



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
FIBROMYALGIA
(Balance of Probabilities)
(No. 108 of 2021)

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

Dated 22 October 2021

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

Professor Terence Campbell AM
Chairperson

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1 Name

This is the Statement of Principles concerning *fibromyalgia (Balance of Probabilities)* (No. 108 of 2021).

2 Commencement

This instrument commences on 22 November 2021.

3 Authority

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

4 Repeal

The Statement of Principles concerning fibromyalgia No. 14 of 2014 (Federal Register of Legislation No. F2014L00018) made under subsection 196B(3) of the VEA is repealed.

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 fibromyalgia and death from fibromyalgia.

Meaning of fibromyalgia

- (2) For the purposes of this Statement of Principles, fibromyalgia means a syndrome of chronic widespread pain, with associated somatic symptoms, that has persisted for at least 3 months, and which meets the following diagnostic criteria, as assessed by a medical practitioner:
- (a) a widespread pain index:
 - (i) of at least 7, with an associated symptom severity scale score of at least 5; or
 - (ii) from 4 to 6, with an associated symptom severity scale score of at least 9; and
 - (b) pain is present in at least 4 of 5 regions from the specified list of regions; and

- (c) the pain and symptoms are not better accounted for by another medical or psychiatric condition.

Note 1: Pain in the jaw, chest and abdomen does not count towards the number of regions, but does count towards the widespread pain index score of 0 to 19.

Note 2: *specified list of regions*, *symptom severity scale score* and *widespread pain index* are defined in the Schedule 1 - Dictionary.

- (3) While fibromyalgia attracts ICD-10-AM code M79.7, in applying this Statement of Principles the meaning of fibromyalgia 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)*, Tenth Edition, effective date of 1 July 2017, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-296-4.

Death from fibromyalgia

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

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 fibromyalgia and death from fibromyalgia can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the MRCA.

Note: *MRCA*, *relevant service* and *VEA* are 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, fibromyalgia or death from fibromyalgia is connected with the circumstances of a person's relevant service:

- (1) experiencing severe childhood abuse before the clinical onset of fibromyalgia;

Note: *severe childhood abuse* is defined in the Schedule 1 - Dictionary.

- (2) being overweight or obese at the time of the clinical onset of fibromyalgia;

Note: *being overweight or obese* is defined in the Schedule 1 - Dictionary.

- (3) having an autoimmune inflammatory condition which is associated with the development of arthritis at the time of the clinical onset of fibromyalgia;
- (4) inability to obtain appropriate clinical management for fibromyalgia.

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 factor set out in subsection 9(4) applies only to material contribution to, or aggravation of, fibromyalgia where the person's fibromyalgia 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:

being overweight or obese means having a Body Mass Index (BMI) of 25 or greater.

Note: ***BMI*** is also defined in the Schedule 1 - Dictionary.

BMI means W/H^2 where:

- (a) W is the person's weight in kilograms; and
- (b) H is the person's height in metres.

fibromyalgia—see subsection 7(2).

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

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.

Note: ***MRCA*** and ***VEA*** are also defined in the Schedule 1 - Dictionary.

severe childhood abuse means:

- (a) serious physical, emotional, psychological or sexual harm whilst a child aged under 16 years; or
- (b) neglect involving a serious failure to provide the necessities for health, physical and emotional development, or wellbeing whilst a child aged under 16 years;

where such serious harm or neglect has been perpetrated by a parent, a care provider, an adult who works with or around that child, or any other adult in contact with that child.

specified list of regions means:

- (a) left upper region, defined as left jaw, left shoulder girdle, left upper arm and left lower arm;
- (b) right upper region, defined as right jaw, right shoulder girdle, right upper arm and right lower arm;
- (c) left lower region, defined as left hip (including buttock and trochanter), left upper leg and left lower leg;
- (d) right lower region, defined as right hip (including buttock and trochanter), right upper leg and right lower leg; or
- (e) axial region, defined as neck, upper back, lower back, chest and abdomen.

symptom severity scale score means the combined total of:

- (a) the sum (scored from 0 to 9) of the severity of 3 symptoms (fatigue, waking unrefreshed and cognitive symptoms), where the level of severity of these symptoms is defined as:
 - (i) 0 = no problem;
 - (ii) 1 = slight or mild problems, generally mild or intermittent;
 - (iii) 2 = moderate, considerable problems, often present or present at a moderate level; or
 - (iv) 3 = severe, pervasive, continuous or life-disturbing problems; plus
- (b) the sum (scored from 0 to 3) of the number of a further 3 symptoms (headaches, pain or cramps in the lower abdomen, and depression) that the patient has been bothered by during the previous 6 months.

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*.

widespread pain index means the number of parts of the body within the specified list of regions in which the person has had pain in the last week (scored from 0 to 19).

Note: ***specified list of regions*** is also defined in the Schedule 1 - Dictionary.