

# Maternal birth injuries – What happened ??

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Previous cover for ? “ treatment injury “ not NVD

Cover variable – postcode lottery

Most common accepted injury to mother

## The ACC Perineal Tear Expert Working Group 2019-2020

Convened by ACC

Midwives/ researchers/ Obstetricians and gynaecologists/ ACC legal /ACC treatment advisor / ACC principle clinical adviser / ACC treatment safety/ Midwifery advisor COM – 14 in total

Multiple meetings

Some debate re agenda

Literature RV – Cause and mitigators

Dr Emma Jackson  
FRANZCOG  
NZWIM May 2022

# The ACC Perineal Tear Expert Working Group

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- *There is strong evidence that Mediolateral Episiotomy prior to vacuum extraction or forceps delivery **greatly reduces** the likelihood of a 3<sup>rd</sup> or 4<sup>th</sup> degree tear.*
- *NNT ventouse 8 primips 18 multips and forceps NNT primips 4 and multips 9 .*



# Perineal injuries during childbirth

## *A guide to ACC cover*



June 2020

This document summarises scientific research on causes of perineal injuries during childbirth, and discusses when ACC can cover these as treatment injuries.

Under the Accident Compensation Act 2001 (AC Act), ACC can cover perineal tears that are the result of treatment or the failure to provide clinically indicated treatment.

This document is not a guideline for clinical practice. It aims to improve transparency and consistency of ACC cover decisions. ACC considers each claim on its own merit, taking into account all the circumstances of the case.

### Perineal injuries during childbirth

Injury to the tissues between the vaginal opening and the anus during childbirth affects around 85% of women who give birth vaginally [1].

The most severe perineal trauma involves the anal sphincter, known as third and fourth degree tears or obstetric anal sphincter injuries (OASIS). OASIS are uncommon, occurring in 2% to 3% of vaginal births. The rates of OASIS are greater in women giving birth vaginally for the first time (5.7 per 100 births) compared to women who have previously given birth vaginally (1.2 per 100 births). The rates are also greater when the vaginal birth is assisted by instruments like vacuum or forceps (7.2 per 100 births), compared to women who have a spontaneous vaginal birth (2.5 per 100 births) [2].

Most perineal tears are not caused by treatment but by the birthing process. These are not covered by ACC as the injury is not caused by treatment or the failure to provide clinically indicated treatment.

### Episiotomy

Episiotomy is a surgical incision to the perineum to enlarge the vaginal opening during childbirth. Routine episiotomy does not prevent OASIS [3].

Selective episiotomy can be clinically indicated during a spontaneous birth or an instrumental birth. In these situations,

ss. This includes perineal tears occurring  
otomy, where the perineal tearing reflects the  
uries.

to provide clinically indicated treatment (eg an  
ons during an instrumental assisted birth for a

a failure. ACC will assess claims by seeking  
and reports from peer experts (if the claim is

a departure from the standards of care that  
ho have a perineal injury will have their health  
is a treatment injury or not.

# What is treatment injury?

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A treatment injury is a personal injury that is **not**:

