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September 7, 2018

Ms. Jacqui Glynn
Legal Counsel/Regulatory Services
NL Board of Commissioners of Public Utilities
P.O. Box 21040, 120 Torbay Road
Prince Charles Building, Suite E-210
St. John's, NL A1A 5B2

Dear Ms. Glynn;

At the request of the Campaign to Protect Innocent Accident Victims I have agreed to make a brief presentation to the Board in relation to its' investigations into the current regime of automobile insurance in this Province. In this regard I attach hereto my Curriculum Vitae which sets out my involvement in the medical profession in Newfoundland and Labrador for the past 48 years since receiving my MD in 1970.

I understand that the Board requires a written summary prior to my oral presentation and in this regard I can advise that I wish to discuss, among other things that may arise during my presentation or the questions thereafter, the following points/topics;

1. My opinions regarding the legal definitions of "minor" injuries (as used currently in other Provinces) and how they correlate with actual symptoms-prognosis-severity that I have seen in my practice. The definitions that I have been provided with are at the bottom of this report.
2. The pressure that a legislated "minor" definition will put on the medical profession (General Practitioners, ER staff, Specialists, Diagnostic Services etc.) both from a patient volume and a financial perspective by injured accident victims who would be required by the legislation to establish that their injuries are of a degree so as to rise above the "minor" definition. This will no doubt lead to substantial increases in requests for more medical and medical therapy appointments, more diagnostic requests such as CT scans, MRI, x-Ray etc. etc., and an uptake in the insistence on referrals to specialists with ultimately the costs for same being downloaded back on the Health care system budgets.

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3. Injury treatment protocols being proposed by insurance companies that might place artificial limitations on treatment or circumvent physician involvement in care as well as other issues I see from section b insurers including but not limited to the subjective termination of medical therapy coverage,
4. The foreseeable consequences of injured accident victims who, having received a minimal “cap” payment, are then on their own to fight for section b coverages given the absence of legal advocacy in a “capped” claim process.
5. The false premise that as soon as victims settle their claim after an accident they recover completely. This does not deal with reality as we as family physicians often deal with long time consequences that come to the fore years later.
6. The huge shift in our profession that is occurring which is based on Individualized Medicine and what I perceive to be the Insurance Industry’s lack of understanding and/or recognition of same.

I thank you for your attention to this matter and I look forward to meeting with the Board on Friday, September 7th, 2018.

Yours Very Truly,

KARL K. MISIK, MD

Minor Injury Definitions by Province and Effective Date

AB (2004)	NS (2010)	NB (2013)	PE (2014)
A sprain, strain or whiplash injury that does not result in a serious impairment	A sprain, strain or whiplash injury that does not result in a serious impairment	A contusion, abrasion, laceration, sprain, strain or whiplash injury, including any clinically associated sequelae , that does not result in a serious impairment or in permanent serious disfigurement	A sprain, strain or whiplash injury, including any clinically associated sequelae , that does not result in a serious impairment