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Winter 2008 Communications Strategy
Department of Health and Community Services

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COMMUNICATIONS ANALYSIS**Public Environment**

- During the election, the Liberal and NDP parties identified the restructuring of the health boards as problematic and called for an examination of the four 'superboards', reiterating comments made around the time when the issues related to ER/PR testing became public.

- *ER/PR testing*
 - The most prominent issue that has created significant media and public attention are problems identified with Estrogen/Progesterone breast cancer testing (ER/PR). These most certainly have impacted the confidence by some of the public in the health care system, and in particular in Eastern Health.
 - Hearings for the Commission of Inquiry are expected to begin mid-February 2008 and to run until early May 2008.
 - Most recent media attention has focused on the judicial inquiry and Eastern Health's court application to keep the documentation related to a peer review process conducted in 2005 and 2006 from being made public. The Commission of Inquiry issued a statement in the third week of December stating its need to have full access to all documentation from Eastern Health relating to the problems with ER/PR testing. Eastern Health has since provided the Commission with the full reports from the peer review but the court will decide if they will be made public. The Commission of Inquiry issued a news release in early January indicating this court action would delay the start of hearings by about one month. There has been significant interest paid to this by radio call-in shows in particular. On January 12 in the Telegram the Newfoundland and Labrador Medical Association stated its support of Eastern Health in its court application to protect the peer review process. On January 14, 2008, the minister of HCS went on Open Line with Randy Simms on this issue and stated that one of the goals of the government in establishing the commission was that it have full access to all relevant information, which it has. The minister also indicated the Provincial Government would not be presenting to the court on the peer review issue but would await the court decision.
 - The Telegram ran a story during the third week of December noting that Eastern Health had asked the court to dismiss the class action suit.
 - As well, around the same time Eastern Health made a court application related to the inquiry asking that it not be required to turn over documents from a peer review conducted in the Fall of 2005 related to ER/PR testing. That application went before the court on Thursday, December 20, to set a date. The judge ruled that all parties (including the Provincial Government) who have standing before the commission would have the opportunity to address the court in this matter. To date, one media call has been received by the department on this application but it is expected that media attention will increase.
 - In November 2007, it came to light that flawed record keeping at Eastern Health resulted in inaccurate public reporting of the number of tests which were sent to Mt. Sinai for re-testing. In addition, it was discovered that some patients may have been re-tested but

were never notified of the results. As well, it was learned that some samples that should have been re-tested were not. The Minister of Health and Community Services made this announcement and while it did receive significant media attention, it did not get the broad and lengthy coverage seen in May 2007 (see below).

- In May 2007, it was discovered that Eastern Health withheld information from the media during the December 2006 news conference. The issue was brought to a national level in the media and dominated Question Period in the House of Assembly during the Spring of 2007.
- Opposition leader Gerry Reid and NDP leader Lorraine Michael linked the errors in testing with the reorganization of the health boards and the creation of what they have called four 'superboards'.
- In the spring sitting of the house, the Opposition called for the resignation of the current health minister and questioned the role of past health ministers in relation to ER/PR.
- Around the time the problems related to ER/PR testing became public, NAPE issued a news release calling on the Provincial Government to undertake an independent review of the health care authorities, stating that they are too large and have become "impossible to manage."
- The Provincial Government established a commission of inquiry into the issues around ER/PR testing and a Taskforce on Adverse Health Events.
- The commission began its work in July 2007 and is being led by Justice Margaret Cameron. A report by Justice Cameron is anticipated in July 2008.
- In addition, many patients impacted by incorrect results of ER/PR testing have secured legal counsel and become part of pending class action lawsuits. Media coverage of this aspect of the issue included interviews in local papers with lawyer Richard Rogers, brother of Gerri Rogers, who is one of the patients involved in the class action and is high profile in the community and province as a breast cancer survivor.
- The resignation of Eastern Health CEO George Tilley, in the wake of the ER/PR issues coming to light, raised even more speculation and criticism of government and Eastern Health. Some, including media and Opposition, speculated that Tilley was 'the sacrificial lamb' for government.

Strategic Considerations

- The public's confidence in the health care system has undoubtedly been shaken with the string of negative events related to health care (ER/PR testing, suspension of radiologists, shortage of physicians, NLNU ad campaign, privacy breach at Provincial Public Health Laboratory).
- The Cameron inquiry and pending class actions will keep the issues associated with ER/PR testing in the public domain in 2008, with the immediate issue being Eastern Health's court application regarding the protection from public disclosure of all documents related to a peer review completed in 2005. While the medical community and some other health professionals, NLMA, and Eastern Health will support the protection of such information, the public will likely see this application as 'yet another example of Eastern Health keeping vital information from the public'. The minister of HCS is in a tenuous position between these two differing viewpoints, especially with the decision of the court to give all parties with standing at the commission intervenor status when it comes to this matter. As noted above, on January 14, 2008, the minister of HCS commented in this issue on Open Line, indicating that the Provincial Government would wait for the decision of the court.
- Nervousness has no doubt been created in the public with respect to safety for patients and the management of health care, particularly at Eastern Health. This nervousness has been reinforced by public comment by doctors, nurses, the NLMA and NLNU.

Target Audiences

Internal

- Employees, Department of Health and Community Services
- Employees, Department of Transportation and Works (related to health infrastructure investments)
- Premier's Office

- Cabinet Secretariat
- Cabinet ministers and government MHAs

External

- Residents of Newfoundland and Labrador
- Regional Health Authorities
- Newfoundland and Labrador Health Boards Association
- Professional Associations – NLMA, ARNNL, NLASW
- Newfoundland and Labrador Employer's Council
- Home support agencies and workers
- Canadian Cancer Society of Newfoundland and Labrador
- Seniors, and those interested in seniors issues
- Unions – CUPE, NAPE, NLNU, AAHP
- All health-related stakeholders
- Media – local, provincial, national
- Opposition

Communications Objectives:

- To balance and mitigate criticism and negative feedback that will undoubtedly be created with the high profile nature of the Cameron inquiry.

IONS STRATEGY

Other Messages by Topic

ER/PR Testing - Eastern Health's Court Application Regarding Peer Review Process

- The Commission of Inquiry on estrogen and progesterone receptor testing for breast cancer patients was put in place by the Provincial Government with the intention that the Commission receive all the information it needs in addressing this very important matter.
- All documents relating to ER/PR testing and re-testing, including two quality assurance reports resulting from an external peer review conducted in 2005, have been provided to the Commission by Eastern Health.
- As to the question of whether or not the information relating to the peer review reports should be made public, that matter is now before the court.
- On behalf of our government, I reiterate our unwavering commitment to a transparent and thorough process as we work to gain a thorough understanding of exactly what happened with respect to hormone receptor testing.
- The work of the Commission of Inquiry is vital in this regard and will help ensure the provision of quality health care to the people of this province.

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