

Statement of Principles
concerning

GASTRIC ULCER AND DUODENAL ULCER

No. 58 of 2006

for the purposes of the

Veterans' Entitlements Act 1986

and

Military Rehabilitation and Compensation Act 2004

Title

1. This Instrument may be cited as Statement of Principles concerning gastric ulcer and duodenal ulcer No. 58 of 2006.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 22 of 1999 concerning peptic ulcer disease; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **gastric ulcer and duodenal ulcer** and **death from gastric ulcer and duodenal ulcer**.
 - (b) For the purposes of this Statement of Principles:
 - (i) "**gastric ulcer**" means a non-malignant circumscribed break in the mucosal surface of the stomach, with a diameter of 3 millimetres or greater, and which extends through the muscularis mucosa into the submucosa; and
 - (ii) "**duodenal ulcer**" means a non-malignant circumscribed break in the mucosal surface of the duodenum, with a

diameter of 3 millimetres or greater, and which extends through the muscularis mucosa into the submucosa.

This definition excludes acute haemorrhagic gastritis, subepithelial haemorrhages, and acute superficial mucosal erosions of the stomach and duodenum.

- (c) Gastric ulcer or duodenal ulcer attracts ICD-10-AM code K25, K26 or K27.
- (d) In the application of this Statement of Principles, the definition of "**gastric ulcer and duodenal ulcer**" is that given at paragraph 3(b) above.

Basis for determining the factors

- 4. On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that **gastric ulcer or duodenal ulcer** and **death from gastric ulcer or duodenal ulcer** can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the *Military Rehabilitation and Compensation Act 2004* (the MRCA).

Factors that must be related to service

- 5. Subject to clause 7, at least one of the factors set out in clause 6 must be related to the relevant service rendered by the person.

Factors

- 6. The factor that must exist before it can be said that, on the balance of probabilities, **gastric ulcer or duodenal ulcer** or **death from gastric ulcer or duodenal ulcer** is connected with the circumstances of a person's relevant service is:
 - (a) having *Helicobacter pylori* infection of the stomach or duodenum at the time of the clinical onset of gastric ulcer or duodenal ulcer; or
 - (b) being treated with a non-topical nonsteroidal anti-inflammatory drug at least every other day during a continuous period of at least four weeks, within the two months before the clinical onset of gastric ulcer or duodenal ulcer; or
 - (c) smoking at least one pack year of cigarettes, or the equivalent thereof in other tobacco products, before the clinical onset of gastric ulcer or duodenal ulcer, and
 - (i) smoking commenced at least one year before the clinical onset of gastric ulcer or duodenal ulcer, and

- (ii) where smoking has ceased, the clinical onset has occurred within six months of cessation; or
- (d) having a gastrin-secreting tumour at the time of the clinical onset of gastric ulcer or duodenal ulcer; or
- (e) having a critical illness or injury within the seven days before the clinical onset of gastric ulcer or duodenal ulcer; or
- (f) being treated with a drug from Specified List 1 at the time of the clinical onset of gastric ulcer or duodenal ulcer; or
- (g) having *Helicobacter pylori* infection of the stomach or duodenum at the time of the clinical worsening of gastric ulcer or duodenal ulcer; or
- (h) being treated with a non-topical nonsteroidal anti-inflammatory drug at least every other day during a continuous period of at least four weeks, within the two months before the clinical worsening of gastric ulcer or duodenal ulcer; or
- (i) smoking at least one pack year of cigarettes, or the equivalent thereof in other tobacco products, before the clinical worsening of gastric ulcer or duodenal ulcer, and
 - (i) smoking commenced at least one year before the clinical worsening of gastric ulcer or duodenal ulcer, and
 - (ii) where smoking has ceased, the clinical worsening has occurred within six months of cessation; or
- (j) having a gastrin-secreting tumour at the time of the clinical worsening of gastric ulcer or duodenal ulcer; or
- (k) having a critical illness or injury within the seven days before the clinical worsening of gastric ulcer or duodenal ulcer; or
- (l) being treated with a drug from Specified List 2 at the time of the clinical worsening of gastric ulcer or duodenal ulcer; or
- (m) inability to obtain appropriate clinical management for gastric ulcer or duodenal ulcer.

Factors that apply only to material contribution or aggravation

7. Paragraphs 6(g) to 6(m) apply only to material contribution to, or aggravation of, gastric ulcer or duodenal ulcer where the person's gastric

ulcer or duodenal ulcer was suffered or contracted before or during (but not arising out of) the person's relevant service.

Inclusion of Statements of Principles

8. 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 as in force from time to time.

Other definitions

9. For the purposes of this Statement of Principles:

"a drug from specified list 1" means one of the following:

- (a) potassium chloride tablet (enteric-coated or wax formulation);
or
- (b) a bisphosphonate (including alendronate);

"a drug from specified list 2" means one of the following:

- (a) potassium chloride tablet (enteric-coated or wax formulation);
or
- (b) a bisphosphonate (including alendronate); or
- (c) an anticoagulant;

"critical illness or injury" means any physical injury or illness requiring mechanical ventilation support or admission to an intensive care unit, or which causes septicaemia, adult respiratory distress syndrome, acute renal tubular necrosis, disseminated intravascular coagulation or multiple organ failure;

"death from gastric ulcer or duodenal ulcer" in relation to a person includes death from a terminal event or condition that was contributed to by the person's gastric ulcer or duodenal ulcer;

"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), Fifth Edition, effective date of 1 July 2006, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 1 86487 772 3;

"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 7300 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 7300 cigarettes, or 7.3 kg of smoking tobacco by weight. Tobacco products means either cigarettes, pipe tobacco or cigars smoked, alone or in any combination;

"relevant service" means:

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

"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

- 10.** This Instrument applies to all matters to which section 120B of the VEA or section 339 of the MRCA applies.

Date of effect

- 11.** This Instrument takes effect from 8 November 2006.

Dated this *thirtieth* day of *October* 2006

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

KEN DONALD
CHAIRPERSON