

02 November 2021



Tēnā koe 

Your Official Information Act request, reference: GOV-014622

Thank you for your request of 11 October 2021, asking for the following information under the Official Information Act 1982 (the Act):

Can you please advise the following associated with Covid vaccine adverse affects or harm claims (minor, serious, death or otherwise), if any:

Total number of reports/claims to ACC (categorised by adverse affect/harm type) AND for each: Total of claim outcomes for each category (pending, declined, granted etc).

Background information about treatment injury claims

Before responding to your request, we would first like to provide you 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

Covid-19 vaccine related treatment injury claims

The data below was extracted on 18 October 2021, for treatment injury claims where the treatment event was *vaccination* or *injection/medications*, *adverse reaction/medication error* and where the medication type was recorded as *vaccine*.

However, as these fields are only completed when cover for the claim is decided, the figures provided have been supplemented by a text search of the claim forms received by ACC which mention *Comirnaty* (the name of the Pfizer-BioNTech COVID-19 vaccine), or included the terms *covid* or *Pfizer* and *vacc*. This text search allows us to identify claims that have been lodged but where cover has not been decided.

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](#).

TI claims related to the Comirnaty vaccine

Between 18 February 2021 (when New Zealand began COVID vaccinations) and 16 October 2021, ACC received 684 claims for injuries relating to the COVID-19 vaccination. Of these, 260 claims have been accepted, 123 have been declined and 301 are yet to be decided. As at 18 October 2021, no claims for fatalities in relation to the COVID-19 vaccination had been lodged with ACC.

The tables below provide a breakdown of the COVID-19 vaccination claims received by ACC by primary injury and severity.

Table 1. TI claims related to the COVID-19 vaccine, by primary injury

Primary Injury	All Accepted Claims
Allergic Reaction	75
Anaphylactic Reaction*	25
Adverse Drug Reaction	24
Cellulitis	7
Cardiac injury	7
Contusion	6
Wound Infection	6
Nerve Damage	4
Infection	4
Other Specified	17
Other Unspecified	85
Total	260

**All cases identified as anaphylactic reactions were accepted.*

Treatment injuries are confirmed and recorded when a claim is decided. The above table shows the primary injury recorded for the accepted COVID-19 vaccination claims, where the cover decision was made by 16 October 2021.

Table 2. TI Claims related to the COVID-18 vaccine, by severity

The following table shows the number of accepted claims grouped by the total payments made per claim to 16 October 2021.

Payments to 16 October 2021	Number of Accepted Claims
No payment to date	102
Up to \$100	81
Over \$100 to \$500	63
Over \$500 to \$1,000	4
Over \$1,000 to \$5,000	6
Over \$5,000	4
Total	260

Measuring the impact of an injury on a person or the permanence of an injury is challenging. ACC uses the overall cost of a treatment injury claim as an indicator of the severity of the injury because more costly claims are likely to indicate claims where there has been a more severe impact on the person injured. While not always directly related, overall cost is one measure of severity and impact.

Of the 260 accepted claims, 14 resulted in payments of over \$500 by 16 October 2021. 102 accepted claims had yet to receive a payment by 16 October 2021.

How to contact us

If you have any questions, you can email me at GovernmentServices@acc.co.nz.

Nāku iti noa, nā



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