



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
PHOTOCONTACT DERMATITIS
(Balance of Probabilities)
(No. 83 of 2020)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

Dated 30 October 2020

The Common Seal of the
Repatriation Medical Authority
was affixed to this instrument
at the direction of:

A handwritten signature in black ink, appearing to read 'N. Saunders'.

Professor Nicholas Saunders AO
Chairperson

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1 Name

This is the Statement of Principles concerning *photocontact dermatitis (Balance of Probabilities)* (No. 83 of 2020).

2 Commencement

This instrument commences on 30 November 2020.

3 Authority

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

4 Repeal

The Statement of Principles concerning photocontact dermatitis No. 109 of 2011 (Federal Register of Legislation No. F2011L01744) made under subsection 196B(3) of the VEA is repealed.

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 photocontact dermatitis and death from photocontact dermatitis.

Meaning of photocontact dermatitis

- (2) For the purposes of this Statement of Principles, photocontact dermatitis:
- (a) means inflammation of an area of the skin from exposure to light in the presence of a phototoxic agent or photoallergen that has been applied to the same area of skin; and
 - (b) includes phototoxic contact dermatitis and photoallergic contact dermatitis; and
 - (c) excludes:
 - (i) allergic contact dermatitis;
 - (ii) irritant contact dermatitis;

- (iii) phototoxic contact dermatitis due to systemic administration of a phototoxicant; and
- (iv) systemic allergic dermatitis.

Note 1: Phototoxic contact dermatitis typically presents as an exaggerated sunburn while photoallergic contact dermatitis typically presents as an eczema like rash in sun-exposed skin.

Note 2: *light* is defined in the Schedule 1 - Dictionary.

- (3) While photocontact dermatitis attracts ICD-10-AM code L56.2, in applying this Statement of Principles the meaning of photocontact dermatitis 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 photocontact dermatitis

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

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

- (1) having the affected area of skin exposed to light in the presence of a phototoxic agent within the 48 hours before the clinical onset of photocontact dermatitis;

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

- (2) for photoallergic contact dermatitis only, having the affected area of skin exposed to light in the presence of a photoallergen within the five days before the clinical onset of photoallergic contact dermatitis;

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

Note 2: The initial sensitising exposure to a photoallergen may be either systemic or cutaneous and may have occurred months to years before the re-exposure that has resulted in the photocontact dermatitis.

Note 3: Cross-photosensitisation may occur between photoallergens (for example ketoprofen and sunscreens containing benzophenones).

- (3) having the affected area of skin exposed to light in the presence of a phototoxic agent within the 48 hours before the clinical worsening of photocontact dermatitis;

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

- (4) for photoallergic contact dermatitis only, having the affected area of skin exposed to light in the presence of a photoallergen within the five days before the clinical worsening of photoallergic contact dermatitis;

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

Note 2: The initial sensitising exposure to a photoallergen may be either systemic or cutaneous and may have occurred months to years before the re-exposure that has resulted in the photocontact dermatitis.

Note 3: Cross-photosensitisation may occur between photoallergens (for example ketoprofen and sunscreens containing benzophenones).

- (5) inability to obtain appropriate clinical management for photocontact dermatitis.

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(3) to 9(5) apply only to material contribution to, or aggravation of, photocontact dermatitis where the person's photocontact dermatitis 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:

light means sunlight, and natural and artificial sources of ultraviolet light and visible light. Exposure to light may occur outdoors or indoors (for example through glass windows, under operating theatre lights or lamps that produce ultraviolet light during therapy).

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

photoallergen means a substance which, when present in an area of skin which is exposed to light, is capable of producing an immune response and inflammation.

Note: Examples of a photoallergen include UV absorbers in sunscreens and cosmetics (octocrylene, benzophenones, cinnamates, para-aminobenzoic acid derivatives), topical non-steroidal anti-inflammatory agents (ketoprofen, piroxicam), fragrance chemicals (methyl coumarins, musk ambrette) and antimicrobials (fentichlor, hexachlorophene).

photocontact dermatitis—see subsection 7(2).

phototoxic agent means a topical substance which, when present in an area of skin which is exposed to light, is capable of producing direct tissue injury and inflammation.

Note: Examples of a phototoxic agent include coal tar cream, fluorouracil cream, sap of fig trees, lime or lemon juice, cosmetic products, PUVA and photodynamic topical therapy.

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.

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.

VEA means the *Veterans' Entitlements Act 1986*.