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NEWFOUNDLAND

Faulty tests cost women critical cancer treatment, court documents say

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ST. JOHN'S -- More than 300 women in Newfoundland and Labrador were disqualified from receiving critically important treatment for breast cancer because of a faulty test, according to documents filed in the province's Supreme Court.

In 2005, the province's Eastern Health Authority arranged for Mount Sinai Hospital in Toronto to redo more than 2,000 hormone receptor tests dating back to May, 1997, after oncologists discovered inconsistent results in breast tumour samples.

Of 763 patients who were given the tests, Mount Sinai found that 317 of them had the wrong results, according to a sworn affidavit signed in February by Heather Predham, a risk management consultant with the health authority.

Ms. Predham's affidavit states that 176 of the patients whose tests were originally reported to be negative have since died, but it's not clear whether any of their families are part of the class-action suit.

The tests are considered crucial in assessing a breast cancer patient's treatment because if they are found to be estrogen- and/or progesterone-positive, they may respond to hormone therapy such as Tamoxifen.

"Many of these women ... were deprived, or most of them probably, of this very useful therapy," said lawyer Ches Crosbie, who represents 47 of about 80 Newfoundland women in a class-action lawsuit that was filed against the health authority last year.

"These are all people we're talking about, not just numbers."

Officials with Eastern Health didn't return calls yesterday, but Health Minister Ross Wiseman said Newfoundland's health-care system has improved since the errors were found.

"Clearly what happened then was an unfortunate circumstance, and as a result of that, the hospitals stopped doing these tests for a while until they were able to make a wholesale change in how they did

things," Mr. Wiseman said in an interview.

There is now better equipment and laboratory staff dedicated to this type of testing to ensure that the mistakes uncovered won't happen again, he said.

Mr. Crosbie said he suspects the problem originated at the lab. "We can say that they didn't happen before they got to the lab because if something had occurred between the operating room and the lab to spoil the specimen - an absence of refrigeration or something like that - then the reference lab at Mount Sinai in Toronto wouldn't have been able to do a reclassification of these specimens from negative to positive," he said.

"The error had to happen at what's called the analytic stage in the lab."

Peter Dawe, executive director of the Newfoundland division of the Canadian Cancer Society, agreed that the province's health-care system has taken major steps to improve, but criticized the government's delay in relaying the information.

"Women should've been approached a lot sooner about this issue," Mr. Dawe said.

Mr. Crosbie will appear in a St. John's court next week to argue for certification of the class action. A decision is expected within several months.



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