About the Commission of Inquiry on Hormone Receptor Testing

The Commission of Inquiry on Hormone Receptor Testing was established by the Government of Newfoundland and Labrador under the *Public Inquiries Act, 2006* on July 3, 2007. The Honourable Margaret A. Cameron was appointed Commissioner.

The terms of reference for the commission were as follows:

a) Inquire into why the estrogen and progesterone hormone receptor tests done between 1997 and 2005 in the Newfoundland and Labrador health system resulted in a high rate of conversions when re-tested;
b) Inquire into why the problem with the estrogen and progesterone hormone receptor tests was not detected until 2005, whether it could have been detected at an earlier date, and whether testing protocols during that period between 1997 and 2005 were reasonable and appropriate;
c) Inquire into whether, once detected, the responsible authorities responded and communicated in an appropriate and timely manner to those women and men who needed re-tests and those who were being tested for the first time;
d) Inquire into whether, once detected, the responsible authorities communicated in an appropriate and timely manner with the general public and internally within the health system about the issues and circumstances surrounding the change in test results and the new testing procedures;
e) Advise whether the estrogen and progesterone hormone receptor testing systems and processes and quality assurance systems currently in place are reflective of "best practice"; and
f) Make the recommendations that the commission of inquiry considers necessary and advisable relating directly to the matters of public concern referred to in paragraphs (a) to (e).

On July 18, 2007 the Commissioner announced the appointment of Bernard Coffey, QC and Sandra Chaytor, QC as Commission Co-counsel.

The Commission of Inquiry office and public hearing room were located at 50 Tiffany Lane, St. John's, Newfoundland and Labrador. The office officially opened on August 27, 2007.

The standing and funding hearings were held at 50 Tiffany Lane on September 19, 2007, and the following persons or organizations were granted standing for Parts I and II of the Inquiry:

1. Her Majesty in Right of Newfoundland and Labrador;
2. Eastern Regional Integrated Health Authority;
3. Dr. Kara Laing et al.,
4. Central Regional Integrated Health Authority, Western Regional Integrated Health Authority, and Labrador-Grenfell Regional Integrated Health Authority;
5. Canadian Cancer Society, Newfoundland and Labrador Division;
6. Members of the Breast Cancer Testing Class Action.

The following were granted standing for Part II of the Inquiry:

1. Newfoundland and Labrador Medical Association (later applied for and received limited standing at Part I)
2. Healthcare Insurance Reciprocal of Canada

The Commission proceedings were divided into two parts.

In Part I, the Commission was to inquire into and report on problems with estrogen and progesterone hormone receptor tests conducted between 1997 and 2005 in the Newfoundland and Labrador health care system. This would include inquiry into what happened to cause or contribute to the problems, when the problems came to light and whether they could have been detected earlier. Part I would also examine which protocols were in place during the relevant time frame and what steps, if any, were taken by responsible authorities upon becoming aware of the problems.

The public hearings started on Wednesday, March 19, 2008 and concluded on Friday, October 31, 2008, for a total of 131 sitting days. Ninety-three (93) witnesses appeared before the Inquiry and a total of 3,609 public exhibits and 309 in camera exhibits were entered into evidence.

The proceedings were webcast on the Commission's website (www.cihrt.nl.ca) and a delayed daily broadcast was provided by Rogers Television (Channel 9). Transcripts of the proceedings were available after 8:00 pm each day from the Commission's website.

Part II of the Inquiry had a policy focus which included a review of both policy and legal issues raised by the terms of reference. This was expected to canvass the duties, if any, of the responsible authorities to patients, other parties within the health care system, and the public respecting differences in test results on re-testing. Part II also examined whether the estrogen and progesterone hormone receptor testing systems and processes and quality assurance systems currently in place were reflective of "best practices".

Six experts were engaged by the Commission to prepare papers which were directed to aspects of the obligation to disclose. The papers were posted to the Commission's website in March 2008. On April 22 and 23, 2008, a Part II Symposium - *"Looking Forward…"* was held at the Inco Innovation Centre at Memorial University in St. John's where experts made presentations and were available to respond to questions from parties with standing and the general public.

In December 2008 the Commission received written Submissions from all Parties with Standing and four of the Parties with Standing provided Replies to Submissions.

On March 1, 2009 the Commission delivered its final report (in electronic format) to the Minister of Health and Community Services. The report comprises three volumes entitled:

Volume 1: Investigation and Findings (includes 60 recommendations)
Volume 2: *"Looking Forward…"* Policy Papers
Volume 3: Appendices

The Provincial Government released the report to the public on March 3, 2009.