

# Appendix A

Government of Canada Commission  
Ontario Commission  
Prince Edward Island Order-in-Council  
Saskatchewan Order-in-Council

## GOVERNMENT OF CANADA COMMISSION

### COMMISSION

appointing

nommant

The Honourable

l'honorable

Horace Krever

to be a Commissioner under Part I of  
the Inquiries Act, on the safety of the  
blood system in Canada.

à titre de commissaire, en vertu de la  
partie I de la Loi sur les enquêtes,  
sur la sécurité du système canadien  
d'approvisionnement du sang.

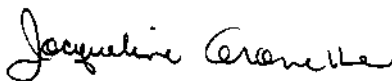
DATED ..... 27th October, 1993

DATÉE du ..... 27 octobre 1993

RECORDED ... 27th October, 1993

ENREGISTRÉE le ... 27 octobre 1993

Film 688 Document 54



DEPUTY REGISTRAR  
GENERAL OF CANADA

SOUS-REGISTRAIRE  
GÉNÉRAL DU CANADA



# Canada

ELIZABETH THE SECOND, by the  
Grace of God of the United Kingdom,  
Canada and Her other Realms and  
Territories QUEEN, Head of the  
Commonwealth, Defender of the Faith.

ELIZABETH DEUX, par la Grâce  
de Dieu, REINE du Royaume-Uni, du  
Canada et de ses autres royaumes et  
territoires, Chef du Commonwealth,  
Défenseur de la Foi.

DEPUTY ATTORNEY  
GENERAL

SOUS-PROCUREUR  
GÉNÉRAL

TO ALL TO WHOM these Presents shall come or whom the same may in anyway concern,

GREETING:

WHEREAS, by Order in Council P.C. 1993-1879 of October 4, 1993, the Committee of the Privy Council has advised that a commission do issue under Part I of the Inquiries Act, chapter I-11 of the Revised Statutes of Canada, 1985, appointing the Honourable Horace Krever, a Judge of the Ontario Court of Appeal, to be a Commissioner to review and report on the mandate, organization, management, operations, financing and regulation of all activities of the blood system in Canada, including the events surrounding the contamination of the blood system in Canada in the early 1980s;

NOW KNOW YOU that We, by and with the advice of Our Privy Council for Canada, do by these Presents appoint the Honourable Horace Krever to be Our Commissioner to conduct such an inquiry;

TO HAVE, HOLD, exercise and enjoy the said office, place and trust unto you, the Honourable Horace Krever, together with the rights, powers, privileges and emoluments unto the said office, place and trust of right and by law appertaining during Our Pleasure;

AND WE DO HEREBY advise that Our Commissioner review and report on the mandate, organization, management, operations, financing and regulation of all activities of the blood system in Canada, including the events surrounding the contamination of the blood system in Canada in the early 1980s, by examining, without limiting the generality of the inquiry,

À TOUS CEUX à qui les présentes parviennent ou qu'icelles peuvent de quelque manière concerner,

SALUT :

Attendu que, aux termes du décret C.P. 1993-1879 du 4 octobre 1993, le Comité du Conseil privé a recommandé que soit prise, en vertu de la partie I de la Loi sur les enquêtes, chapitre I-11 des Lois révisées du Canada (1985), une commission nommant l'honorable Horace Krever, un juge de la Cour d'appel de l'Ontario, à titre de commissaire chargé de faire enquête et rapport sur le mandat, l'organisation, la gestion, les opérations, le financement et la réglementation de toutes les activités du système canadien d'approvisionnement en sang, y compris les événements entourant la contamination de réserves de sang au début des années 1980,

Sachez que, sur et avec l'avis de Notre Conseil privé pour le Canada, Nous nommons l'honorable Horace Krever Notre commissaire pour mener cette enquête;

À titre de commissaire de cette enquête, vous, l'honorable Horace Krever, jouirez, à titre amovible, de tous les droits, pouvoirs, privilèges et avantages conférés de droit et de par la loi à ces fonctions;

Nous recommandons que Notre commissaire chargé de faire enquête et rapport sur le mandat, l'organisation, la gestion, les opérations, le financement et la réglementation de toutes les activités du système canadien d'approvisionnement en sang, y compris les événements entourant la contamination de réserves de sang au début des années 1980, examine, sans limiter la portée générale de l'enquête :

(a) the organization and effectiveness of past and current systems designed to supply blood and blood products in Canada,

(b) the roles, views and ideas of relevant interest groups, and

(c) the structures and experiences of other countries, especially those with comparable federal systems;

AND WE DO FURTHER advise that the Commissioner

(d) is authorized to adopt such procedures and methods as he may consider expedient for the proper conduct of the inquiry and to sit at such times and in such places in Canada as he may decide,

(e) is authorized to rent such space and facilities as may be required for the purposes of the inquiry, in accordance with Treasury Board policies,

(f) is authorized to engage the services of such experts and other persons as are referred to in section 11 of the Inquiries Act at such rates of remuneration and reimbursement as may be approved by the Treasury Board,

