

Statement of Principles
concerning

INGROWING NAIL

No. 93 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 ingrowing nail No. 93 of 2007.

Determination

2. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 13 of 1994, as amended by Instrument No. 221 of 1995, concerning ingrown toenail; and
 - (b) determines in their place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **ingrowing nail** and **death from ingrowing nail**.
 - (b) For the purposes of this Statement of Principles, "**ingrowing nail**" means a condition in which the nail plate penetrates the soft tissue of the nail fold resulting in inflammation and pain.
 - (c) Ingrowing nail attracts ICD-10-AM code L60.0.
 - (d) In the application of this Statement of Principles, the definition of "**ingrowing nail**" 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 **ingrowing nail** and **death from ingrowing nail** 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 **ingrowing nail** or **death from ingrowing nail** with the circumstances of a person's relevant service is:
 - (a) having a deformity of the affected digit or the affected nail bed at the time of the clinical onset of ingrowing nail; or
 - (b) having an injury to the affected nail or the affected nail bed within the four weeks before the clinical onset of ingrowing nail; or
 - (c) receiving treatment with an epidermal growth factor receptor inhibitor or receiving antiviral treatment with indinavir, at the time of the clinical onset of ingrowing nail; or
 - (d) for ingrowing toenail only,
 - (i) having poor nail care of the affected nail within the seven days before the clinical onset of ingrowing nail; or
 - (ii) wearing ill-fitting footwear on the affected foot, for at least eight hours within the four weeks, before the clinical onset of ingrowing nail; or
 - (e) having an injury to the affected nail or the affected nail bed within the four weeks before the clinical worsening of ingrowing nail; or
 - (f) receiving treatment with an epidermal growth factor receptor inhibitor or receiving antiviral treatment with indinavir, at the time of the clinical worsening of ingrowing nail; or

- (g) for ingrowing toenail only,
 - (i) having poor nail care of the affected nail within the seven days before the clinical worsening of ingrowing nail; or
 - (ii) having poor foot hygiene of the affected foot within the seven days before the clinical worsening of ingrowing nail; or
 - (iii) wearing ill-fitting footwear on the affected foot, for at least eight hours within the four weeks, before the clinical worsening of ingrowing nail; or
- (h) inability to obtain appropriate clinical management for ingrowing nail.

Factors that apply only to material contribution or aggravation

- 7. Paragraphs **6(e) to 6(h)** apply only to material contribution to, or aggravation of, ingrowing nail where the person's ingrowing nail 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 deformity of the affected digit or the affected nail bed" means an abnormality of the affected finger or the affected toe which leads the nail to push into the proximate soft tissue;

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

"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;

"ill-fitting footwear" means footwear that is too narrow or too short, and which lacks the pliability to avoid lateral compression of the toes;

"poor foot hygiene" means a failure to wash either feet or socks regularly or a failure to keep the skin of the feet dry;

"poor nail care" means a failure to trim the nails adequately or the practice of trimming the toenails towards the base of the nail rather than straight across the top;

"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 19 September 2007.

Dated this *fifth* day of *September* 2007

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

KEN DONALD
CHAIRPERSON