

Revocation and Determination

of

Statement of Principles concerning

CHRONIC SINUSITIS

Veterans' Entitlements Act 1986

1. The Repatriation Medical Authority under subsection **196B(2)** of the *Veterans' Entitlements Act 1986* (the Act):
 - (a) revokes Instrument No.211 of 1995; and
 - (b) determines in its place the following Statement of Principles.

Kind of injury, disease or death

2. (a) This Statement of Principles is about **chronic sinusitis** and **death from chronic sinusitis**.
 - (b) For the purposes of this Statement of Principles, “**chronic sinusitis**” means inflammation of the paranasal sinuses lasting for at least three months, of infectious or non-infectious aetiology, characterised by persistent sinus-related symptoms and radiographic or endoscopic evidence of persistent structural damage to the sinus.
 - (c) Chronic sinusitis attracts ICD-10-AM code J32.
 - (d) In the application of this Statement of Principles, the definition of “**chronic sinusitis**” is that given at para 2(b) above.

Basis for determining the factors

3. The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that **chronic sinusitis** and **death from chronic sinusitis** can be related to relevant service rendered by veterans, members of Peacekeeping Forces, or members of the Forces.

Factors that must be related to service

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

Factors

5. The factors that must as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting **chronic sinusitis** or **death from chronic sinusitis** with the circumstances of a person's relevant service are:
 - (a) suffering from acute sinusitis immediately before the clinical onset of chronic sinusitis; or
 - (b) suffering from impaired drainage of the sinus at the time of the clinical onset of chronic sinusitis; or
 - (c) suffering from a muco-ciliary transport abnormality at the time of the clinical onset of chronic sinusitis; or
 - (d) being infected with human immunodeficiency virus (HIV) at the time of the clinical onset of chronic sinusitis; or
 - (e) being in an immuno-compromised state at the time of the clinical onset of chronic sinusitis; or
 - (f) for chronic invasive fungal sinusitis only, suffering from diabetes mellitus at the time of the clinical onset of chronic sinusitis; or
 - (g) inhaling one of the specified substances which results in
 - (i) acute upper respiratory symptoms or signs within 48 hours, and
 - (ii) scarring or erosion of the nasal or sinus mucosa, before the clinical onset of chronic sinusitis; or
 - (h) for chronic sinusitis affecting the maxillary sinus only, suffering from a specified dental condition affecting the tissues adjacent to

the affected maxillary sinus at the time of the clinical onset of chronic sinusitis; or

- (i) suffering from allergic rhinitis at the time of the clinical onset of chronic sinusitis; or
- (j) suffering from sinus barotrauma immediately before the clinical onset of chronic sinusitis; or
- (k) undergoing a course of therapeutic radiation involving the affected site within the six weeks immediately before the clinical onset of chronic sinusitis; or
- (l) smoking more than ten cigarettes per day or the equivalent thereof in other tobacco products and having smoked at least one pack year of cigarettes or the equivalent thereof in other tobacco products, at the time of the clinical onset of chronic sinusitis; or
- (m) suffering from acute sinusitis immediately before the clinical worsening of chronic sinusitis; or
- (n) suffering from impaired drainage of the sinus at the time of the clinical worsening of chronic sinusitis; or
- (o) suffering from a muco-ciliary transport abnormality at the time of the clinical worsening of chronic sinusitis; or
- (p) being infected with human immunodeficiency virus (HIV) at the time of the clinical worsening of chronic sinusitis; or
- (q) being in an immuno-compromised state at the time of the clinical worsening of chronic sinusitis; or
- (r) for chronic invasive fungal sinusitis only, suffering from diabetes mellitus at the time of the clinical worsening of chronic sinusitis; or
- (s) inhaling one of the specified substances which results in
 - (i) acute upper respiratory symptoms or signs within 48 hours, and
 - (ii) scarring or erosion of the nasal or sinus mucosa, before the clinical worsening of chronic sinusitis; or

- (t) for chronic sinusitis affecting the maxillary sinus only, suffering from a specified dental condition affecting the tissues adjacent to the affected maxillary sinus at the time of the clinical worsening of chronic sinusitis; or
- (u) suffering from allergic rhinitis at the time of the clinical worsening of chronic sinusitis; or
- (v) suffering from sinus barotrauma immediately before the clinical worsening of chronic sinusitis; or
- (w) smoking more than ten cigarettes per day or the equivalent thereof in other tobacco products and having smoked at least one pack year of cigarettes or the equivalent thereof in other tobacco products, at the time of the clinical worsening of chronic sinusitis; or
- (x) inability to obtain appropriate clinical management for chronic sinusitis.

