

N.L. breast-cancer patients reach \$17.5M settlement over botched tests

Kerri Breen, St. John's Telegram: Saturday, October 31, 2009



Breast cancer survivor Beverly Green was the first witness to speak at the inquiry into Newfoundland and Labrador's breast cancer testing scandal. The inquiry report will be made public Monday.

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ST. JOHN'S, N.L. — It's a big settlement, but breast-cancer survivor Gerry Rogers says it was about more than just the money.

Cancer patients who had planned a class-action lawsuit against a Newfoundland health authority over botched hormone-receptor tests reached a \$17.5-million settlement Friday.

"So many women have said, 'I'm not in it for the money. That's not what it's about,' " Rogers said after news of the deal broke.

"It's trying to make our health-care system better for everyone," she said.

"So many had felt such a betrayal in . . . how this whole issue was handled, and so, I think that joining a class-action suit was one way to really force the issue out into the open and to look at the problems in the health-care system."

Some 425 patients received inaccurate results from hormone-receptor testing from 1997 to 2005 at an immunohistochemistry lab.

The province's Eastern Health authority discovered the errors in 2005, but many patients didn't find out until months and years later. More than 100 patients who received the wrong result have since died.

Slightly more than 2,000 patients tested during that period were part of the lawsuit.

The settlement guarantees those involved representation on committees that will be set up to monitor progress of recommendations made in an inquiry into the scandal.

A memorial will also be erected and, in 2012, a consultant will report on progress in putting Justice Margaret Cameron's recommendations in place.

Rogers, who had received inaccurate hormone-receptor results from a tissue sample in 1999, says these non-monetary aspects of the agreement were vital.

"That also speaks to, not just the recommendations in . . . the Cameron Inquiry, but hopefully, again, keeps all of us as citizens on our toes about what's happening with our health-care system."

Eastern Health CEO Vickie Kaminski said it was invaluable to have class members involved in the process.

"These are the folks who are absolutely living every day with the results of what happened, and often, without their family (members)," she said.

"It was very much a testament to their courage to be able to sit there and talk with us, and their commitment to the process, that they could stay there and deal with putting a dollar value on something that is absolutely priceless — and that's someone's life."

The next step, she said, is for a judge to review and approve the decision, after which, more details about the settlement will be made available.

Rogers said what's most important now is to see implementation of the recommendations of the Cameron Inquiry.

"This is a closure, in one aspect, in one phase of what we've all gone through. But now, you know, let's get on with job. Let's get on with the work of making our health-care system better and more responsive to the needs of the people of our province."