



Guidance for injuries related to fetal anti-convulsant syndrome (FACS)

Information for clients – June 2021

Background

- Fetal anticonvulsant syndrome (FACS) can cause physical malformations such as heart defects, cleft palate and spina bifida, as well as learning and behavioural difficulties.
- It can develop in children whose mother took this anti-seizure/mood stabilising medicines during pregnancy. Sodium valproate, which is prescribed for epilepsy, mental health, and pain, has the highest risk.
- In some circumstances, ACC covers injuries caused by FACS as a treatment injury.
- We have developed [new guidelines](#) to help family/whānau of people potentially affected by exposure to sodium valproate in pregnancy, and health professionals, understand what injuries we can cover.

Cover guidance for injuries following exposure to sodium valproate in pregnancy

- This is the first time we have collaboratively developed cover guidance for injuries related to FACS.
- We will continue to look at every injury claim on a case-by-case basis in line with the latest medical evidence, and with the information available.
- The new cover guidance clarifies what injuries are likely to be covered when there is a FACS diagnosis, and what evidence may be required to confirm an injury.
- It will help registered health professionals, people with these injuries, and their family/whānau understand how we make our cover decisions. It will be communicated to health professionals to support them when considering making a treatment injury claim, and our staff will be trained on using the guidance to make cover decisions.
- People who have had a claim declined in the past can ask to have their claim reassessed taking into account the new guidance, however claim outcomes may not change.

Making a treatment injury claim

- If you think you or your family/whānau member meet the criteria for ACC cover and you haven't already made a claim, talk to your specialist doctor about making a treatment injury claim.
- Your doctor will consider your individual circumstances and submit the claim on your behalf.
- One of our specialist cover assessors will look at your claim and contact you if we need any more information.
- It can take anywhere from a few days to nine months to investigate a treatment injury claim and make a decision. We'll contact you if we haven't come to a decision within two months.

Having a claim reassessed

- If you or your family/whānau member has had a claim declined in the past, and think you might benefit from having your claim reassessed, you should speak to your specialist doctor. If you need help paying for this appointment, we may be able to help. Contact MJ King, Client Service Leader, on 0800 735 566 ext 45691 or email **Mary-Jo.King@acc.co.nz**
- Your doctor will talk to you about your specific circumstances, and how the new cover guidelines might apply to your claim.
- If you want to continue, your doctor will contact us to find out what information we need. They will discuss that with you and get your agreement to provide the information.
- One of our cover specialists will then contact you to discuss the next steps. If you need more tests or investigation, we'll help arrange those and cover the costs. You can let us know at any point if you would like us to stop reassessing your claim.
- Each claim is assessed on the individual circumstances and some will take longer to consider than others. Depending on what information is required, it could take several months to reassess a claim.
- A change in cover decision does not necessarily mean you will receive more support. This will be assessed separately once the cover decision has been made.

Find out more

- The cover guidance is available on [our website](#). To find out more please contact MJ King, Client Service Leader, on 0800 735 566 ext 45691 or email **Mary-Jo.King@acc.co.nz**

Disclaimer

All information in this publication was correct at the time of printing. This information is intended to serve only as a general guide to arrangements under the Accident Compensation Act 2001 and regulations. For any legal or financial purposes this Act takes precedence over the contents of this guide.