

Revocation and Determination

of

Statement of Principles concerning

HEPATITIS B

ICD-9-CM CODES: 070.2, 070.3

Veterans' Entitlements Act 1986

1. The Repatriation Medical Authority under subsection **196B(3)** of the *Veterans' Entitlements Act 1986* (the Act):
 - (a) revokes Instrument No.42 of 1995;
 - (b) determines in its place the following Statement of Principles.

Kind of injury, disease or death

2. (a) This Statement of Principles is about **hepatitis B** and **death from hepatitis B**.
 - (b) For the purposes of this Statement of Principles, "**hepatitis B**", means infection with a partially double stranded deoxyribonucleic acid (DNA) virus which results in antigens to hepatitis B, attracting ICD code 070.2 or 070.3

Basis for determining the factors

3. On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that **hepatitis B and death from hepatitis B** can be related to relevant service rendered by veterans 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 exist before it can be said that, on the balance of probabilities, **hepatitis B** or **death from hepatitis B** is connected with the circumstances of a person's relevant service are:

- (a) in relation to hepatitis B where there is evidence of recent infection:

- (i) having received a blood transfusion or blood product injection or organ transplant, that was positive for hepatitis B, within the six months immediately before the existence of the evidence of the recent infection; or

- (ii) having had a wound, laceration, or other injury or disease disrupting skin integrity that may have been contaminated by the body fluids of a person who was shown to be hepatitis B positive, and that contamination having occurred within the six months immediately before the existence of evidence of the recent Hepatitis B infection; or

- (b) in relation to hepatitis B where there is evidence of recent infection and there are no other significant risk factors:

- (i) having received a blood transfusion or blood product injection or organ transplant, that was not screened for hepatitis B, within the six months immediately before the existence of the evidence of the recent hepatitis B infection; or

- (ii) having had an injection or dental procedure or surgical procedure (including tattooing) within the six months immediately before the existence of the evidence of the recent hepatitis B infection and for which the instruments used in those procedures were not sterilised; or

- (iii) having had a wound, laceration, or other injury or disease disrupting skin integrity that may have been contaminated by the body fluids of a person not shown to be hepatitis B negative, and that contamination having occurred within the six months immediately before the existence of evidence of the recent hepatitis B infection; or

- (iv) being a parenteral drug user and sharing needles with a person not shown to be hepatitis B negative within the six months immediately before the existence of the evidence of the recent hepatitis B infection; or
 - (v) having had unprotected sexual intercourse with a person not shown to be hepatitis B negative within the six months immediately before the existence of the evidence of the recent hepatitis B infection; or
- (c) in relation to hepatitis B where there is evidence of non-recent infection:
- (i) having received a blood transfusion or blood product injection or organ transplant shown to be hepatitis B positive more than four months before the existence of the evidence of non-recent infection, or
 - (ii) having had a wound, laceration, or other injury or disease disrupting skin integrity that may have been contaminated by the body fluids of a person shown to be hepatitis B positive, and that contamination occurring more than four months before the existence of evidence of non-recent hepatitis B infection; or
- (d) in relation to hepatitis B where there is evidence of non-recent infection and without other significant risk factors:
- (i) having received a blood transfusion or blood product injection or organ transplant more than four months before the existence of the evidence of non-recent hepatitis B infection and that procedure was not screened for hepatitis B; or
 - (ii) having had an injection or dental procedure or surgical procedure (including tattooing) more than four months before the existence of the evidence of non recent hepatitis B infection and for which the instruments used in those procedures were not sterilised; or
 - (iii) having had a wound, laceration, or other injury or disease disrupting skin integrity that may have been contaminated by the body fluids of a person not shown to be hepatitis B negative, and that contamination occurring more than four months before the existence of evidence of non-recent hepatitis B infection; or

- (iv) being a parenteral drug user and sharing needles with a person not shown to be hepatitis B negative more than four months before the evidence of the existence of the non-recent hepatitis B infection; or
 - (v) having had unprotected sexual intercourse with a person not shown to be hepatitis B negative more than four months before the existence of the evidence of the non-recent hepatitis B infection; or
- (e) inability to obtain appropriate clinical management for hepatitis B.

Factors that apply only to material contribution or aggravation

6. Paragraph 5(e) applies only to material contribution to, or aggravation of, hepatitis B where the person's hepatitis B was suffered or contracted before or during (but not arising out of) the person's relevant service; paragraph 8(1)(e), 9(1)(e) or 70(5)(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:

“blood product injection” means the injection of material extracted from human blood;

“body fluids” means blood, serum, serous discharge, saliva, tears, seminal fluid, bile, or vaginal secretions;

“death from hepatitis B” in relation to a person includes death from a terminal event or condition that was contributed to by the person's hepatitis B;

“evidence of non-recent infection” means:

- (a) declining levels of IgM anti-HBc; or
- (b) the presence of antibody to hepatitis B core Antigen (IgG anti-HBc); or
- (c) the presence of HBsAg and total anti-HBc, in the absence of IgM anti-HBc; or
- (d) the presence of total anti-HBc and anti-HBs;

“evidence of recent infection” means:

- (a) rising levels of hepatitis B Surface antigen (HBsAg); or
- (b) the presence of IgM antibody to hepatitis B core Antigen (IgM anti-HBc); or
- (c) converting from HBsAg negative to HBsAg positive and being positive for total anti-HBc; or
- (d) the presence of HBsAg and IgM anti-HBc;

“ICD-9-CM code” means a number assigned to a particular kind of injury or disease in the Australian Version of The International Classification of Diseases, 9th revision, Clinical Modification (ICD-9-CM), effective date of 1 July 1996, copyrighted by the National Coding Centre, Faculty of Health Sciences, University of Sydney, NSW, and having ISBN 0 642 24447 2;

“parenteral drug user” means a person who injects or causes to be injected addictive or recreational drugs into their body;

“relevant service” means:

- (a) eligible war service (other than operational service); or
- (b) defence service (other than hazardous service);

“sexual intercourse” means sexual intercourse in which there is an exchange of body fluids.

“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 120B of the Act applies.

Dated this *Fourteenth* day of *January* 1999

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

KEN DONALD
CHAIRMAN