

# Put people first

**T**here's good legal advice — and then there's horribly bad, completely indefensible judgment. And sometimes the two collide.

In this case, precisely that kind of collision has damaged the ability of more than 300 women or their families to get answers about why they weren't given all the options possible for treatment following their breast cancer diagnosis.

Here are the facts: in July 2005, 939 breast tissue samples were sent to a Toronto hospital for retesting based on concerns about the quality of tests done here. Since then, 176 of those patients have died.

Of the 763 patients still alive, more than 300 were given the wrong test results, which made them ineligible for drug therapies like Tamoxifen, which might have given them a better chance of surviving.

Of the 176 who have died, at least 36 were given inaccurate test results — and not all of the samples from the women who have died have been retested.

Inside the government and the province's Eastern Health Authority, those facts have been known for months.

For legal reasons, Eastern Health has been keeping under wraps information about how many women received inaccurate test results.

The provincial government knew about the inaccurate test results, as well, and had been keeping mum until CBC Radio reported details of a lawsuit this week.

Now, everybody's promising a review — but the buck-passing hasn't stopped.

On Tuesday, Justice Minister Tom Osborne said, "This government certainly does not put litigation or legal issues ahead of the health of individuals."

On Wednesday, Health Minister Ross Wiseman told the Globe and Mail that Eastern Health should have done things differently: "I think they should have approached it very differently in light of the importance of the information to the people affected and in light of the need for the general population of the province to have confidence in the system we have."

Those are admirable sentiments, but actions speak louder than words.

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And in the case of both the government and the health authority, actions — or the deliberate lack thereof — speak volumes about whether the women or the exposure to legal liability was the more serious issue.

Already, the suggestion has been made — impossible to prove — that the problem was treated less seriously because it involved women, and if such an extensive set of testing errors were made in an illness affecting men, the response would have been faster and more complete.

Expect to hear more concerns, because no one in authority moved quickly enough to reassure people that patient health was the first concern.

We should always err on the side of mitigating the risks to living, breathing people.

The provincial government and Eastern Health should be striving to provide the best information and the most help possible to those affected.

Mitigating the legal risks and the financial exposure should be the least of their concerns.