Statement of Principles
concerning
CHICKENPOX
(No. 87 of 2015)

The Repatriation Medical Authority determines the following Statement of Principles.

Dated 19 June 2015

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

[Signature]

Professor Nicholas Saunders AO
Chairperson
Contents

1 Name ......................................................................................................................... 3
2 Commencement ........................................................................................................ 3
3 Authority .................................................................................................................. 3
4 Revocation ............................................................................................................... 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

Statement of Principles concerning chickenpox (No. 87 of 2015)
Veterans’ Entitlements Act 1986

Federal Register of Legislative Instruments F2015L00919
1 Name

This is the Statement of Principles concerning chickenpox (No. 87 of 2015).

2 Commencement

This instrument commences on 20 July 2015.

3 Authority

This instrument is made under subsection 196B(2) of the Veterans’ Entitlements Act 1986.

4 Revocation

The Statement of Principles concerning chickenpox No. 25 of 2007 made under subsection 196B(2) of the VEA is revoked.

5 Application

This instrument applies to a claim to which section 120A of the VEA or section 338 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 chickenpox and death from chickenpox.

Meaning of chickenpox

(2) For the purposes of this Statement of Principles, chickenpox:

(a) means an infection caused by the varicella-zoster virus. It is usually characterised by generalised skin lesions progressing from maculopapules to vesicles and scabs in various stages of evolution; and

(b) excludes herpes zoster.

(3) While chickenpox attracts ICD-10-AM code B01, in applying this Statement of Principles the meaning of chickenpox 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),
Death from chickenpox

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

Note: terminal event is defined in the Schedule 1 - Dictionary

8 Basis for determining the factors

The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that chickenpox and death from chickenpox 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 MRCA.

Note: relevant service is defined in the Schedule 1 – Dictionary.

9 Factors that must exist

At least one of the following factors must as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting chickenpox or death from chickenpox with the circumstances of a person’s relevant service:

(1) being exposed to the varicella-zoster virus:
   (a) between 10 and 21 days before the clinical onset of chickenpox;
   or
   (b) between 10 and 28 days before the clinical onset of chickenpox in someone who:
      (i) is in an immunocompromised state as specified; or
      (ii) has received varicella-zoster immunoglobulin or normal human immunoglobulin as prophylaxis following varicella-zoster virus exposure;
   
   Note: being exposed to the varicella-zoster virus and immunocompromised state as specified are defined in the Schedule 1 - Dictionary.

(2) for vaccine strain chickenpox only, having live attenuated varicella vaccine between 5 and 45 days before the clinical onset of chickenpox;

   Note: vaccine strain chickenpox is defined in the Schedule 1 - Dictionary.

(3) being in an immunocompromised state as specified at the time of the clinical onset of chickenpox;

   Note: immunocompromised state as specified is defined in the Schedule 1 - Dictionary.

(4) inability to obtain appropriate clinical management for chickenpox.
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 factor set out in subsection 9(4) applies only to material contribution to, or aggravation of, chickenpox where the person’s chickenpox 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(2) 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:

**being exposed to the varicella-zoster virus** means:
(a) being in close contact with a person who has infectious chickenpox;
(b) being in close contact with articles contaminated with varicella-zoster virus within the previous two days; or
(c) inhaling droplet nuclei contaminated with varicella-zoster virus.

Note: **being in close contact** and **droplet nuclei** are also defined in the Schedule 1 - Dictionary.

**being in close contact** means having direct physical contact, or having direct contact with vesicle fluids.

**being treated with an immunosuppressive drug** means being treated with a drug or an agent which results in significant suppression of immune responses. This definition includes corticosteroids other than inhaled or topical corticosteroids, drugs used to prevent transplant rejection, tumour necrosis factor-α inhibitors and chemotherapeutic agents used for the treatment of cancer.

**chickenpox** - see subsection 7(2).

**chronic renal failure** means having a glomerular filtration rate of less than 60 mL/min/1.73 m² for a period of at least three months, or the presence of irreversible kidney damage.

**droplet nuclei** means the dried residue formed by evaporation of droplets coughed or sneezed into the atmosphere or by aerosolisation of infective material.

**immunocompromised state as specified** means a condition of substantially lowered immune function, such as would occur in the following conditions or circumstances:
(a) being infected with human immunodeficiency virus;
(b) being treated with an immunosuppressive drug;
(c) having a haematological or solid organ malignancy;
(d) having chronic renal failure;
(e) having severe malnutrition; or
(f) undergoing solid organ, stem cell or bone marrow transplantation.

Note: **being treated with an immunosuppressive drug** and **chronic renal failure** are also defined in the Schedule 1 - Dictionary.

**MRCA** means the *Military Rehabilitation and Compensation Act 2004*. 
relevant service means:
(a) operational service under the VEA;
(b) peacekeeping service under the VEA;
(c) hazardous service under the VEA;
(d) British nuclear test defence service under the VEA;
(e) warlike service under the MRCA; or
(f) non-warlike service under the MRCA.

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.

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

VEA means the Veterans’ Entitlements Act 1986.