

Statement of Principles
concerning

RHEUMATOID ARTHRITIS

No. 69 of 2008

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 rheumatoid arthritis No. 69 of 2008.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 33 of 2004 concerning rheumatoid arthritis; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **rheumatoid arthritis** and **death from rheumatoid arthritis**.
 - (b) For the purposes of this Statement of Principles, "**rheumatoid arthritis**" means a multisystem disease persisting for a continuous period of at least six weeks, characterised by inflammatory synovitis, usually involving peripheral joints in a symmetrical distribution, sometimes including cartilage damage and bone erosions and changes in joint integrity, in addition to systemic manifestations. This definition excludes juvenile

rheumatoid arthritis and non-rheumatoid inflammatory arthritis, including post-infectious and reactive arthropathies.

- (c) Rheumatoid arthritis attracts ICD-10-AM code M05 or M06.
- (d) In the application of this Statement of Principles, the definition of "**rheumatoid arthritis**" 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 **rheumatoid arthritis** and **death from rheumatoid arthritis** 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, **rheumatoid arthritis** or **death from rheumatoid arthritis** is connected with the circumstances of a person's relevant service is:
 - (a) for seropositive rheumatoid arthritis only, smoking at least ten pack years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical onset of rheumatoid arthritis, and where smoking has ceased, the clinical onset has occurred within ten years of cessation; or
 - (b) inhaling respirable crystalline silica dust, at the time material containing crystalline silica was being:
 - (i) produced;
 - (ii) excavated;
 - (iii) drilled, cut or ground; or
 - (iv) used in construction, manufacturing, cleaning or blasting,for a cumulative period of at least 5000 hours within the ten years before the clinical onset of rheumatoid arthritis; or
 - (c) being treated with interferon- α within the eight weeks before the clinical onset of rheumatoid arthritis; or

- (d) for seropositive rheumatoid arthritis only, smoking at least ten pack years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical worsening of rheumatoid arthritis, and where smoking has ceased, the clinical worsening has occurred within five years of cessation; or
- (e) inhaling respirable crystalline silica dust, at the time material containing crystalline silica was being:
 - (i) produced;
 - (ii) excavated;
 - (iii) drilled, cut or ground; or
 - (iv) used in construction, manufacturing, cleaning or blasting,for a cumulative period of at least 5000 hours within the ten years before the clinical worsening of rheumatoid arthritis; or
- (f) being treated with interferon- α within the eight weeks before the clinical worsening of rheumatoid arthritis
- (g) inability to obtain appropriate clinical management for rheumatoid arthritis.

Factors that apply only to material contribution or aggravation

- 7. Paragraphs **6(d) to 6(g)** apply only to material contribution to, or aggravation of, rheumatoid arthritis where the person's rheumatoid arthritis 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:

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

"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;

"pack years 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) 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;

"seropositive rheumatoid arthritis" means rheumatoid arthritis accompanied by serological evidence of elevated levels of rheumatoid factor or the presence of anti-cyclic-citrullinated peptide antibodies;

"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 120B of the VEA or section 339 of the MRCA applies.

Date of effect

11. This Instrument takes effect from 5 November 2008.

Dated this *twenty-second* day of *October* 2008

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

KEN DONALD
CHAIRPERSON