

The key question is whether the Eastern Health statements that all patients were contacted in October 2005 is accurate.

The short answer is that every patient who they had identified for retesting by October 2005 was contacted at the time:

- by telephone, to say that (1) their original test had been sent to Mont Sinai for retesting; or (2) the original test had been sent for retesting and the results had been since received and confirmed negative; or
- in the case of those for which the results had already been returned with a change and subsequently assessed, follow up was by the most responsible physician for patients whose results had changed (regardless of whether it had resulted in a treatment change).

(Another reason why some people were not phoned is that their results were already back from Mount Sinai and had been transmitted to their oncologists, who were acting on behalf of Eastern Health. Given that these oncologists were already meeting with these patients, the phone call was seen as unnecessary, yet some of these patients may not understand why a phone call was not made.)
(Heather says that Gerri Rogers falls into this category.)

Eastern Health followed the telephone process for patients in the eastern region as well as for patients from Labrador and St. Anthony. For patients in other areas of the Province, telephone contact was coordinated by the other Regional Health Authorities. After the initial notification, patients whose results returned with a change were reviewed by an expert panel and any recommendations for treatment were coordinated by Eastern Health in writing with the most responsible physician. This process applied to the whole Province.

The long answer is that Eastern Health was reasonably confident at that time that it had identified everyone in the province that needed retesting. The procedures to compile the list included using various databases inside Eastern Health, and calling other health boards to obtain files and samples from their own records. By October 2005 they felt a comprehensive list was in hand. However, in actual fact, there was still some flux in the list. For example, some samples were for the same person, so it drove the number of cases down. Subsequently some additional tests came in from the other health authorities such as from St. Anthony, which drove the numbers up. Some people responded to the advertisement that they had not been picked up in the various lists, and this also drove up the numbers. In addition the numbers rose because of the decision to broaden the scope of the retesting to include the period of operation of the newer, more automated, Ventana System (April 2004 – August 2005) as a precautionary measure. The original intent had

been to only review those tests that had been performed on the Dako System (1997 – 2004).

These upward and downward adjustments occurred after October 2005 but mostly in 2005. As people were identified either through further internal means, from other regions or from responses to the media stories, contact was made with the patients as per the above process.

Given that the process was non-routine and fast-paced, exact totals at each stage were not kept, so the exact counts each day cannot be reported now. The final total of living people who were retested was 763, and this number was first reported (according to Heather) in December 2006. On October 24, 2005, when the notification of retesting calls were started, Eastern Health was aware of 424 patients being retested. As noted above this number increased quickly over the next month as names were received from the other regions and the test period was expanded.

In conclusion, we are informed by Eastern Health that all people who had been identified for re-tests by October 2005 were called in October 2005, except for:

- some people whose results were already back from Mount Sinai who were contacted via the most responsible physician;
- some people who were not contacted because current contact information was not available or despite persistent unsuccessful attempts. Eastern Health had six (6) patients that fell in that category and the other Authorities had a few as well. (Recently one of these patients made contact with Eastern Health).
- those patients added on subsequent to that time. It is estimated that an additional 30 patients were picked up post 2005.

Eastern Health has also received a small number of calls from patients who felt that they were not contacted, but in fact Eastern Health records show they had been.

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