



## *Commission of Inquiry on Hormone Receptor Testing*

## *Statement*

*December 21, 2007*

The Commission of Inquiry on Hormone Receptor Testing is aware of an application filed by the Eastern Regional Integrated Health Authority in the Supreme Court of Newfoundland and Labrador Trial Division. Eastern Health is seeking a court order permitting them to refuse to produce to the Commission reports by two external reviewers who carried out investigations of Eastern Health laboratories in 2005 and 2006. The application also seeks to prevent the Commission from questioning the two external reviewers, or any other persons interviewed or called as witnesses by the Commission, on any matters relating to their participation in the investigations conducted by the external reviewers or the preparation of their reports. The application further seeks to prohibit the Commission from disclosing the reports to any person or making any use of them other than to inform its counsel for the purpose of conducting their investigation.

The Commission has a specific mandate that is divided into two parts. Overall, the Commission is 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.

- Part I includes 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. There will also be an examination into 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.
- Part II of the Inquiry will have a policy focus and will include a review of both policy and legal issues raised by the terms of reference. This is 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 will also examine whether the estrogen and progesterone hormone receptor testing systems and processes and quality assurance systems currently in place are reflective of "best practices".

Eastern Health, if successful in its application, would inhibit the efforts of Commission Counsel to bring forward all relevant information to the Commissioner to enable her to fulfill her mandate.

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