



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
TEMPOROMANDIBULAR DISORDER
(Balance of Probabilities)
(No. 48 of 2018)

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

Dated 27 April 2018

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 'Nicholas Saunders'.

Professor Nicholas Saunders AO
Chairperson

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1 Name

This is the Statement of Principles concerning *temporomandibular disorder (Balance of Probabilities)* (No. 48 of 2018).

2 Commencement

This instrument commences on 28 May 2018.

3 Authority

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

4 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.

5 Definitions

The terms defined in the Schedule 1 - Dictionary have the meaning given when used in this instrument.

6 Kind of injury, disease or death to which this Statement of Principles relates

- (1) This Statement of Principles is about temporomandibular disorder and death from temporomandibular disorder.

Meaning of temporomandibular disorder

- (2) For the purposes of this Statement of Principles, temporomandibular disorder:
- (a) means a heterogeneous group of conditions affecting the anatomical and functional characteristics of the temporomandibular joint, masticatory muscles and associated structures of the masticatory system, with:
 - (i) clinically significant pain localised in the temple, front of ear or jaw, that is modified with jaw movement, and which is experienced on more days than not within a continuous six month period; and
 - (ii) clinically significant distress or substantial impairment of social, occupational, educational or other important areas of functioning due to pain, limitation, deviation or other abnormality of jaw motion; and
 - (iii) clinical signs or imaging evidence of myalgia, arthralgia, or another pathological process affecting the

temporomandibular joint, muscles of mastication and/or associated structures; and

(b) excludes:

- (i) orofacial pain of dental origin;
- (ii) headache or pain better accounted for by another pain or headache disorder; and
- (iii) congenital or developmental orofacial disorders.

Note 1: Symptoms of temporomandibular disorder include orofacial pain, muscle or joint tenderness, pain referred to the angle of the mandible and muscles of the neck, deviated mouth opening, limitation of range of mandibular movements, headache produced or exacerbated by jaw movements, abnormal joint sounds, and otolaryngological symptoms.

Signs of temporomandibular disorder include modification of pain by passive movements through the range of motion of the jaw or provocative manoeuvres applied to temporomandibular structures.

Note 2: **masticatory muscles and associated structures of the masticatory system** is defined in the Schedule 1 – Dictionary.

- (3) While temporomandibular disorder attracts ICD-10-AM code M26.60, in applying this Statement of Principles the meaning of temporomandibular disorder 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 temporomandibular disorder

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

Note: **terminal event** is defined in the Schedule 1 – Dictionary.

7 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 temporomandibular disorder and death from temporomandibular disorder 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.

8 Factors that must exist

At least one of the following factors must exist before it can be said that, on the balance of probabilities, temporomandibular disorder or death from temporomandibular disorder is connected with the circumstances of a person's relevant service:

- (1) having a specified joint disease involving the affected temporomandibular joint, at the time of the clinical onset of temporomandibular disorder;
Note: *specified joint disease* is defined in the Schedule 1 - Dictionary.
- (2) having a specified maxillofacial disease involving the affected masticatory muscles and associated structures of the masticatory system, at the time of the clinical onset of temporomandibular disorder;
Note: *masticatory muscles and associated structures of the masticatory system* and *specified maxillofacial disease* are defined in the Schedule 1 - Dictionary.
- (3) having an infection as specified of the affected temporomandibular joint, masticatory muscles and associated structures of the masticatory system, at the time of the clinical onset of temporomandibular disorder;
Note: *infection as specified* and *masticatory muscles and associated structures of the masticatory system* are defined in the Schedule 1 - Dictionary.
- (4) having orofacial dyskinesia or oromandibular dystonia at the time of the clinical onset of temporomandibular disorder;
- (5) having acute trauma to the affected temporomandibular joint, masticatory muscles and associated structures of the masticatory system, within the 30 days before the clinical onset of temporomandibular disorder;
Note: *acute trauma* and *masticatory muscles and associated structures of the masticatory system* are defined in the Schedule 1 - Dictionary.
- (6) having a sudden cervical flexion-extension (whiplash) injury requiring hospitalisation, within the 30 days before the clinical onset of temporomandibular disorder;
- (7) having a clinically significant disorder of mental health as specified, within the one year before the clinical onset of temporomandibular disorder;
Note: *clinically significant disorder of mental health as specified* is defined in the Schedule 1 - Dictionary.
- (8) undertaking scuba diving:
 - (a) for a cumulative period of at least 200 hours within a continuous period of six months before the clinical onset of temporomandibular disorder; and

- (b) where this activity has ceased, the clinical onset of temporomandibular disorder has occurred within 30 days of cessation;
- (9) having a specified joint disease involving the affected temporomandibular joint, at the time of the clinical worsening of temporomandibular disorder;

Note: *specified joint disease* is defined in the Schedule 1 - Dictionary.

- (10) having a specified maxillofacial disease involving the affected masticatory muscles and associated structures of the masticatory system, at the time of the clinical worsening of temporomandibular disorder;

Note: *masticatory muscles and associated structures of the masticatory system* and *specified maxillofacial disease* are defined in the Schedule 1 - Dictionary.