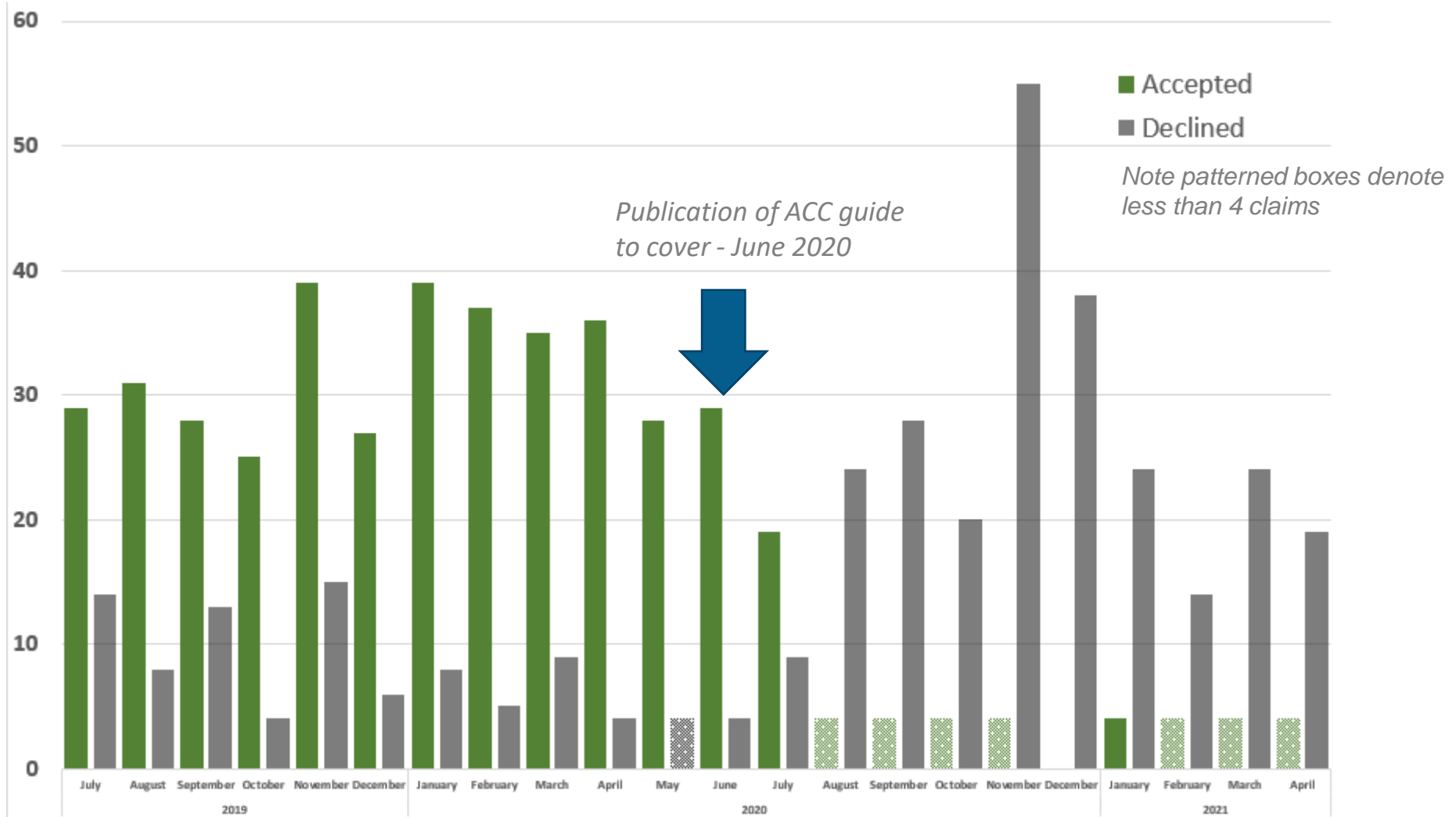
- a **necessary** part of the treatment
- an **ordinary consequence** of the treatment
- where the patient withheld consent for the treatment
- where **the desired results** of the treatment have not been achieved
- wholly or substantially due to **an underlying condition** (s32).



*NB: where the treatment involves a **failure** or omission the exclusions of necessary part or ordinary consequence do not apply*

# Then this happened ....

Treatment Injury Claim Count by cover decision and cover decision month, July 2019 – April 2021



# Women struggle for treatment as ACC changes policy on perineal tears

8:08 am on 31 March 2021

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**Anusha Bradley**, Investigative Reporter

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**Warning: Some readers may find this content distressing**

ACC has cut off a mother whose baby emerged from her rectum and vagina, as part of a review on which birth injuries the corporation will cover. Women say they're struggling to get treatment - and the number of women being injured giving birth is growing.



and the outcry .....

## CONVERSATION

rigour, journalistic flair

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**ACC's policy of not covering birth injuries is one more sign the system is overdue for reform**

Published: April 13, 2021 5.17am AEST



# Submission

- Extent of cover
  - All inclusive .. ( 2b)
    - 2a ( list) /2b( all under definition ) /2c ( foetus definition)
- Women whose injuries predate 1 October 2022 are excluded from cover
- Timeline beyond 12 mo
- Gap cover/copayments
- Baby ?
- Equity and consultation



- Investment in prevention
- Workforce and training issues
  - Drain from Public to “private” in terms of workforce