Factors that apply only to material contribution or aggravation

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

Inclusion of Statements of Principles

- 7. In this Statement of Principles if a relevant factor applies and that factor includes an injury or disease in respect of which there is a Statement of Principles then the factors in that last mentioned Statement of Principles apply in accordance with the terms of that Statement of Principles.

Other definitions

- 8. For the purposes of this Statement of Principles:

“a course of therapeutic radiation” means one or more fractions (treatment portions) of ionising radiation administered with the aim of achieving palliation or cure with gamma rays, x-rays, alpha particles or beta particles;

“a specified dental condition” means one of the following conditions:

- (a) periapical abscess;
- (b) periapical granuloma;
- (c) infected dental (apical or dentigerous) cyst;
- (d) oro-antral fistula;
- (e) non-vital tooth; or
- (f) periodontal disease;

“acute upper respiratory symptoms or signs” means:

- (a) rhinorrhea, or
- (b) irritation, inflammation, oedema, ulceration or haemorrhage of the nasal mucosa;

“chronic invasive fungal sinusitis” means a progressive fungal infection of the paranasal sinuses lasting for at least three months, with histopathological evidence of soft-tissue invasion by fungal hyphae;

“cigarettes per day or the equivalent thereof in other tobacco products” means either cigarettes, pipe tobacco or cigars, alone or in any combination where one tailor made cigarette approximates one gram of tobacco; or one gram of cigar, pipe or other smoking tobacco by weight;

“death from chronic sinusitis” in relation to a person includes death from a terminal event or condition that was contributed to by the person’s chronic sinusitis;

“ICD-10-AM code” means a number assigned to a particular kind of injury or disease in The International Statistical Classification of Diseases and Related Health Problems, 10th revision, Australian Modification (ICD-10-AM), Third Edition, effective date of 1 July 2002, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 1 86487 413 9;

“immuno-compromised state” means a state where the immune response has been attenuated by administration of immunosuppressive drugs, irradiation, certain types of infection, malnutrition, or a malignant disease process;

“impaired drainage of the sinus” means one of the following which leads to a narrowing or obstruction of the affected sinus or sinus opening:

- (a) an anatomical deformity including deviated septum, enlarged turbinates, adenoidal hypertrophy, fracture of the nasal bones or any other bony structural abnormalities; or
- (b) a soft tissue abnormality or mucosal swelling affecting the sinus including polyps, tumours, inflammation, sarcoidosis, granulomas, or scarring; or
- (c) a foreign body including nasal packing, naso-gastric or naso-tracheal tubes, dental detritus;

“muco-ciliary transport abnormality” means one of several hereditary disorders characterised by abnormal composition and function of the mucus and cilia of the epithelial cells, including Kartagener's syndrome, cystic fibrosis, Young's syndrome and the Immotile-Cilia syndrome;

“one of the specified substances” means mustard gas, lewisite, ammonia gas, chlorine gas, sulphur dioxide, nitrogen dioxide or cocaine;

“pack year of cigarettes or the equivalent thereof in other tobacco products” means a calculation of consumption where one pack year of cigarettes equals twenty tailor made cigarettes per day for a period of one calendar year, or 7 300 cigarettes. One tailor made cigarette approximates one gram of tobacco or one gram of cigar or pipe tobacco by weight. One pack year of tailor made cigarettes equates to 7 300 cigarettes, or 7.3kg of smoking tobacco by weight. Tobacco products means either cigarettes, pipe tobacco or cigars smoked, alone or in any combination;

“relevant service” means:

- (a) operational service; or
- (b) peacekeeping service; or
- (c) hazardous service;

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

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

Application

9. This Instrument applies to all matters to which section 120A of the Act applied.

Dated this *Twenty-ninth* day of *May* 2003

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

KEN DONALD
CHAIRMAN