



Statement of Principles concerning gingivitis (Balance of Probabilities) (No. 18 of 2022)

made under subsection 196B(3) of the

Veterans' Entitlements Act 1986

Compilation No. 1

Compilation date: 21 November 2022

Includes amendments up to: Amendment Statement of Principles concerning gingivitis (Balance of Probabilities) (No. 116 of 2022) (F2022L01395)

The day of commencement of this Amendment Statement of Principles concerning gingivitis is 21 November 2022.

Prepared by the Repatriation Medical Authority Secretariat, Brisbane

About this compilation

This compilation

This is a compilation of the *Statement of Principles concerning gingivitis (Balance of Probabilities)* (No. 18 of 2022) that shows the text of the law as amended and in force on 21 November 2022.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name

This is the Statement of Principles concerning *gingivitis (Balance of Probabilities)* (No. 18 of 2022).

3 Authority

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

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 gingivitis and death from gingivitis.

*Meaning of **gingivitis***

- (2) For the purposes of this Statement of Principles, gingivitis:
- (a) means an acute or chronic inflammation of the gums, limited to the mucosal epithelial tissue overlying the alveolar ridge and surrounding the necks of erupted teeth; and
 - (b) includes:
 - (i) acute necrotising ulcerative gingivitis;
 - (ii) desquamative gingivitis;
 - (iii) gingival abscess;
 - (iv) linear gingival erythema;
 - (v) peri-implant mucositis; and
 - (vi) plasma cell gingivitis; and
 - (c) excludes:
 - (i) destructive gingival inflammation extending beyond the gums into the underlying supporting structures of the teeth;
 - (ii) gingival hyperplasia and overgrowth;

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- (iii) gingival recession; and
 - (iv) oral aphthae.
- (3) While gingivitis attracts ICD-10-AM code A69.1, K05.0 or K05.1, in applying this Statement of Principles the meaning of gingivitis 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 gingivitis

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

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 gingivitis and death from gingivitis 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, gingivitis or death from gingivitis is connected with the circumstances of a person's relevant service:

- (1) being prevented from cleaning the teeth, including toothbrushing and interdental cleansing, for a continuous period of at least 14 days, within the 30 days before the clinical onset of gingivitis;
- (2) having a foreign body embedded in the affected region of the gums at the time of the clinical onset of gingivitis;

Note: Examples of a foreign body embedded in the gums include a fixed orthodontic appliance, an osseointegrated implant or dental prosthesis, particulate materials derived from dental procedures and shrapnel.

- (3) having trauma to the affected region of the gums within the 2 weeks before the clinical onset of gingivitis;

Note: *trauma to the affected region of the gums* is defined in the Schedule 1 - Dictionary.

- (4) having direct exposure of the affected area to an irritant substance within the 3 days before the clinical onset of gingivitis;

Note: *irritant substance* is defined in the Schedule 1 - Dictionary.

- (5) having direct exposure of the affected area to an allergen within the 3 days before the clinical onset of gingivitis;

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

- (6) having infection with human immunodeficiency virus at the time of the clinical onset of gingivitis;

- (7) having chronic renal failure at the time of the clinical onset of gingivitis;

Note: *chronic renal failure* is defined in the Schedule 1 - Dictionary.

- (8) having leukaemia or lymphoma at the time of the clinical onset of gingivitis;

- (9) taking a drug that causes neutropenia or agranulocytosis, at the time of the clinical onset of gingivitis;

Note: Examples of drugs that cause neutropenia or agranulocytosis include clozapine, sulfasalazine, ticlopidine and thioamides such as methimazole, carbimazole and propylthiouracil.

- (10) having severe vitamin C deficiency at the time the of clinical onset of gingivitis;

Note: *severe vitamin C deficiency* is defined in the Schedule 1 - Dictionary.

- (11) having stem cell transplant or bone marrow transplant before the clinical onset of gingivitis;

- (12) being pregnant at the time of the clinical onset of gingivitis;

- (13) using the combined oral contraceptive pill as specified for a continuous period of at least the 4 weeks before the clinical onset of gingivitis;

Note: *combined oral contraceptive pill as specified* is defined in the Schedule 1 - Dictionary.

- (14) having an autoimmune or mucocutaneous disease from the specified list of autoimmune or mucocutaneous diseases at the time of the clinical onset of gingivitis;

Note: *specified list of autoimmune or mucocutaneous diseases* is defined in the Schedule 1 - Dictionary.