- (11) having an infection as specified of the affected temporomandibular joint, masticatory muscles and associated structures of the masticatory system, at the time of the clinical worsening of temporomandibular disorder;

Note: *infection as specified* and *masticatory muscles and associated structures of the masticatory system* are defined in the Schedule 1 - Dictionary.

- (12) having orofacial dyskinesia or oromandibular dystonia at the time of the clinical worsening of temporomandibular disorder;

- (13) having acute trauma to the affected temporomandibular joint, masticatory muscles and associated structures of the masticatory system, within the 30 days before the clinical worsening of temporomandibular disorder;

Note: *acute trauma* and *masticatory muscles and associated structures of the masticatory system* are defined in the Schedule 1 - Dictionary.

- (14) having a sudden cervical flexion-extension (whiplash) injury requiring hospitalisation, within the 30 days before the clinical worsening of temporomandibular disorder;

- (15) having a clinically significant disorder of mental health as specified, within the one year before the clinical worsening of temporomandibular disorder;

Note: *clinically significant disorder of mental health as specified* is defined in the Schedule 1 - Dictionary.

- (16) undertaking scuba diving:
 - (a) for a cumulative period of at least 200 hours within a continuous period of six months before the clinical worsening of temporomandibular disorder; and

- (b) where this activity has ceased, the clinical worsening of temporomandibular disorder has occurred within 30 days of cessation;
- (17) inability to obtain appropriate clinical management for temporomandibular disorder.

9 Relationship to service

- (1) The existence in a person of any factor referred to in section 8, must be related to the relevant service rendered by the person.
- (2) The factors set out in subsections 8(9) to 8(17) apply only to material contribution to, or aggravation of, temporomandibular disorder where the person's temporomandibular disorder was suffered or contracted before or during (but did not arise out of) the person's relevant service.

10 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 8 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 5

1 Definitions

In this instrument:

acute trauma means a discrete event involving the application of significant physical force to or through the affected structures, that causes:

- (a) damage to the joint, masticatory muscles and associated structures of the masticatory system and the development, within 24 hours of the event occurring, of symptoms and signs of pain, tenderness or altered mobility or range of movement of the joint and associated structures; or
- (b) distortion of the temporomandibular joint; or
- (c) fracture of the temporal bone or mandible.

Note 1: This definition includes craniotomy, and osteotomy or reconstructive surgery involving the temporal bone or mandible, but excludes regular dental and orthodontic treatment.

Note 2: ***masticatory muscles and associated structures of the masticatory system*** is also defined in the Schedule 1 – Dictionary.

clinically significant disorder of mental health as specified means one of the following conditions, which is of sufficient severity to warrant ongoing management:

- (a) acute stress disorder;
- (b) anxiety disorder;
- (c) depressive disorder; or
- (d) posttraumatic stress disorder.

Note 1: "Management" of the condition may involve regular visits (for example, at least monthly) to a psychiatrist, counsellor or general practitioner.

Note 2: To "warrant ongoing management" does not require that any actual management was received or given for the condition.

contracture means the shortening of a muscle due to fibrosis of tendons, ligaments or muscle fibres. Common causes include radiation therapy, trauma and infection.

infection as specified means a bacterial, fungal, viral or parasitic infection resulting in inflammation and tissue destruction within the affected tissues.

masticatory muscles and associated structures of the masticatory system means any bony, muscular or tendinous structure of the masticatory system, including the temporalis, medial pterygoid, lateral pterygoid, digastric, mylohyoid, geniohyoid and masseter muscles or tendons, and the temporal bone and mandible.

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.

specified joint disease means one of the following:

- (a) adhesions or adherence;
- (b) ankylosing spondylitis;
- (c) ankylosis (fibrous or osseous);
- (d) condylitis or condylar resorption;
- (e) disc displacement;
- (f) dislocation;
- (g) gout;
- (h) joint instability;
- (i) neoplasm;
- (j) osteoarthritis;
- (k) osteochondritis dissecans;
- (l) osteonecrosis (avascular necrosis);
- (m) psoriatic arthritis;
- (n) rheumatoid arthritis;
- (o) Sjögren syndrome;
- (p) space-occupying lesion within the temporomandibular joint space;
- (q) synovial chondromatosis;
- (r) systemic lupus erythematosus;
- (s) systemic sclerosis (scleroderma); or
- (t) other degenerative or inflammatory disease of the joint.

specified maxillofacial disease means one of the following:

- (a) benign or malignant neoplasm;
- (b) contracture;
- (c) coronoid hyperplasia;
- (d) myositis;
- (e) osteonecrosis;
- (f) space-occupying lesion within the bones of the jaw;
- (g) systemic sclerosis (scleroderma);
- (h) tendonitis; or
- (i) another disease process causing distortion of the temporal bone, mandible or the temporomandibular joint.

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

temporomandibular disorder—see subsection 6(2).

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*.