

Claim examples

The examples below are fictional claims used to illustrate how the new cover guidance and other new understanding about mesh-related neuropathic pain might impact different types of claims. Any resemblance to actual cases is purely coincidental.

Example 1: Claim may get a different decision based on new cover guidance

Jane had a surgical mesh repair for issues involving the vagina and parts of the bowel. Following the surgery, it was noted that there was a small area of mesh exposure in the vaginal wall and a claim was lodged.

Original decision: We declined Jane's claim as there was no evidence of a physical injury caused by treatment other than the surgical incision and placement of the mesh. Both the surgical incision and mesh placement are necessary parts of the treatment provided and therefore, were not considered an injury under ACC legislation.

Now: There is new medical evidence about mesh erosion/extrusion/exposure, what it is, and the impact it can have on the body. The guidance indicates that this can be considered a personal injury and so, depending on all the factors in Jane's case, this claim may receive a different decision today. If people like Jane wanted their claim reassessed, we would request current medical information about any ongoing symptoms to consider if there is an injury that can be covered.

Example 2: Claim may get a different decision based on new cover guidance

Alex had a mesh repair for pelvic organ prolapse. Then a few years later when Alex was going through menopause, mesh extrusion was found.

Original decision: We declined the claim as an ordinary consequence because Alex was going through menopause and the hormonal effects of menopause were thought to have caused the mesh extrusion.

Now: The evidence reflected in the new cover guidance tells us that age, menopause and/or use of oestrogen therapy aren't relevant to the cause of surgical mesh injuries and claims shouldn't be declined due to these reasons alone. People like Alex may benefit from reassessment based on this new understanding.

Example 3: Claim unlikely to get a different decision based on new cover guidance

Morgan had a mesh procedure to treat an incontinence problem. At the time, Morgan was 53 years old. Following the procedure, Morgan still had the incontinence problem.

Original decision: We declined Morgan's claim because there was no physical injury caused by treatment and therefore, it can't be covered under ACC legislation. The treatment didn't achieve the desired result and is excluded from treatment injury cover.

Now: Situations like Morgan's don't meet the criteria for treatment injury cover as there is no injury caused by the treatment and the requirement for a personal injury is a key part of the cover criteria.

Example 4: Claim unlikely to get a different decision based on new cover guidance

Ashley had a mesh procedure to treat pelvic organ prolapse. Following the surgery, Ashley experienced numbness around the incision that was made, and a claim was lodged.

Original decision: We declined Ashley's claim because the incision was a necessary part of the surgery and was completed correctly, and the damage to superficial nerves around the incision site was necessary.

Now: Claims like Ashley's do not meet the criteria for treatment injury cover, as the only injury identified is a necessary part of the treatment. The exclusions for injuries that are necessary remain a key part of the cover criteria and so, the decision declining the claim would not change.

Example 5: Claim may benefit from more investigation (decision may not change)

Sam had a surgical mesh procedure at 42 years old to repair a hernia in the groin area. Following the surgery Sam was diagnosed with persistent groin pain and applied for treatment injury cover.

Original decision: We declined Sam's claim because there was no evidence provided of nerve damage, and therefore it could not be established that there was a physical injury caused by treatment.

Now: At the time of claim lodgement there was limited clinical information available about the exact nature of Sam's pain and its cause. New information suggests a specific nerve injury may be responsible. Further investigations could benefit this client. If Sam asked for reassessment, we would likely arrange for Sam to have further medical assessment done to see if there is a physical injury that can be covered.