



Government of Newfoundland and Labrador
Office of the Secretary to Cabinet
for the Management of Health Issues

14 November 2007

Sandra Chaytor Q.C.
Bernard Coffey Q.C.
Counsel to the Commission of
Inquiry on Hormone Receptor Testing
Commission Offices
50 Tiffany Lane
St. John's, NL., A1A 4H7

Commission of Inquiry Hormone Receptor Testing
NOV 14 2007
Delivery Mode: <i>Courier</i>
Initials: <i>dc</i>

Dear Ms. Chaytor/Mr. Coffey

Re: Disclosure

Further to my conversation with Bernard Coffey Q.C. on 07 November 2007 please find attached the following:

- i) copy of pages HMQ1-HMQ3, Tab 1, Volume IV, Binder one, with overlay removed exposing date 08 March 2006;
- ii) color photocopy of page HMQ15, Tab 1, Volume IV, Binder one.

With respect to the latter Mr. Reg Coates confirms that this is his handwriting on the document.

I trust that this is satisfactory

Regards


Rolf Pritchard
Solicitor

March 5/06

Spoke to Mark
Quinn - Apologized for
the delay - Stated he
was off - would not file
appeal to IPC. He

Eastern HEALTH

Actions:

Considering the 50-85 per cent acceptable range in standard text books and Mount Sinai's standard of around 70-80 per cent, this also reconfirms that our numbers are legitimate. Regardless, the laboratory is still going ahead with retesting the specimens and officials will meet with the oncologists to see how they would like to proceed with informing patients of their conversion and possible change in treatment.

Extra resources have been identified within the HCCSJ lab to undertake identification and retesting. The list of patients will be double-checked with the names on the Cancer Registry to ensure none have been missed.

We do expect improved accuracy on retesting due to the sensitivity of the newer equipment.

As a precautionary measure and to back-up the validity of the new technology, the current testing standards (Ventana system) are being assessed by cross-referencing our results with another laboratory. (Mount Sinai)

A technology consultant from Mount Sinai will be reviewing our laboratory to assess the immunoperoxidase system. At that time we will ask the consultant his/her opinion of the past several years' results under the Dako methodology and for advice on the future direction of the immuno service.

HIROC have been contacted to determine if they are aware of any other issues with the Dako testing system and other hospitals are being contacted to see if there had been any inconsistencies reported with the DAKO system.

It is important to note that processes used by HCCSJ technicians were outlined in the Dako procedure manual. Also, as part of the protocol for testing, positive controls were conducted on the Dako system everyday, as part of the quality assurance process within the lab. The results were read and documented daily by a pathologist.

much of it Eastern Health Vice President of Quality, Diagnostic and Medical Services Dr. Robert Williams has also asked that an investigation be conducted into the five-week stoppage of immunoperoxidase staining for ER/PR receptors in 2003 by Dr. Ejeckam. *spots to G.T. / eq - QA Review should be kept out*

Dr. Williams has also asked if we could repeat any of the negative tested specimens again on the "old" Dako system to confirm that it was indeed the system and not a lab error. Terry Gulliver, HCCSJ Laboratory Program Director says it is unlikely we would be able to obtain such a system at this time to retest on that method.



GOVERNMENT OF
NEWFOUNDLAND AND LABRADOR

Department of
Health and Community Services
Office of the Deputy Minister

March 8, 2006

Mr. Mark Quinn
Canadian Broadcasting Corporation
P. O. Box 12010
Station A
St. John's, NL
A1B 3T8

Dear Mr. Quinn:

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* [Our File #: HCS ATI 06003]

On February 3, 2006, the Department of Health and Community Services received your request for access to the following records/information:

All memos, letters, briefing notes and e-mails between the members of the Eastern Health and the Provincial Department of Health and Community Services between March 1, 2005 and December 1, 2005 regarding hormone receptor tests for people with breast cancer.

The Department of Health and Community Services has decided to give partial access to the file documents that are responsive to your request. Information that is non-responsive to the request has been severed. Access to parts of the documents are being denied in accordance with:

a) paragraph 20 (1)(a) of the *Access to Information and Protection of Privacy Act* (ATIPP) whereby the information is considered to be advice or recommendations prepared for the Minister;

b) paragraph 23(1)(b) of ATIPP whereby disclosure would reveal information provided in confidence from another Province; and

b) section 30 of ATIPP whereby personal information cannot be disclosed.

Given that this process has exceeded the normal statutory period of 30 days, we have decided to waive document retrieval and photocopying fees.

We wish to advise you that additional documented material related to your request may be in the custody or under the control of the Eastern Regional Integrated Health Authority. By copy of this letter, we are informing the Eastern Regional Integrated Health Authority of your request to the Department under the *Access to Information and Protection of Privacy Act*. You may seek to file a separate request with the Eastern Regional Integrated Health Authority in this regard.

Section 43 of the *Act* provides that you may ask the Information and Privacy Commissioner to review this partial refusal of access or you may appeal the refusal to the Supreme Court Trial Division. A request to the Information and Privacy Commissioner shall be made in writing within 60 days of the receipt of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

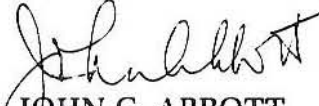
Office of the Information & Privacy Commissioner
5th Floor, East Block
Confederation Building
P.O. Box 8700
St. John's, NL A1B 4J6

Telephone: (709) 729-6309
Facsimile: (709) 729-6500
Email: oipec@gov.nl.ca

In the event that you choose to appeal to the Supreme Court, you must do so within 30 days of the receipt of this letter. Section 60 of the *Act* sets out the process to be followed when filing such an appeal.

If I can be of further assistance, please advise accordingly.

Sincerely yours,


JOHN G. ABBOTT
Deputy Minister

/rlc

cc: George Tilley