

**Denise Dunn**

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**From:** Heather Predham  
**Sent:** Wednesday, October 19, 2005 8:28 AM  
**To:** Patricia Pilgrim; Dr. Robert Williams; Susan Bonnell  
**Subject:** FW: FW: Patient Letter

Hi,

Here's Dan's view on the feedback.....

Heather

-----Original Message-----

**From:** Dan Boone [mailto:DBOONE@SMSS.COM]  
**Sent:** Tuesday, October 18, 2005 2:05 PM  
**To:** Heather Predham  
**Cc:** dhawkins@hiroc.com; mboyce@hiroc.com  
**Subject:** Re: FW: Patient Letter

Heather:

My initial reaction is that I do not agree with sending this letter at this time. There are a significant number of people whose results will not be changed. Notifying these people may be seen as raising their hopes for treatment possibilities. In most cases, these expectations or hopes will not be satisfied. There is a possibility that we could be sued in a class action by those people who receive this proposed correspondence whose test results do not change. Otherwise these people would not have a cause of action, so sending the letter actually exposes us to a liability which does not now exist.

I have not given significant thought to the issue from the perspective as to whether it is appropriate to test these specimens without advising the patients. However, again my initial thought is that the original consent would be broad enough to cover retesting. With the media coverage and the information already disseminated by you, I would think that most of the people who have tested negative would have enough information to consider whether they would like to be retested if they have not, and to enquire whether they have been retested.

Therefore, I do not see how the letter advances the health care of the affected patients and it increases our exposure to claims for damages. I would recommend against sending it.

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