- (15) having diabetes mellitus at the time of the clinical onset of gingivitis;

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- (16) having infection involving the affected region of the gums at the time of the clinical onset of gingivitis;

Note: Examples of infections that may involve the gums include tuberculosis, gonorrhoea, syphilis, chickenpox, candidiasis, histoplasmosis, herpes simplex and hand, foot and mouth disease.

- (17) for acute necrotising ulcerative gingivitis only:

- (a) having severe malnutrition at the time of the clinical onset of acute necrotising ulcerative gingivitis; or
- (b) having smoked tobacco products:
 - (i) in an amount of at least 5 pack-years before the clinical onset of acute necrotising ulcerative gingivitis; and
 - (ii) if smoking has ceased before the clinical onset of acute necrotising ulcerative gingivitis, then that onset occurred within 1 month of cessation;

Note: *acute necrotising ulcerative gingivitis* and *one pack-year* are defined in the Schedule 1 - Dictionary.

- (18) being prevented from cleaning the teeth, including toothbrushing and interdental cleansing, for a continuous period of at least 14 days, within the 30 days before the clinical worsening of gingivitis;

- (19) having a foreign body embedded in the affected region of the gums at the time of the clinical worsening of gingivitis;

Note: Examples of a foreign body embedded in the gums include a fixed orthodontic appliance, an osseointegrated implant or dental prosthesis, particulate materials derived from dental procedures and shrapnel.

- (20) having trauma to the affected region of the gums within the 2 weeks before the clinical worsening of gingivitis;

Note: *trauma to the affected region of the gums* is defined in the Schedule 1 - Dictionary.

- (21) having direct exposure of the affected area to an irritant substance within the 3 days before the clinical worsening of gingivitis;

Note: *irritant substance* is defined in the Schedule 1 - Dictionary.

- (22) having direct exposure of the affected area to an allergen within the 3 days before the clinical worsening of gingivitis;

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

- (23) having infection with human immunodeficiency virus at the time of the clinical worsening of gingivitis;

- (24) having chronic renal failure at the time of the clinical worsening of gingivitis;

Note: *chronic renal failure* is defined in the Schedule 1 - Dictionary.

(25) having leukaemia or lymphoma at the time of the clinical worsening of gingivitis;

(26) taking a drug that causes neutropenia or agranulocytosis, at the time of the clinical worsening of gingivitis;

Note: Examples of drugs that cause neutropenia or agranulocytosis include clozapine, sulfasalazine, ticlopidine and thioamides such as methimazole, carbimazole and propylthiouracil.

(27) having severe vitamin C deficiency at the time of the clinical worsening of gingivitis;

Note: *severe vitamin C deficiency* is defined in the Schedule 1 - Dictionary.

(28) having stem cell transplant or bone marrow transplant before the clinical worsening of gingivitis;

(29) being pregnant at the time of the clinical worsening of gingivitis;

(30) using the combined oral contraceptive pill as specified for a continuous period of at least the 4 weeks before the clinical worsening of gingivitis;

Note: *combined oral contraceptive pill as specified* is defined in the Schedule 1 - Dictionary.

(31) having an autoimmune or mucocutaneous disease from the specified list of autoimmune or mucocutaneous diseases at the time of the clinical worsening of gingivitis;

Note: *specified list of autoimmune or mucocutaneous diseases* is defined in the Schedule 1 - Dictionary.

(32) having diabetes mellitus at the time of the clinical worsening of gingivitis;

(33) having infection involving the affected region of the gums at the time of the clinical worsening of gingivitis;

Note: Examples of infections that may involve the gums include tuberculosis, gonorrhoea, syphilis, chickenpox, candidiasis, histoplasmosis, herpes simplex and hand, foot and mouth disease.

(34) for acute necrotising ulcerative gingivitis only:

(a) having severe malnutrition at the time of the clinical worsening of acute necrotising ulcerative gingivitis; or

(b) having smoked tobacco products:

(i) in an amount of at least 5 pack-years before the clinical worsening of acute necrotising ulcerative gingivitis; and

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- (ii) if smoking has ceased before the clinical worsening of acute necrotising ulcerative gingivitis, then that worsening occurred within 1 month of cessation;

Note: *acute necrotising ulcerative gingivitis* and *one pack-year* are defined in the Schedule 1 - Dictionary.

