

## Revocation and Determination

of

## Statement of Principles concerning

# EPILEPSY

**ICD CODES: 333.2, 345.0, 345.1, 345.2, 345.3, 345.4, 345.5, 345.7, 345.8,  
345.9**

### *Veterans' Entitlements Act 1986*

1. The Repatriation Medical Authority under subsection **196B(3)** of the *Veterans' Entitlements Act 1986* (the Act):
  - (a) revokes Instrument No.307 of 1995; and
  - (b) determines the following Statement of Principles.

#### **Kind of injury, disease or death**

2. (a) This Statement of Principles is about **epilepsy** and **death from epilepsy**.
  - (b) For the purposes of this Statement of Principles, "**epilepsy**" means a group of chronic neurological disorders characterised by chronic, recurrent, paroxysmal changes in neurological function, caused by abnormalities in the electrical activity in the brain, with each episode of neurological dysfunction being termed a seizure, attracting ICD code 333.2, 345.0, 345.1, 345.2, 345.3, 345.4, 345.5, 345.7, 345.8 or 345.9. This definition does not include symptomatic and nonrecurrent seizures occurring acutely in response to metabolic or cerebral insult.

### **Basis for determining the factors**

3. On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that **epilepsy** can be related to relevant service rendered by veterans or members of the Forces.

### **Factors that must be related to service**

4. Subject to clause 6, the factors set out in at least one of the paragraphs in clause 5 must be related to any relevant service rendered by the person.

### **Factors**

5. The factors that must exist before it can be said that, on the balance of probabilities, **epilepsy** or **death from epilepsy** is connected with the circumstances of a person's relevant service are:
  - (a) suffering from psychoactive substance abuse or dependence involving alcohol for at least the five years immediately before the clinical onset of epilepsy; or
  - (b) suffering from an hypoxic-ischaemic cerebral insult immediately before the clinical onset of epilepsy; or
  - (c) suffering from cerebral trauma before the clinical onset of epilepsy; or
  - (d) suffering from at least one of the cerebrovascular diseases from the specified list of cerebrovascular diseases immediately before the clinical onset of epilepsy; or
  - (e) suffering from central nervous system (CNS) systemic lupus erythematosus (SLE) immediately before the clinical onset of epilepsy; or
  - (f) suffering from an intracranial space-occupying lesion before the clinical onset of epilepsy; or
  - (g) suffering from viral encephalitis within the 20 years immediately before the clinical onset of epilepsy; or
  - (h) suffering from bacterial meningitis within the 20 years immediately before the clinical onset of epilepsy; or
  - (j) suffering from cerebral cysticercosis, cerebral schistosomiasis, cerebral echinococcosis (hydatid cyst disease), cerebral malaria, or cerebral toxoplasmosis before the clinical onset of epilepsy; or

- (k) suffering from psychoactive substance abuse or dependence involving alcohol for at least the five years immediately before the clinical worsening of epilepsy; or
- (m) suffering from an hypoxic-ischaemic cerebral insult immediately before the clinical worsening of epilepsy; or
- (n) suffering from cerebral trauma before the clinical worsening of epilepsy; or
- (o) suffering from at least one of the cerebrovascular diseases from the specified list of cerebrovascular diseases immediately before the clinical worsening of epilepsy; or
- (p) suffering from central nervous system (CNS) systemic lupus erythematosus (SLE) immediately before the clinical worsening of epilepsy; or
- (q) suffering from an intracranial space-occupying lesion before the clinical worsening of epilepsy; or
- (r) suffering from viral encephalitis before the clinical worsening of epilepsy; or
- (s) suffering from bacterial meningitis before the clinical worsening of epilepsy; or
- (t) suffering from cerebral cysticercosis, cerebral schistosomiasis, cerebral echinococcosis (hydatid cyst disease), cerebral malaria, or cerebral toxoplasmosis before the clinical worsening of epilepsy; or
- (u) inability to obtain appropriate clinical management for epilepsy.

**Factors that apply only to material contribution or aggravation**

6. Paragraphs **5(k) to 5(u)** apply only to material contribution to, or aggravation of, epilepsy where the person's epilepsy was suffered or contracted before or during (but not arising out of) the person's relevant service; paragraph 8(1)(e), 9(1)(e) or 70(5)(d) of the Act refers.

**Other definitions**

7. For the purposes of this Statement of Principles:

**“bacterial meningitis”** means inflammation of the lining of the brain and spinal cord caused by bacteria, common types of which are *Haemophilus influenzae m.*, *meningococcal m.*, *pneumococcal m.*, and *tuberculous m.*, attracting ICD code 003.21, 013.0, 036.0, 091.81, 094.2, 098.82 or 320.

