

Denise Dunn

From: Heather Predham
Sent: Wednesday, May 16, 2007 8:49 AM
To: George Tilley; Oscar Howell; Susan Bonnell
Subject: RE: ER/PR Testing Media Coverage

Hi all,

There's part of me that totally agrees and feels that we should be out on rooftops clarifying this point.....I admit I only heard part of the coverage..I had to turn off Lorraine Michaels and I couldn't bear to watch Peter Dawe on Out of the Fog.....

The other part of me is thinking we're only going to give them more fodder and that whatever we say, we'll fan the fires.....and it would be better to hold the no comment line....

I'll call Dan this am...I got a voice mail from him last night (which was difficult to understand with background noise)...he was at a pre-hearing meeting with the judge re: the certification and the judge believes that Ches's case is not developed enough to be heard and wants to postpone it until September. the difficult part of the message to hear was that I think Dan said that Ches still wants to proceed....

I guess the key point of clarification is that all the patients who need to know, knows...it's the general public and the media that doesn't have all the details and that is because it's before the court.....

Heather

From: George Tilley
Sent: Wednesday, May 16, 2007 7:53 AM
To: Oscar Howell; Heather Predham; Susan Bonnell
Subject: FW: ER/PR Testing Media Coverage

Opinion of Board member Bill Boyd (lawyer).

*H. Predham
? - what
to all
PhS*

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From: William C. Boyd [mailto:wboyd@wob.nf.ca]
Sent: May 15, 2007 8:56 PM
To: George Tilley
Subject: RE: ER/PR Testing Media Coverage

5/16/2007

Thanks for the heads up George. I was confronted today with the story and questions from colleagues. I heard the comments of the Minister during the supper hour CBC report. He must say more than that Eastern Health was advised by its lawyers to not disclose information. That sounds very bad and makes it appear that we did deliberately mislead. We must respond in my view, to the allegations that we misled the media and the public in our previous disclosures; I think we can do so without prejudicing the legal case for the defence.

Bill

From: George Tilley [mailto:George.Tilley@easternhealth.ca]
Sent: May 15, 2007 3:56 PM
To: alicec@mun.ca; broeboth@morgan.ucs.mun.ca; cftzptrck@hotmail.com; David Duffett (Business Fax); davidh@personainternet.com; midway.elliott@nf.sympatico.ca; Ed.Drover@freedom55financial.com; fdavis@nfd.net; george.tilley@easternhealth.ca; h-r.mcgrath@nf.sympatico.ca; jddawe@nf.sympatico.ca; joyce.penney@easternhealth.ca; pearl.lew@nf.sympatico.ca; marjorie.gibbons@nf.sympatico.ca; pcolbert63@hotmail.com; primrose.bishop@nf.sympatico.ca; rbailey@persona.ca; rbryans@persona.ca; waynebolt@nf.sympatico.ca; William C. Boyd
Cc: Executive Team Eastern Health May 2005
Subject: FW: ER/PR Testing Media Coverage

Trustees;

There has been media coverage today pertaining to the ER/PR testing problem that we briefed you on some time ago. The focus of attention is more on the information that was provided to the media in December when a technical briefing was provided to them compared to the information that was provided in our Court Affidavit. For your information there has be no change in the numbers.

In December when reporters asked us for totals of changed tests or an error rate we told them the following:

“Up to this point, our focus has been on making treatment changes, where appropriate, and 117 individuals have experienced treatment changes. Some of these changes are because of a conversion in their ER/PR test result from negative to positive; some because the definition of “negative” has changed; some because of where patients are today with their disease – there are multiple factors involved. We went on to state that now that legal proceedings have been initiated, we will have to allow the legal process to determine if in fact an error has occurred.”

The number that the media is focusing in on today in the Affidavit is 317, which is the number of cases where the results changed. What we focused on were the 117 individuals (out of the 317) that actually had a change in their treatment plan because of the results.

It is believed that the numbers of individual conversions are not relevant and risk turning the process into a “numbers game.” For example, some people had minor conversions that did not impact upon whether they would be considered suitable for hormonal therapy. Some individuals converted, but upon review of their treatment plan it was discovered that for other clinical reasons they were already receiving tamoxifen.

We did meet with the Minister of Health this morning and briefed him on the situation. He will likely respond to the media. As you would have expected, on the advice of our legal counsel, we are staying away from any public debate as this issue proceeds through the court process.

George

5/16/2007

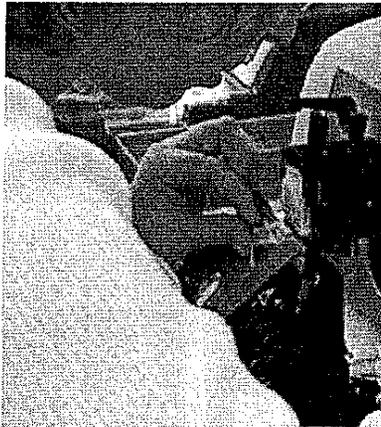
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Error rate of N.L. cancer tests alarms advocates

Last Updated: Tuesday, May 15, 2007 | 8:05 AM NT

CBC News

Faulty hormone receptor tests disqualified scores of women in Newfoundland and Labrador from receiving potentially life-saving treatment for breast cancer, court documents show.



Eastern Health announced in 2005 it was retesting samples from hundreds of women.
(CBC)

The documents also show the error rate for a controversial series of tests completed over an eight-year period is much higher than expected.

For almost two years, the Eastern Health regional authority has been grappling with erroneous hormone receptor testing. A class action lawsuit has been filed over the tests, which have involved hundreds of women.

When testing began in 2005, Eastern Health predicted that about 10 per cent of the tests would be wrong. But an affidavit filed by Eastern Health as a response to the lawsuit shows the error rate is actually much higher.

Of 763 patients who tested negative, 317 turned out to have been given wrong results.

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"It looks like there was upwards of 42 per cent of the tests results were actually wrong, and that's a pretty startling number," said Peter Dawe, executive director of the Canadian Cancer Society.

"My initial reaction was that I was surprised that the numbers were so high."



Gerry Rogers said she was disturbed to learn of the error rate in hormone receptor tests.

(CBC)

Dawe and other cancer advocates have been lobbying for more information about the hormone receptor tests since the summer of 2005, when Eastern Health arranged with Mount Sinai Hospital in Toronto to retest samples.

According to a February 2007 affidavit signed by Heather Predham, assistant director of quality and risk management with Eastern Health, of the 317 patients with wrong results, 104 patients required a change in treatment.

Of those, 96 were prescribed Tamoxifen, a drug therapy considered one of the best options for blocking the hormones that promote cancerous cell growth.

Gerry Rogers, a St. John's filmmaker who is one of the more than 40 women involved in the class action suit, said she was deeply disturbed by the findings.

"When people are sick and you've had cancer, people are so afraid, you're just so afraid — you automatically think you're going to die," said Rogers.

"So you need to have faith and trust in the medical system, in your doctors, and I really have a lot of respect and trust in the doctors who have taken care of me. But it kind of shakes your foundation when you know it's still a bit of a crapshoot and then this stuff happens." she said.

Eastern Health is not commenting on the testing while the matter is in court. A judge is expected to decide later this month whether the class action lawsuit will proceed.

Eastern Health is not releasing the results of tests that were redone for 176

patients who died since their original tests.



Eastern
Health

Susan Bonnell

Director, Strategic Communications

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