

N.L. has 'moral' duty to act on flawed cancer tests: premier

Eastern Health made mistake by withholding data: minister

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[CBC News](#)

Amid further revelations about flawed testing of samples from breast cancer patients, Newfoundland and Labrador Premier Danny Williams said Thursday his government has a "moral responsibility" to investigate whether patient health was compromised.

Williams responded to increased calls from the opposition for an inquiry into flawed hormone receptor tests, which led scores of women to be steered away from helpful drug therapies such as Tamoxifen.

Premier Danny Williams said the Newfoundland and Labrador government will probe deeper into the flawed testing of samples from breast cancer patients.

(CBC)

The Eastern Health regional authority has not commented lately on the tests, which are the subject of a class action lawsuit that is heading for certification before Newfoundland Supreme Court.

This week, CBC News disclosed revelations in court documents that showed the error rate for hormone receptor tests was several times higher than previously thought. Those rates were not disclosed by Eastern Health because the matter is before the courts.

Williams indicated Thursday he felt the public deserved to know more.

"The legal advice that came, came from Eastern Health, because it is their issue and that is where the liability rests," Williams told the house of assembly.

"On this side of the house, there's a moral responsibility that rests with this government ... We undertake to have a very, very hard look at this. We're going to do something. It's a question of going about it and doing it right."

'Physically, it was like a punch in the stomach,' said NDP Leader Lorraine Michael, describing the latest revelations on flawed cancer testing.

(CBC)

Williams did not elaborate on what he would like to do, but said the government is seeking advice from the Department of Justice to ensure the matter is "fully reviewed."

The opposition has been calling for a public inquiry into the latest revelations of flawed testing of samples of breast cancer patients.

New documents filed with the court on Wednesday show that 36 women who are now dead had received inaccurate test results from Eastern Health. The details are included a letter signed by Charles Hutton, a consulting forensic pathologist.

That followed earlier disclosure that inaccurate tests had wrongfully excluded more than 300 other women from being considered for Tamoxifen and other therapies.

New Democratic Party Leader Lorraine Michael said the disclosures have hit her hard.

"Physically, it was like a punch in the stomach," she said.

Michael criticized the government for not doing enough to protect the public.

Authority had information in 2006: Wiseman

Meanwhile, Health Minister Ross Wiseman told the legislature Thursday that Eastern Health — which is largely funded by government, but operates at arm's length — was aware of the inaccurate test results more than a year ago.

However, he said, government officials were not notified until last August, and that the then health minister was not personally briefed until three months after that, in late November.

Health Minister Ross Wiseman said Eastern Health has known for more than a year about the error rate of hormone receptor testing.

(CBC)

Court documents reported earlier this week by CBC News showed an error rate of 42 per cent in a large set of samples, several times higher than a public estimates.

Wiseman said Eastern Health still may not know what went wrong with hormone receptor tests done between 1997 and 2005.

However, he said it's clear that Eastern Health made a bad call when it decided not to inform the public.

"I think that's what we're witnessing before us now," Wiseman said.

"A different decision, but [it would have] had a very different outcome, and people would not be as concerned and not wondering whether or not what they now get as results from their tests are now accurate."

Less than three hours after Williams spoke in the legislature, Eastern Health announced a media briefing will be held Friday afternoon on the matter.

Wiseman said he ordered the authority to answer questions that have so far gone unanswered.

CBC News had applied under provincial Access to Information legislation this winter for results of the samples that were sent to Mount Sinai Hospital in Toronto. The request was rejected.

More than 40 women have signed on to a class action lawsuit against Eastern Health.

St. John's lawyer Ches Crosbie is scheduled argue in court next week that the suit should be certified.