- (35) inability to obtain appropriate clinical management for gingivitis.

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 factors set out in subsections 9(18) to 9(35) apply only to material contribution to, or aggravation of, gingivitis where the person's gingivitis 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:

acute necrotising ulcerative gingivitis means a painful and rapidly progressive inflammation of the gums characterised by gingival bleeding with interdental soft tissue necrosis and ulceration.

Note: Acute necrotising ulcerative gingivitis is also known as Vincent gingivitis and trench mouth.

allergen means an antigenic substance capable of producing an immune response.

chronic renal failure means:

- (a) having a glomerular filtration rate of less than 15 mL/min/1.73 m² for a period of at least 3 months; or
- (b) a need for renal replacement therapy (dialysis or transplantation) for treatment of complications of decreased glomerular filtration rate which would otherwise increase the risk of morbidity and mortality; or
- (c) undergoing chronic dialysis.

combined oral contraceptive pill as specified means an oral contraceptive pill containing estrogen at a minimum dose of 50 micrograms and a progestogen.

gingivitis—see subsection 7(2).

irritant substance means a chemical which causes an inflammatory effect on living tissue by chemical action at the site of contact.

Note: Examples of irritant substances include tooth whitening products, dentrifices and mouthwashes.

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

one pack-year means the amount of tobacco consumed in smoking 20 cigarettes per day for a period of 1 year, or an equivalent amount of tobacco products.

Note 1: An equivalent amount of tobacco products is 7,300 grams of smoking tobacco by weight, either in cigarettes, pipe tobacco or cigars, or a combination of same. For pipe tobacco, cigars or combinations of multiple tobacco types, 1 gram of tobacco is considered to be equal to one cigarette.

Note 2: Pack-years are calculated by dividing the number of cigarettes smoked per day by 20 and multiplying this number by the number of years the person has smoked. For example, smoking 10 cigarettes per day for 10 years is equal to 5 pack-years, and smoking 40 cigarettes per day for 10 years is equal to 20 pack-years.

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 vitamin C deficiency means symptoms of scurvy or a serum ascorbic acid level of less than 2.5 milligrams per litre.

specified list of autoimmune or mucocutaneous diseases means:

- (a) bullous pemphigoid;
- (b) chronic ulcerative stomatitis;
- (c) dermatomyositis;
- (d) discoid lupus erythematosus;
- (e) epidermolysis bullosa acquisita;
- (f) erythema multiforme;
- (g) linear IgA disease;
- (h) mixed connective tissue disease;
- (i) mucous membrane pemphigoid;
- (j) oral lichen planus;
- (k) oral lichenoid lesions;
- (l) pemphigus vulgaris;
- (m) psoriasis;
- (n) Sjögren syndrome; or
- (o) systemic lupus erythematosus.

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.

trauma to the affected region of the gums means physical injury to the gingival tissues by various mechanisms including thermal, electrical and chemical burns, abrasion, and blunt or penetrating trauma.

Note: Examples of trauma to the gums include tooth fractures, inappropriate teeth cleaning (including toothbrushing or dental flossing), damage to the gums with sharp instruments and thermal burns from the consumption of hot foods or beverages.

VEA means the *Veterans' Entitlements Act 1986*.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	orig = original
am = amended	par = paragraph(s)/subparagraph(s)
amdt = amendment	/sub-subparagraph(s)
c = clause(s)	pres = present
C[x] = Compilation No. x	prev = previous
Ch = Chapter(s)	(prev...) = previously
def = definition(s)	Pt = Part(s)
Dict = Dictionary	r = regulation(s)/rule(s)
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md not incorp) = misdescribed amendment	SLI = Select Legislative Instrument
cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
<i>Statement of Principles concerning gingivitis (Balance of Probabilities) (No. 18 of 2022)</i>	4 January 2022 F2022L00011	31 January 2022	
<i>Amendment Statement of Principles concerning gingivitis (Balance of Probabilities) (No. 116 of 2022)</i>	24 October 2022 F2022L01395	21 November 2022	

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Section 2.....	rep LA s 48D
Section 4.....	rep LA s 48C
Schedule 1 – Dictionary – combined oral contraceptive pill as specified.....	rs No. 116 of 2022