

## Chapter 24 TUBERCULOSIS

This chapter is used to assess impairment resulting from pulmonary and non-pulmonary tuberculosis. The provisions of subsection 35(3) of the *Pension Act* will determine the assessment of pulmonary tuberculosis in specific cases, as indicated in the legislation, and will be applied in conjunction with subsection 35(1).

### Current Legislation

Section 35 (3) of the *Pension Act* states: Pensions for disability resulting from pulmonary tuberculosis, where during the treatment of a member of the forces the presence of tubercle bacilli has been discovered in the sputum or it has been proved that the disease is moderately advanced and clinically active, shall be awarded and continued as follows:

- (a) In the case of a member of the forces who served in a theatre of actual war and whose disease was attributable to or was incurred or was aggravated during service, either during World War I or World War II, and in the case of a member of the forces who did not serve in a theatre of actual war and whose disease was incurred during service during either of those Wars, a pension of one hundred *per cent* shall be awarded as of the date of completion of the treatment and shall be continued without reduction for a period of two years, unless further treatment is required;
- (b) In the case of a member of the forces who did not serve in a theatre of actual war and whose disease was aggravated during service, either during World War I or World War II, a pension of ninety *per cent* shall be awarded as of the date of completion of the treatment and shall be continued without reduction for a period of two years, unless further treatment is required;
- (c) In the case of a member of the forces who has seen service in the non-permanent active militia or in the reserve army during World War II or in the case of a member of the forces who has seen service in peacetime, whose disease occurred on service and arose out of or was directly connected with that service, a pension of one hundred *per cent* shall be awarded as of the date of completion of the treatment and shall be continued without reduction for a period of two years, unless further treatment is required;
- (d) In the case of a member of the forces who has seen service in the non-permanent active militia or in the reserve army during World War II or in the case of a member of the forces who has seen service in peacetime, whose disease

was aggravated during service and the aggravation arose out of or was directly connected with that service, a pension of ninety *per cent* shall be awarded as from the date of completion of the treatment and shall be continued without reduction for a period of two years, unless further treatment is required; and

- (e) After the expiration of two years, no pension awarded in respect of pulmonary tuberculosis shall be reduced by more than twenty *per cent* at any one time, nor shall reductions be made at intervals of less than six months, and paragraphs (b) and (d) do not apply if the disease manifested itself within a period of three months after enlistment.

**24.01 - For the purposes of Subsection 35(3) of the *Pension Act*, “treatment” as referred to in this legislation means “hospitalized for the treatment of Pulmonary Tuberculosis”.**

**24.02 - Pulmonary Tuberculosis (when Subsection 35(3) of the *Pension Act* does not apply) and Non-Pulmonary Tuberculosis:**

1. Current methods of treatment have greatly reduced the length of hospital treatment and greatly improved the prognosis for maintenance of function and for the protection of close contacts. Nevertheless, any case may present special features which can be considered on their merits.
2. A policy statement, dated 7 September 1972 confirms, extends and defines the practice of making an assessment for non-pulmonary tuberculosis in addition to that made for pulmonary tuberculosis.
3. Following hospital treatment for:
  - (a) active pulmonary tuberculosis when Subsection 35(3) does not apply; or
  - (b) non-pulmonary tuberculosis;
 these conditions shall be assessed in accordance with the Table to Article 24.01.

<b>Table to Article 24.01</b>		
<b>1</b>	First six months after hospital treatment (mandatory review on completion of this period)	<b>100%</b>
<b>2</b>	Second six months after hospital treatment (mandatory review on completion of this period)	<b>60% minimum</b>
<b>3</b>	Third six months	<b>30% minimum</b>
<b>4</b>	Thereafter based on clinical evaluation of the individual	

**24.03 - Pulmonary Tuberculosis (when Subsection 35(3) of the *Pension Act* does not apply due to mode of treatment) and Non-Pulmonary Tuberculosis:**

In cases where the treatment for Pulmonary Tuberculosis and Non-pulmonary Tuberculosis does not require hospital treatment and treatment is limited to outpatient treatment, the condition will be assessed on the basis of functional loss in accordance with the relevant body system chapter.

**24.04 - Pulmonary Tuberculosis - When Subsection 35(3) of the *Pension Act* applies**

1. This article should be read in conjunction with article 35(3) of the VAC Policy Manual.
2. The provisions of subsection 35(3) of the *Pension Act* will determine the assessment of pulmonary tuberculosis and will be applied as applicable in conjunction with subsection 35(1).
3. An extra-pulmonary condition consequential upon pulmonary tuberculosis, when subsection 35(3) applies, shall be assessed separately and the assessment added to that authorized in subsection 35(3).
4. In its decision of 7 June 1973, the Pension Review Board has said in effect that if there is an disability from a thoracoplasty that is not obviously consequential, it is part of the tuberculosis of the chest and the assessment for the thoracoplasty is to be added to the assessment granted under subsection 35(3). As a result Veterans Affairs will assess all residual deformities under subsection 35(1) provided, however, that when the thoracoplasty procedure involves more than six ribs the residual effects will be assessed at not less than 10%.
5. The effective date of the additional assessment is to be fixed as the date of surgery or the date the level of assessment for pulmonary tuberculosis was reduced to 50%, under the policy in effect prior to 22 December 1976, whichever is the latter.
6. In cases which come to its attention, Veterans Affairs Canada will take action automatically to amend previous decisions which differ from the above policy.

**24.05 - Genito-urinary Tuberculosis**

Loss of kidney due to tuberculosis . . . . . 30%