

Statement of Principles
concerning

SINUSITIS

No. 9 of 2010

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 sinusitis No. 9 of 2010.

Determination

2. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 209 of 1995, as amended by Instrument No. 328 of 1995, concerning acute sinusitis, and Instrument No. 21 of 2003 concerning chronic sinusitis; and
 - (b) determines in their place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **sinusitis** and **death from sinusitis**.
 - (b) For the purposes of this Statement of Principles, "**sinusitis**" (also known as rhinosinusitis), means inflammation of the nasal cavity and the paranasal sinuses, fluid within the cavities, and/or involvement of the underlying bone and is characterised by two or more of the following symptoms:
 - (i) blockage and/or congestion;
 - (ii) discharge (anterior or postnasal drip);
 - (iii) facial pain and/or pressure; or

- (iv) reduction or loss of smell.

This definition includes acute sinusitis (also known as acute rhinosinusitis), and chronic sinusitis (also known as chronic rhinosinusitis).

- (c) Sinusitis attracts ICD-10-AM code J01 or J32.
- (d) In the application of this Statement of Principles, the definition of "**sinusitis**" is that given at paragraph 3(b) above.

Basis for determining the factors

- 4. The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that **sinusitis** and **death from sinusitis** can be related to relevant service rendered by veterans, members of Peacekeeping Forces, 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 as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting **sinusitis** or **death from sinusitis** with the circumstances of a person's relevant service is:
 - (a) having a viral respiratory tract infection at the time of the clinical onset of sinusitis; or
 - (b) having impaired drainage of the sinus at the time of the clinical onset of sinusitis; or
 - (c) being infected with human immunodeficiency virus at the time of the clinical onset of sinusitis; or
 - (d) being in an immunocompromised state at the time of the clinical onset of sinusitis; or
 - (e) having diabetes mellitus at the time of the clinical onset of sinusitis; or

- (f) inhaling a specified substance which results in:
 - (i) acute nasal symptoms or signs within 48 hours of the inhalation; and
 - (ii) scarring or erosion of the nasal or sinus mucosa, before the clinical onset of sinusitis; or
- (g) for sinusitis affecting the maxillary sinus only, having a specified dental condition affecting the tissues adjacent to the affected maxillary sinus at the time of the clinical onset of sinusitis; or
- (h) having allergic rhinitis at the time of the clinical onset of sinusitis; or
- (i) having sinus barotrauma at the time of the clinical onset of sinusitis; or
- (j) undergoing a course of therapeutic radiation to the head within the six weeks before the clinical onset of sinusitis; or
- (k) smoking on average at least 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 sinusitis; or
- (l) having gastroesophageal reflux disease at the time of the clinical onset of sinusitis; or
- (m) having a viral respiratory tract infection at the time of the clinical worsening of sinusitis; or
- (n) having impaired drainage of the sinus at the time of the clinical worsening of sinusitis; or
- (o) being infected with human immunodeficiency virus at the time of the clinical worsening of sinusitis; or
- (p) being in an immunocompromised state at the time of the clinical worsening of sinusitis; or
- (q) having diabetes mellitus at the time of the clinical worsening of sinusitis; or

- (r) inhaling a specified substance which results in:
 - (i) acute nasal symptoms or signs within 48 hours of the inhalation; and
 - (ii) scarring or erosion of the nasal or sinus mucosa, before the clinical worsening of sinusitis; or
- (s) for sinusitis affecting the maxillary sinus only, having a specified dental condition affecting the tissues adjacent to the affected maxillary sinus at the time of the clinical worsening of sinusitis; or
- (t) having allergic rhinitis at the time of the clinical worsening of sinusitis; or
- (u) having sinus barotrauma at the time of the clinical worsening of sinusitis; or
- (v) undergoing a course of therapeutic radiation to the head within the six weeks before the clinical worsening of sinusitis; or
- (w) smoking on average at least 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 sinusitis; or
- (x) having gastroesophageal reflux disease at the time of the clinical worsening of sinusitis; or
- (y) inability to obtain appropriate clinical management for sinusitis.

Factors that apply only to material contribution or aggravation

7. Paragraphs 6(m) to 6(y) apply only to material contribution to, or aggravation of, sinusitis where the person's sinusitis 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 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) endosseous implants;
- (b) infected dental (apical or dentigerous) cyst;
- (c) non-vital tooth;
- (d) oro-antral fistula;
- (e) periapical abscess;
- (f) periapical granuloma; or
- (g) periodontal disease;

"a specified substance" means mustard gas, lewisite, ammonia gas, chlorine gas, sulphur dioxide, nitrogen dioxide or cocaine;

"a viral respiratory tract infection" means an acute infection of the respiratory epithelium by a range of viruses including rhinovirus, coronavirus, influenza virus, causing such illnesses as the common cold, laryngotracheobronchitis, tracheitis, bronchitis and pneumonia;

"acute nasal symptoms or signs" means:

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

"an immunocompromised state" means a state where the immune response has been attenuated by administration of immunosuppressive drugs, irradiation, malnutrition, a malignant disease process or certain types of infection;

"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;

"death from sinusitis" in relation to a person includes death from a terminal event or condition that was contributed to by the person's 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), Sixth Edition, effective date of 1 July 2008, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 978 1 74210 016 6;

"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 facial bones or any other bony structural abnormalities;
- (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, nasogastric or nasotracheal tubes, or dental detritus;

"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) operational service under the VEA;
- (b) peacekeeping service under the VEA;
- (c) hazardous service under the VEA;
- (d) warlike service under the MRCA; or
- (e) non-warlike 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 120A of the VEA or section 338 of the MRCA applies.

Date of effect

- 11.** This Instrument takes effect from 10 March 2010.

Dated this **first** day of **March**
2010

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

KEN DONALD
CHAIRPERSON