

John MacLean

Subject: John MacLean
From: Jerina <jerina@bohemianfindings.com>
Date: 26/11/2015 1:34 PM
To: premier@gov.pe.ca

*Bohemian Findings
1.12.16
J*

Hello;

Hon. Wade MacLauchlan requested that John MacLean forward this letter to him when they spoke at the legislature. Mr. MacLean's contact information is included.

Thank you so much for your time and consideration!

Kind regards;

Jerina MacMillan

—Attachments:—

premier.docx

14.6 KB

To Hon. H. Wade MacLauchlan:

Nov. 26/15

I am contacting you to request a letter from your office to assist me with an ongoing problem I am having with the PEI Workers Compensation Board (WCB). I was injured in a work-related trip-and-fall incident on 16 October 2009. As a result of the trip-and-fall, I injured my ankle and my back. The WCB has accepted the injury claim for my ankle, but has refused to do so with respect to my back. The WCB relies on Form 6 and Form 7 to deny my claim for compensation stemming from the back injury. Essentially, the WCB states that there is no mention of a back injury on the initial forms, so it will not deal with anything relating to my back complaints. My medical files show that I sought treatment for back pain very soon after the trip-and-fall. Unfortunately, the WCB will not consider this information because they claim it is irrelevant to my ankle-only-claim.

My file became an administrative nightmare. Treatment for my fall-related injuries was supposed to be paid for through the WCB. However, because it considered my claim to be an ankle-only-claim, it refused to pay for anything back-related. Taking the WCB's cue, my doctor did not treat my back injuries. Despite my ongoing complaints about my back, only my ankle received treatment.

The WCB seemed more interested in getting me off its books rather than getting me the healthcare I required. Oddly, when I was denied benefits, I was finally able to get a referral to the surgeons who performed the surgeries that were largely beneficial to my condition. In a bizarre twist of fate, it was only once the WCB was out-of-the-picture that I, an injured worker, received the care that I needed all along.

I received treatment off Island in Moncton, NB. The surgeon was motivated to assist me because he couldn't in good conscience leave me in my condition, at my age with a young family and not try to help. My back surgery took place in October of 2012. It was successful. Thanks to that surgeon, I am not confined to a wheelchair, which would have been my fate had my injuries been left untreated much longer.

This past May, I finally received the ankle surgery I've needed for almost 6 years. Rather than assisting me to get this surgery, the WCB was frankly obstructionist. The WCB sent me to countless work hardening physiotherapy

sessions – not to get the surgery that I required. It appeared that when expensive treatment recommendations were made, cheaper and ineffectual options were actually carried out. I felt as if the WCB didn't desire to provide me with reasonable healthcare; it was simply trying to get me back to work as quickly as possible, so it could close my file.

My family doctor was found to have committed misconduct by the College of Physicians and Surgeons for refusing to treat my back injuries while I was receiving benefits from WCB. In the spring, his appeal of that finding was successful because of a legal technicality. It is my understanding that the current *Medical Act* does not provide sufficient procedural safeguards, so the finding of misconduct was overturned. I have also learned that PEI's legislature has passed a new *Medical Act* which does indeed have the necessary procedural safeguards. This bill passed third reading way back on 05 May 2009. It received Royal Assent on 15 May 2009. However, the new *Medical Act* is still not law because it has not been proclaimed. Because of the lack of proclamation, it seems as if Islanders have little recourse against doctors who commit misconduct.

Not only have I been denied WCB benefits and reasonable healthcare for the very serious injuries that have left me permanently disabled, I have been denied justice because the PEI government hasn't proclaimed its own legislation. Because of this situation, a doctor who I think committed misconduct was given a free pass.

As I am sure you can appreciate, when one member of a family is injured and becomes disabled, the injury has ripple effects for the whole family. The financial stressors which were placed on my family when I was disabled and subsequently denied WCB benefits were extreme. Thankfully, my family is very supportive. They have stood by my side through all of this - through my medical problems, my financial problems, and the discrimination I now face as a disabled person.

When a worker on PEI is injured, the first priority ought to be getting that worker the healthcare he or she needs. Wage loss benefits should commence as quickly as possible, because many families live pay cheque to pay cheque. Injured workers should not feel as if they are dealing with an American-style HMO each and every time they contact the WCB. My experience with the WCB leads me to

believe that the WCB's first priority was to reduce (or if possible, eliminate) the expenditure of money on a person's claim as quickly as possible. Injured workers are not second-class Canadian citizens. During my dealings with the WCB, that is exactly how I was made to feel. During my dealings with the WCB, I felt the effect of a negative stigma which surrounds injured workers on PEI. Your assistance in changing the culture at the WCB would be greatly appreciated.

I am also seeking your help to get my file re-opened. I have never received income replacement benefits for my back injury and the WCB steadfastly will not consider any information about my back injury due to Forms 6 and 7 not specifically mentioning back injuries. My Form 6 does state that I rolled my ankle and fell. I did not think that failing to specifically state that as a result of the fall, I experienced back pain would be so crucial. Am I truly without a remedy because of this?

Thank you for your time and consideration.

Sincerely;

John A. MacLean.

John.a.maclea@hotmai.com

902-739-2064

John MacLean 26/11/2015 1:34 PM
premier@gov.pe.ca

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regards;
na MacMillan



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The Honourable Lawrence MacAulay, P.C., M.P.
Member of Parliament
Cardigan

December 2, 2015

Hon. H. Wade MacLauchlan
Minister of Justice and Public Safety
PO Box 2000
Charlottetown, PE C1A 7N8

Dear Premier:

Please find enclosed correspondence I received from John A. MacLean of Box 142, St. Peters Bay, who asked that I forward this letter to you concerning an ongoing issue he has been having for the past number of years pertaining to an injury he received at his workplace.

Thank you for considering this request.

Sincerely,

Lawrence MacAulay, P.C., M.P.
Cardigan

Enc.
cc. J. MacLean



To Lawrence MacAulay:

Nov. 16/15

I am contacting you to request a letter from your office to assist me with an ongoing problem I am having with the PEI Workers Compensation Board (WCB). I was injured in a work-related trip-and-fall incident on 16 October 2009. As a result of the trip-and-fall, I injured my ankle and my back. The WCB has accepted the injury claim for my ankle, but has refused to do so with respect to my back. The WCB relies on Form 6 and Form 7 to deny my claim for compensation stemming from the back injury. Essentially, the WCB states that there is no mention of a back injury on the initial forms, so it will not deal with anything relating to my back complaints. My medical files show that I sought treatment for back pain very soon after the trip-and-fall. Unfortunately, the WCB will not consider this information because they claim it is irrelevant to my ankle-only-claim.

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