**“central nervous system (CNS) systemic lupus erythematosus (SLE)”** means a chronic, remitting, relapsing inflammatory multisystem disorder of connective tissue of unknown aetiology involving the brain or meninges, attracting ICD code 710.0;

**“cerebral cysticercosis”** means infection of brain parenchyma with encysted larvae of *Taenia solium*, attracting ICD code 123.1;

**“cerebral echinococcosis”** means infection of brain parenchyma with encysted larvae of *Echinococcus granulosus*, *E. multilocularis*, or *E. vogeli*, attracting ICD code 122;

**“cerebral malaria”** means a diffuse symmetric encephalopathy due to infection of brain parenchyma with *Falciparum malaria*, attracting ICD code 084.9;

**“cerebral schistosomiasis”** means infection of brain parenchyma with a parasite of the genus *Schistosoma*, attracting ICD code 120;

**“cerebral toxoplasmosis”** means infection of brain parenchyma with parasite *Toxoplasma gondii*, attracting ICD code 130.0 or 130.8;

**“cerebral trauma”** means:

- (a) any injury to the head that penetrates the dura mater, or
- (b) any head injury that results in skull fracture, or
- (c) any blunt head injury that causes at least 30 minutes loss of consciousness or that causes post-traumatic amnesia, or
- (d) any injury that results in intracranial haemorrhage, or
- (e) any surgical procedures which involve craniotomy,

attracting ICD code 800, 801, 803, 804, or an ICD code in the range 850.1-850.8, or 851-854;

**“hypoxic-ischaemic cerebral insult”** means a loss of blood flow to the brain, leading to acute cerebral anoxia, attracting ICD code 348.1 or 997.0;

**“ICD code”** means a number assigned to a particular kind of injury or disease in the Australian Version of The International Classification of

Diseases, 9th revision, Clinical Modification (ICD-9-CM), effective date of 1 July 1995, copyrighted by the National Coding Centre, Faculty of Health Sciences, University of Sydney, NSW, and having ISBN 0 642 22235 5;

**“intracranial space occupying lesion”** means one of the following pathological entities occupying a delineated area within the cranial cavity, including:

- (a) primary or secondary malignant neoplasms of the brain or meninges; or
- (b) benign neoplasms of the brain or meninges; or
- (c) intracranial abscess; or
- (d) subdural or extradural abscess; or
- (e) tuberculoma of the brain; or
- (f) cerebral cysts; or
- (g) idiopathic space occupying lesion,

attracting ICD code 013.2, 013.3, 191, 192.1, 198.3, 198.4, 225.0, 225.2, 237.5, 237.6, 239.6, 324.0, 324.9 or 348.0;

**“psychoactive substance abuse or dependence involving alcohol”** means a maladaptive pattern of use of alcohol, that is indicated by either:

- (a) continued use of the substance despite knowledge of having a persistent or recurrent social, occupational, psychological or physical problem that is caused or exacerbated by use of the substance; or
- (b) recurrent use of the substance when use is physically hazardous (for example, driving while intoxicated),

attracting ICD code 303 or 305.0;

**“relevant service”** means:

- (a) eligible war service (other than operational service); or
- (b) defence service (other than hazardous service);

**“specified list of cerebrovascular diseases”** means one of several pathological processes involving the blood vessels of the brain, including:

- (a) intracerebral haemorrhage; or
- (b) subarachnoid haemorrhage; or
- (c) nontraumatic intracranial haemorrhage; or
- (d) embolic stroke; or

- (e) haemorrhagic stroke; or
- (f) cerebral infarction or cerebral embolism; or
- (g) precerebral arterial disease, or
- (h) cerebrovascular accident,

attracting ICD code 430, 431, 432, 433, 434, or 436;

“**viral encephalitis**” means viral infection and inflammation of the brain parenchyma, attracting ICD code 045, 046, 049.8, 049.9, 052.0, 054.3, 055.0, 056.01, 072.2, 323.0, or 323.6, or an ICD code in the range 062-064;

**Application**

- 8. This Instrument applies to all matters to which section 120B of the Act applies.

Dated this *Twenty-first* day of *May* 1996

The Common Seal of the )  
 Repatriation Medical Authority )  
 was affixed to this instrument )  
 in the presence of: )

KEN DONALD  
 CHAIRMAN