



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
INGROWING NAIL
(Balance of Probabilities)
(No. 107 of 2015)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

Dated 21 August 2015

The Common Seal of the
Repatriation Medical Authority
was affixed to this instrument
at the direction of:

A handwritten signature in black ink, appearing to read 'Nicholas Saunders', written in a cursive style.

Professor Nicholas Saunders AO
Chairperson

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1 Name

This is the Statement of Principles concerning *ingrowing nail (Balance of Probabilities)* (No. 107 of 2015).

2 Commencement

This instrument commences on **21 September 2015**.

3 Authority

This instrument is made under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

4 Revocation

The Statement of Principles concerning ingrowing nail No. 94 of 2007 made under subsection 196B(3) of the VEA is revoked.

5 Application

This instrument applies to a claim to which section 120B of the VEA or section 339 of the *Military Rehabilitation and Compensation Act 2004* applies.

6 Definitions

The terms defined in the Schedule 1 - Dictionary have the meaning given when used in this instrument.

7 Kind of injury, disease or death to which this Statement of Principles relates

- (1) This Statement of Principles is about ingrowing nail and death from ingrowing nail.

Meaning of ingrowing nail

- (2) For the purposes of this Statement of Principles, ingrowing nail means a condition in which the nail plate penetrates the soft tissue of the adjacent nail fold resulting in inflammation and pain.
- (3) While ingrowing nail attracts ICD-10-AM code L60.0, in applying this Statement of Principles the meaning of ingrowing nail is that given in subsection (2).
- (4) For subsection (3), a reference to an ICD-10-AM code is a reference to the code assigned to a particular kind of injury or disease in *The International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Australian Modification (ICD-10-AM)*, Ninth Edition, effective date of 1 July 2015, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-020-5.

Death from ingrowing nail

- (5) For the purposes of this Statement of Principles, ingrowing nail, in relation to a person, includes death from a terminal event or condition that was contributed to by the person's ingrowing nail.

Note: *terminal event* is defined in the Schedule 1 – Dictionary.

8 Basis for determining the factors

On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that ingrowing nail and death from ingrowing nail can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the MRCA.

Note: *relevant service* is defined in the Schedule 1 – Dictionary.

9 Factors that must exist

At least one of the following factors must exist before it can be said that, on the balance of probabilities, ingrowing nail or death from ingrowing nail is connected with the circumstances of a person's relevant service:

- (1) having an acquired deformity of the affected digit, affected nail or the affected nail bed at the time of the clinical onset of ingrowing nail;

Note: *deformity of the affected digit, affected nail or the affected nail bed* is defined in the Schedule 1 - Dictionary.

- (2) having an injury to the affected nail or the affected nail bed, within the six months before the clinical onset of ingrowing nail;
- (3) being treated with an epidermal growth factor receptor inhibitor or receiving antiviral treatment with indinavir, at the time of the clinical onset of ingrowing nail;
- (4) for ingrowing toenail only:

- (a) having poor nail care of the affected toenail within the 14 days before the clinical onset of ingrowing nail;
- (b) wearing ill-fitting footwear on the affected foot, for at least eight hours within the four weeks before the clinical onset of ingrowing nail;
- (c) having hyperhidrosis affecting the feet within the seven days before the clinical onset of ingrowing nail; or
- (d) having an inability to keep the skin of the feet dry within the seven days before the clinical onset of ingrowing nail;

Note: *ill-fitting footwear* and *poor nail care of the affected toenail* are defined in the Schedule 1 - Dictionary.

- (5) having a fungal infection involving the affected nail within the one year before the clinical onset of ingrowing nail;

- (6) having an injury to the affected nail or the affected nail bed, within the six months before the clinical worsening of ingrowing nail;
 - (7) being treated with an epidermal growth factor receptor inhibitor or receiving antiviral treatment with indinavir, at the time of the clinical worsening of ingrowing nail;
 - (8) for ingrowing toenail only:
 - (a) having poor nail care of the affected toenail within the 14 days before the clinical worsening of ingrowing nail;
 - (b) having poor foot hygiene within the seven days before the clinical worsening of ingrowing nail;
 - (c) wearing ill-fitting footwear on the affected foot, for at least eight hours within the four weeks before the clinical worsening of ingrowing nail;
 - (d) having hyperhidrosis affecting the feet within the seven days before the clinical worsening of ingrowing nail; or
 - (e) having an inability to keep the skin of the feet dry within the seven days before the clinical worsening of ingrowing nail;
- Note: *ill-fitting footwear*, *poor foot hygiene* and *poor nail care of the affected toenail* are defined in the Schedule 1 - Dictionary.
- (9) having a fungal infection involving the affected nail within the one year before the clinical worsening of ingrowing nail;
 - (10) inability to obtain appropriate clinical management for ingrowing nail.

10 Relationship to service

- (1) The existence in a person of any factor referred to in section 9 must be related to the relevant service rendered by the person.
- (2) The factors set out in subsections 9(6) to 9(10) apply only to material contribution to, or aggravation of, ingrowing nail where the person's ingrowing nail was suffered or contracted before or during (but did not arise out of) the person's relevant service.

11 Factors referring to an injury or disease covered by another Statement of Principles

In this Statement of Principles:

- (1) if a factor referred to in section 9 applies in relation to a person; and
- (2) that factor refers to an injury or disease in respect of which a Statement of Principles has been determined under subsection 196B(3) of the VEA;

then the factors in that Statement of Principles apply in accordance with the terms of that Statement of Principles as in force from time to time.

Schedule 1 - Dictionary

Note: See Section 6

1 Definitions

In this instrument:

deformity of the affected digit, affected nail or the affected nail bed means abnormality of the affected finger or the affected toe which leads the nail to be pushed into the proximate soft tissue. Examples of this circumstance include hallux valgus, subungual exostosis, and nail deformity caused by injury to the nail or nail bed, chronic nail infection, regrowth of an avulsed nail, or abnormality caused by systemic disease (including psoriasis, chronic renal failure, diabetes mellitus, malignancy, Kawasaki disease and systemic lupus erythematosus) and systemic drug treatment (including acebutolol, practolol and pamidronate).

ill-fitting footwear means footwear that causes compression of the toes or pressure on the affected toenail. This includes footwear that is too narrow or too short, or has inadequate depth in the toe box.

ingrowing nail—see subsection 7(2).

MRCA means the *Military Rehabilitation and Compensation Act 2004*.

poor foot hygiene means an inability to regularly wash either feet or socks.

poor nail care of the affected toenail means excessive trimming of the affected toenail or the practice of rounding the corners of the affected toenail rather than cutting the nail straight across the top.

relevant service means:

- (a) eligible war service (other than operational service) under the VEA;
- (b) defence service (other than hazardous service and British nuclear test defence service) under the VEA; or
- (c) peacetime service under the MRCA.

terminal event means the proximate or ultimate cause of death and includes the following:

- (a) pneumonia;
- (b) respiratory failure;
- (c) cardiac arrest;
- (d) circulatory failure; or
- (e) cessation of brain function.

VEA means the *Veterans' Entitlements Act 1986*.