



Shoalts: League secrecy clouds concussion picture

DAVID SHOALTS

The Globe and Mail

Published Wednesday, May. 28 2014, 7:03 PM EDT

Last updated Wednesday, May. 28 2014, 7:04 PM EDT

The great concussion crisis that surrounded the NHL in recent years seems to have receded.

Or has it?

Conversations with NHL executives, medical professionals who treat concussions and activists in the field failed to produce a definitive answer. Most of them think there were fewer concussions in the league this season compared to recent years or, in the words of Carolina Hurricanes president Jim Rutherford, one of the leading NHL advocates for player safety, "I do believe there are less concussions from unnecessary hits." That was a reference to NHL rule 48, which outlaws making the head a target for a hit.

Certainly, there are fewer controversial high-speed collisions that resulted in head injuries in this year's playoffs compared to a year ago. There were a couple of notable hits, like one in the first round of the playoffs by Tanner Glass of the Pittsburgh Penguins on James Wisniewski of the Columbus Blue Jackets and by Brent Seabrook of the Chicago Blackhawks on David Backes of the St. Louis Blues. Seabrook was suspended for three games as Backes had a suspected concussion, although he returned later in the series.

But things were quiet until the Eastern Conference finals between the New York Rangers and the Montreal Canadiens. Ranger forward Derek Stepan suffered a broken jaw on a hit from the Habs' Brandon Prust, who was suspended for two games, and Ranger forward John Moore also received two games for a hit on Montreal's Dale Weise. However, neither Stepan nor Weise apparently sustained concussions.

But no one is sure if concussions are down this season because the NHL refuses to release any statistics about concussions. Both the league and the NHL Players' Association, which are working together on a long-term initiative to study the problem, called the NHL-NHLPA Concussion Working Group, declined to comment on the topic.

Finding concussion statistics from sources outside the NHL has become impossible because of the league's injury policy. Teams are not required to list a player's specific injury and commonly use terms like "upper-body injury" in their reports, which makes it too difficult to track concussions.

Dustin Fink, a certified athletic trainer in Decatur, Ill., who operates The Concussion Blog, an authoritative web site on head injuries, used to list concussion statistics for the NHL as well as the NFL. But he stopped posting the NHL's numbers after the 2010-11 season, he said, because "it became too difficult to do" thanks to the league's policy on naming injuries.

There are two reasons the NHL and the NHLPA went silent on the topic aside from general comments that each group takes the issue seriously. The first reason is because the league is facing four lawsuits over concussions and more may be coming. Three groups of retired players filed class-action suits in U.S. courts that allege the league was negligent in protecting its players from head injuries. An insurance company, TIG Insurance Co., based in Manchester, N.H., which issued liability policies to the league from 1989-2001, is also suing the NHL. The company is seeking to limit its duty to defend the league in the ex-player lawsuits. TIG claims its duty was limited because the league may not have complied with the insurance policies.

The class-action lawsuits are similar to the ones filed against the NFL, which resulted in a \$765-million (all currency U.S.) settlement from the football league. Given the potential cost of the lawsuits, it is no surprise the NHL is keeping quiet about concussions.

The NHLPA's silence is puzzling, given its often adversarial relationship with the league. However, it is sensitive to the issue because of its involvement in the concussion working group. One of the results of the group's work was better diagnosis of concussions, which caused the reported number of them to rise. But when some media reports labelled the increase a crisis and questioned the attitude of hockey's overseers, those involved with the concussion group withdrew from speaking to reporters.

This leaves a study by a research group led by Dr. Michael Cusimano, a neurosurgeon at St. Michael's Hospital in Toronto as the most recent reliable source of concussion statistics. This group studied the NHL from the 2009-10 season through 2011-12 and found the number of concussions and suspected concussions went up each year, from 44 in 2009-10 to 84 in 2011-12. A lockout reduced the 2012-13 season to 48 games, making statistical comparisons difficult, and no reliable numbers for 2013-14 can be found.

"My impression is that there are in fact fewer," said Dr. Charles Tator, a concussion expert at Toronto Western Hospital, who cited fewer interview requests as the indication this season's numbers declined. "You have to wonder whether it's the measures the NHL adopted, whether instructions have gone out to reduce [hits] to the head or whether the lawsuits levelled against the NHL have taken their toll.

"It's so difficult to penetrate. I don't know how [the media] penetrate through all that armour [the NHL] puts up to try and prevent you from getting to the facts."

Both Tator and a fellow concussion expert, Dr. Paul Echlin of Burlington, Ont., think the NHL still needs to do more with its concussion protocol. When the league changed its protocol for the 2011-12 season to say a doctor has to examine an injured player in a quiet room before letting him back on the ice and the decision to return is made only by the doctor, it was regarded as an important step forward. But the initial decision about calling the doctor is still made at the bench in many cases by a team trainer, which means players can avoid the quiet room and stay in the game.

Wisniewski admitted he lied about his injury last month after the hit by Glass. He said it was a back injury, not his head, in order avoid seeing the doctor and stay in the game. Echlin says this loophole has to be closed by leaving the entire decision up to an independent doctor.

"They don't get evaluated the way they should," Echlin said. "This is pro sports where they're not taking it seriously and it translates down to the lower levels."

Follow David Shoalts on Twitter: [@dshoalts](https://twitter.com/dshoalts)