

From: Daniel W. Simmons [dws@wob.nf.ca]
Sent: Tuesday, September 16, 2008 11:47 PM
To: Mandy Woodland
Cc: Sandra Chaytor; Virginia Connors; Beth M. Whalen
Subject: RE: Panel letters
Attachments: Panel update September 15 2008.pdf

Mandy,

Attached is a report from Heather Predham concerning the panel letters requested below. A copy of one letter is included.

Regards,
 Dan

From: Mandy Woodland [mailto:mwoodland@cihrt.nl.ca]
Sent: September-08-08 5:11 PM
To: Daniel W. Simmons
Cc: Sandra Chaytor; Virginia Connors
Subject: Panel letters

Hi Dan,

On review of patient lists we've noticed there are patients (6) on the list of 117 with treatment changes for whom we seem to have no panel meeting minutes and no panel letters. Two of these, according to other documents, definitely had letters sent to them:

- ██████████
 - Panel letter dated 04.03.2006
- ██████████
 - Panel letter dated 06.03.2006

There are also a number of other patients for whom your client has provided notes ("Physician Panel Review: ER/PR Results") that indicate change in results and potential/recommended change in treatment and in some cases indicate a letter has been sent, but we have no copies of letters for these patients. These include:

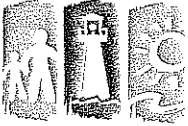
- ██████████
- ██████████
- ██████████ (note there are two; this patient was apparently paneled on Feb 23rd, 2006, was deferred to March 2nd, 2006 and her letter was to go to ██████████)
- ██████████
- ██████████
- ██████████
- ██████████

Despite an extensive search, because of the nature of OCR and the format of some documents it's possible they have already been provided to us. Could you please advise whether letters were sent in relation to these patients (and, if so, whether copies have been provided) at your earliest convenience? They are relevant to Ms. Predhams' evidence.

Thanks,
 Mandy

10/8/2008

Name	
[REDACTED]	This lady was discussed at the panel meeting on March 4, 2006 and it appears a panel letter was written. We are currently not able to locate this letter and are following up with Western.
[REDACTED]	Panel letter dated March 6, 2006 (attached) A panel letter was drafted in 2006 but was not sent as no responsible physician could be identified, and we had been unable to contact the patient at that time. Contact has been made with this patient recently and follow up is being conducted by Dr. Laing.
[REDACTED]	[REDACTED] was paneled March 2, 2006 but there was no letter as it was discovered after the paneling that this patient had passed away in 2003.
[REDACTED]	This lady was discussed at the panel, where potential misdiagnosis was identified, and no letter was sent. Central Health was contacted to follow-up with this patient.
[REDACTED]	[REDACTED] was to be paneled at the March 2, 2006 meeting but was deferred as the panel had no clinical information. This lady was again brought for paneling on January 28, 2008 but there was no clinical information. Dr. [REDACTED] (GP) was contacted and was faxed the pathology reports on July 25, 2008 Dr. [REDACTED] informed EH that [REDACTED] had been on Tamoxifen x 5 years but will send in patient information in order for her to be paneled.
[REDACTED]	[REDACTED] was to be paneled at the March 2, 2006 meeting but was deferred as the panel had no clinical information. This lady was again brought for paneling on January 28, 2008 but it was determined that she had passed away from a [REDACTED] December 2006. No panel letter was written.
[REDACTED]	[REDACTED] was to be paneled at the February 9, 2006 meeting but was deferred as the panel had no clinical information. She was seen by Dr. J. McCarthy at the Cancer Clinic [REDACTED] [REDACTED] on May [REDACTED] 2008 where this information was disclosed. She was not started on Tamoxifen because of her low risk.
[REDACTED]	[REDACTED] was to be paneled at the February 18, 2006 meeting but was deferred as the panel had no clinical information. She was seen by Dr. J. McCarthy at the Cancer Clinic on March [REDACTED] 2006 where this information was disclosed and she was started on Tamoxifen. No panel letter was written.



Eastern Health

March 6, 2006

Dr. [REDACTED]
The Dr. H. Bliss Murphy Cancer Center
Health Sciences Center

Dear Dr. [REDACTED]

RE: [REDACTED]

MCP #: [REDACTED]

*File
copy*

Ms. [REDACTED] was diagnosed with breast cancer in 1998. The original report of the estrogen and progesterone receptors showed negative staining for both. A repeat report from Mount Sinai Hospital has shown the levels of estrogen and progesterone to be 50% and 20% respectively.

This patient was discussed at the Physician Review Panel on March 4, 2006. The recommendation of the Panel is that this lady should be offered treatment with Tamoxifen.

If Tamoxifen is contraindicated or not tolerated, an Aromatase inhibitor may be used in post menopausal patients.

We would ask that you communicate this information to your patient as soon as possible.

