



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
INGROWN NAIL
(Balance of Probabilities)
(No. 73 of 2024)

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

Dated 20 August 2024.

Professor Terence Campbell AM
Chairperson
by and on behalf of
The Repatriation Medical Authority

Contents

1	Name.....	3
2	Commencement	3
3	Authority	3
4	Repeal	3
5	Application.....	3
6	Definitions	3
7	Kind of injury, disease or death to which this Statement of Principles relates	3
8	Basis for determining the factors	4
9	Factors that must exist.....	4
10	Relationship to service.....	5
11	Factors referring to an injury or disease covered by another Statement of Principles	5
Schedule 1 - Dictionary		6
1	Definitions	6

1 Name

This is the Statement of Principles concerning *ingrown nail (Balance of Probabilities)* (No. 73 of 2024).

2 Commencement

This instrument commences on 24 September 2024.

3 Authority

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

4 Repeal

The Statement of Principles concerning ingrowing nail No. 107 of 2015 (Federal Register of Legislation No. F2015L01327) made under subsection 196B(3) of the VEA is repealed.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 ingrown nail and death from ingrown nail.

*Meaning of **ingrown nail***

- (2) For the purposes of this Statement of Principles, ingrown nail means a condition in which the nail plate penetrates the soft tissue of the adjacent nail fold resulting in inflammation and pain (includes retronychia).
- (3) While ingrown nail attracts ICD-10-AM code L60.0, in applying this Statement of Principles the meaning of ingrown nail 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 ingrown nail

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

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

- (1) having an acquired deformity of the affected digit which causes the nail to be pushed into the proximate soft tissue at the time of clinical onset;

Note: Examples of such a deformity include, but are not limited to hallux valgus, subungual exostosis, or deformity caused by systemic disease.

- (2) having an injury to the affected nail or the affected nail bed, within the 6 months before the clinical onset or clinical worsening;

- (3) Being treated with;

- (a) an oral retinoid;
- (b) indinavir;
- (c) an epidermal growth factor inhibitor;
- (d) cyclosporine (cyclosporin);

Within the 6 months before clinical onset or clinical worsening;

- (4) having excessive trimming of the affected toenail or rounding the corners of the affected toenail rather than cutting the nail straight across the top within 14 days before clinical onset or clinical worsening;

- (5) wearing footwear that causes compression of the toes or pressure on the affected toenail. This includes but is not limited to footwear that is too narrow or too short, or has inadequate depth in the toe box on the

affected foot, for at least 8 hours within the 4 weeks before clinical onset or clinical worsening;

- (6) having hyperhidrosis affecting the feet within the 7 days before the clinical onset or clinical worsening;
- (7) having diabetes mellitus at the time of clinical onset or clinical worsening;
- (8) having a fungal infection involving the affected nail within the one year before clinical onset or clinical worsening;
- (9) inability to obtain appropriate clinical management for ingrown nail before clinical worsening.

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 clinical worsening aspect of factors set out in section 9 apply only to material contribution to, or aggravation of, ingrown nail where the person's ingrown nail 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:

ingrown nail—see subsection 7(2).

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

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*.