.

Vaccine related treatment injury claims

ACC treatment injury data captures the treatment event that resulted in the claimed injury. If a medication was associated with the injury the medication type and name are recorded under two data fields. In the response below the vaccination figures include claims with treatment event = *vaccination* OR treatment event = *injection/medication adverse reaction/medication error* with the medication type recorded as *vaccine*.

Vaccines administered for immunotherapy rather than illness prevention are excluded from this analysis.

As the data are extracted from a live database figures may differ to those previously reported or supplied.

Free text search

For this response, a combination of a structured data extraction (for specific treatment events) and a free text search (listed below) was used. Free text search methods are not reliable data extraction methods and can result in anomalies in the data. To overcome these limitations all claims identified by the free text search were clinically reviewed and only claims meeting the requested criteria were included.

Claims were flagged for review if *shoulder, rotator* OR *SIRVA* was contained in the text fields covering the injury cause, diagnosis or symptoms or those describing the outlined conditions, cover decision evidence or in the risk of harm comments identified during cover assessment.

Please note that we can only respond based on the vaccine related claims lodged with ACC, and the figures may differ to those previously reported or supplied. Up-to-date data on the number of adverse effects reported from the COVID-19 vaccine can be found on the MedSafe website, [here](#).

SIRVA data

The treatment injury data provided below was extracted on 17 November 2021 and includes claims lodged between 1 July 2011 and 30 June 2021.

The table below shows the number of claims for shoulder injuries related to vaccine administration that have had a cover decision made that were lodged with ACC in the ten years to 30 June 2021.

Table 1: Number of Claims Lodged with ACC for Shoulder Injuries Related to Vaccine Administration (SIRVA)

Financial Year	Accepted	Declined	Total
2011/12	12	9	21
2012/13	12	17	29
2013/14	12	20	32
2014/15	12	24	36
2015/16	13	24	37
2016/17	9	29	38
2017/18	6	28	34
2018/19	12	27	39
2019/20	13	28	41
2020/21	19	33	52
Total	120	239	359

In the past ten years ACC has received 359 claims for shoulder injuries related to vaccine administration. 120 (33 percent) were accepted and 239 (67 percent) were declined.

As of 30 June 2021, ACC had received and decided six claims for SIRVA following the COVID-19 vaccination, included in the figures above. All of these claims were lodged in 2020/21. Of these, fewer than four have been accepted.

Privacy

ACC does not routinely disclose low value numbers related to claims. Accordingly, we are not providing the actual number of accepted claims for SIRVA following the COVID-19 vaccination. This limits the potential for particular individuals or matters specific to certain individuals from being identified.

Withholding in this way is necessary to protect our clients' privacy. This decision is made under section 9(2)(a) of the Act. In doing so, we have considered the public interest in making the figure available and have determined that it does not outweigh the need to protect our clients' privacy.

Cover criteria for SIRVA

ACC does not have specific criteria that must be met in order for SIRVA to be covered. Cover for injuries is decided on a case by case basis based on information provided by the client and their medical team.

We have provided below the criteria for a claim to be accepted as a treatment injury. A claim for SIRVA must meet these criteria, however additional information about the specific injury would also be required.

Vaccine treatment injury criteria

Under ACC legislation, the injury must be clearly caused by the vaccination and must not be a necessary part or ordinary consequence of the treatment.

Swelling, pain and redness at the injection site, loss of appetite, mild fever and tiredness are common side effects of the vaccination and vaccines in general. For example, inflammation around the site of the injection is common with COVID-19 vaccination (an ordinary consequence) and is unlikely to be covered.

Infections (such as cellulitis or septic arthritis) due to the vaccination, and anaphylaxis resulting in injury are not ordinary consequences and are more likely to be covered.

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



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