

Statement of Principles
concerning

CHICKEN POX

No. 26 of 2007

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 chicken pox No. 26 of 2007.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 59 of 1994, as amended by Instrument No. 187 of 1995, concerning chicken pox; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **chicken pox** and **death from chicken pox**.
 - (b) For the purposes of this Statement of Principles, "**chicken pox**" means a highly contagious infection caused by the varicella-zoster virus (VZV). It is usually characterised by generalised skin lesions progressing from maculopapules to vesicles and scabs in various stages of evolution. This definition excludes herpes zoster.
 - (c) Chicken pox attracts ICD-10-AM code B01.

- (d) In the application of this Statement of Principles, the definition of "**chicken pox**" 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 **chicken pox** and **death from chicken pox** 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, **chicken pox** or **death from chicken pox** is connected with the circumstances of a person's relevant service is:
- (a) being exposed to the varicella-zoster virus between 10 and 21 days before the clinical onset of chicken pox; or
 - (b) for vaccine strain chicken pox, having live attenuated varicella vaccine between 5 and 45 days before the clinical onset of chicken pox; or
 - (c) being in an immunocompromised state at the time of the clinical onset of chicken pox; or
 - (d) being in an immunocompromised state at the time of the clinical worsening of chicken pox; or
 - (e) inability to obtain appropriate clinical management for chicken pox.

Factors that apply only to material contribution or aggravation

7. Paragraphs **6(d) to 6(e)** apply only to material contribution to, or aggravation of, chicken pox where the person's chicken pox 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:

"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;

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

"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;

"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;

"vaccine strain chicken pox" means chicken pox attributed to the vaccine strain varicella-zoster virus by means of isolating the vaccine strain virus from the lesions.

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 7 March 2007.

Dated this *twenty-second* day of *February* 2007

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

KEN DONALD
CHAIRPERSON