Yours sincerely,

Kara Laing, M.D., F.R.C.P. (C)
Clinical Chief, Cancer Care Program
The Dr. H. Bliss Murphy Cancer Center

Cc: Dr. [REDACTED]
Dr. [REDACTED]

From: Daniel W. Simmons [dws@wob.nf.ca]
Sent: Saturday, October 04, 2008 10:04 AM
To: Mandy Woodland
Cc: Sandra Chaytor; Virginia Connors; Beth M. Whalen
Subject: RE: Panel letters
Attachments: 2008-10-03 response to request regarding panel letters.pdf

Mandy,

Responses to your inquiries prepared by Heather Predham are attached.

regards,
 Dan

Daniel W. Simmons
White, Ottenheimer & Baker
P.O. Box 5457
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St. John's, Newfoundland
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709 570 7328

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From: Mandy Woodland [mailto:mwoodland@cihrt.nl.ca]
Sent: Thu 18/09/2008 5:03 PM
To: Daniel W. Simmons
Cc: Sandra Chaytor; Virginia Connors; Beth M. Whalen
Subject: RE: Panel letters

Hi Dan,

Thank you for your reply. The explanation was quite helpful but leads to a number of other questions. I numbered the patients in your attachment in order from 1 – 9; see questions related to each below:

1. Are there other letters Eastern Health does not have copies of? Were copies kept of all panel letters created?
2. Are there other letters like this one that have not been provided previously?
3. Was her treatment changed? Are there other patients that fall into this group? How many times was contact attempted? Why was there 2 years in between, particularly since contact was made with her [REDACTED] in 2005 prior to the re-test being back?
4. Why is it that the database from NLCHI does not indicate she was paneled? I noted there were two patients with this name (two different MCP numbers); the one I was referring to is not deceased. In your disclosure, volume 89, page 34 it appears she was contacted on April 16, 2008 to confirm she was negative. Her panel review notes indicate her re-test was ER 10/PR 2. Wondering why she was not contacted prior to 2008.
5. When was Central Health contacted?
6. What happened between March 2006 and January 2008? If her report could be faxed to her GP in 2008, is there another reason for the 2 year delay?
7. Again, wondering the reason for the 2 year delay in paneling?
8. Again, wondering the reason for the more than two years delay between paneling in February 2006 and May 2008?
9. Are there other patients that fall into this category for whom treatment changed but there is no panel letter (and therefore

10/7/2008

no record for us that a change in treatment was recommended) and are not included on the list of 117 patients with treatment changes?

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Mandy

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- [REDACTED]
- [REDACTED]
- [REDACTED] (note there are two; this patient was apparently paneled on Feb 23rd, 2006, was deferred to March 2nd, 2006 and her letter was to go to Dr. [REDACTED])
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Despite an extensive search, because of the nature of OCR and the format of some documents it's possible they have already been provided to us. Could you please advise whether letters were sent in relation to these patients (and, if so, whether copies have been provided) at your earliest convenience? They are relevant to Ms. Predhams' evidence.

Thanks,
Mandy

10/7/2008

Name	
[REDACTED]	<p>This is the only patient whose panel letter cannot be located. The patient was discussed at panel in March 2006. Copies were kept of all letters.</p>
[REDACTED]	<p>During the review by NLCHI there were only two patients who were paneled but a panel letter was not present in the files. This letter was misfiled.</p> <p>A copy was given to NLCHI but it was an oversight that a copy was not sent to the commission</p>
[REDACTED]	<p>Her treatment was not changed</p> <p>The patient was contacted by Western to be notified re: retesting in December 2005; the patient's [REDACTED] contacted Eastern Health shortly after via e-mail with contact information wanting clarification but all attempts to call or e-mail the patient back were unsuccessful. The staff in QSI would attempt contact at least 7 times before considering it unsuccessful.</p> <p>At the time of the paneling, contact was again attempted as well the Cancer Clinic and Western followed up with the last known medical contacts but were unable to determine a responsible physician.</p> <p>The patient contacted us in September 2008 after her sister called her and suggested that she contact us.</p>
[REDACTED]	<p>[REDACTED] MCP [REDACTED]</p> <p>Her original was ER 0 and PR 0 and her repeat was ER 0 PR 0 and she was identified as confirmed negative and contacted by Nancy Parsons, February 8, 2006</p> <p>She contacted us on April 16, 2008 to verify she had the correct information</p> <p>[REDACTED] MCP [REDACTED]</p> <p>Her original was ER <5 and PR <5; her repeats were ER 10 and PR 2</p> <p>She was discussed at panel but no letter was written as it was determined that she had died in 2003</p>
[REDACTED]	<p>Central Health Laboratory Director was contacted by Dr. Don Cook in May 2006.</p>
[REDACTED]	<p>Unfortunately, these three patients should have been paneled at the May 2006 panel meeting when all outstanding patients were reviewed. They were not and it was not until the review in the Fall 2007 that they were identified as being missed.</p>
[REDACTED]	<p>[REDACTED] was not paneled due to a lack of clinical information. From the inquiries to obtain clinical information, she was referred to the Cancer Clinic and seen at the peripheral clinic.</p> <p>The panel knew she was contacted but did not have any information regarding treatment change.</p>