(g) is directed to advise the Governor in Council by November 30, 1993 as to whether, in the opinion of the Commissioner, it is necessary in order to achieve the objectives of the inquiry to provide assistance with respect to the intervenor costs of any of the parties that may appear before the inquiry, the extent of assistance where such assistance would, in the opinion of the Commissioner, be in the public interest, bearing in mind the fiscal restraints program of the Government, and how such funding should be administered,

a) l'organisation et l'efficacité des systèmes actuels et antérieurs d'approvisionnement en sang et en produits du sang au Canada,

b) les rôles, opinions et idées des groupes d'intérêts concernés,

c) les structures et expériences d'autres pays, particulièrement ceux qui ont des systèmes fédéraux comparables;

Nous recommandons en outre que Notre commissaire :

d) soit autorisé à adopter les méthodes et procédures qui lui apparaissent les plus indiquées pour la conduite de l'enquête et à siéger aux moments et aux endroits qu'il juge opportuns;

e) soit autorisé à louer les locaux et les installations que nécessite l'enquête, conformément aux politiques du Conseil du Trésor;

f) soit autorisé à recourir, comme le prévoit l'article 11 de la Loi sur les enquêtes, aux services d'experts et d'autres personnes qui seront rémunérés et remboursés selon les taux approuvés par le Conseil du Trésor;

g) fasse savoir au gouverneur en conseil, d'ici le 30 novembre 1993, s'il juge nécessaire, pour atteindre les objectifs de l'enquête, de fournir une aide financière à des intervenants pour les dédommager des frais engagés pour témoigner à l'enquête et, si tel est le cas, l'informe de l'étendue de l'aide à accorder à cette fin, quand, à son avis, elle servirait l'intérêt public, compte tenu du programme de restrictions financières du gouvernement, ainsi que de la manière dont elle serait administrée;

(h) is directed to submit an interim report in both official languages to the Governor in Council no later than May 31, 1994 on the safety of the blood system, with appropriate recommendations on actions that might be taken to address any current shortcomings,

(i) is directed to submit a final report in both official languages to the Governor in Council no later than September 30, 1994 with recommendations on an efficient and effective blood system in Canada for the future, including

(i) its managerial, financial and legal principles as well as the medical and scientific aspects,

(ii) the appropriate roles and responsibilities of the provincial, territorial and federal governments, the Canadian Red Cross Society and other relevant organizations,

(iii) the contractual and other relationships that should exist amongst the governments and organizations involved in the system,

(iv) resource implications, including current allocations,

(v) powers that are appropriate to recommendations concerning responsibilities and authorities, and

(vi) actions required to implement these recommendations, and

h) présente au gouverneur en conseil, au plus tard le 31 mai 1994, un rapport provisoire dans les deux langues officielles sur la sécurité du système d'approvisionnement en sang, accompagné de recommandations pertinentes quant aux mesures pouvant être prises pour corriger toute lacune actuelle du système;

i) présente au gouverneur en conseil, au plus tard le 30 septembre 1994, un rapport final dans les deux langues officielles contenant des recommandations quant aux mesures à prendre pour assurer l'efficacité et l'efficience futures du système d'approvisionnement en sang au Canada et traitant notamment :

(i) des principes financiers, juridiques et de gestion qui le gouvernement, ainsi que de ses aspects médicaux et scientifiques,

(ii) des rôles et responsabilités qu'il convient d'attribuer aux gouvernements fédéral, provinciaux et territoriaux, à la Société canadienne de la Croix-Rouge et à d'autres organismes concernés,

(iii) des relations contractuelles et autres qui devraient exister entre les gouvernements et les organismes qui interviennent dans le système,

(iv) des implications en matière de ressources, y compris en ce qui touche les affectations actuelles,

(v) des pouvoirs correspondant aux recommandations faites concernant les responsabilités et les attributions,

(vi) des mesures à prendre pour donner suite à ces recommandations;

(j) is directed to file the papers and records of the inquiry with the Clerk of the Privy Council as soon as reasonably may be after the conclusion of the inquiry.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed.

WITNESS:

Our Right Trusty and Well-beloved Rason John Hnatyshyn, a Member of Our Privy Council for Canada, Chancellor and Principal Companion of Our Order of Canada, Chancellor and Commander of Our Order of Military Merit, One of Our Counsel learned in the law, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this twenty-seventh day of October in the year of Our Lord one thousand nine hundred and ninety-three and in the forty-second year of Our Reign.

5) remettre les dossiers et documents de l'enquête au greffier du Conseil privé dès que possible après la fin de l'enquête.

EN FOI DE QUOI, Nous avons fait émettre Nos présentes lettres patentes et à icelles fait apposer le grand sceau du Canada.

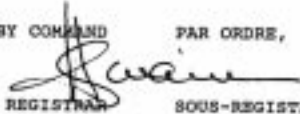
TÉMOIN :

Notre très fidèle et bien-aimé Rason John Hnatyshyn, Membre de Notre Conseil privé pour le Canada, Chancelier et Compagnon principal de Notre Ordre du Canada, Chancelier et Commandeur de Notre Ordre du Mérite militaire, l'un de Nos conseillers juridiques, Gouverneur général et Commandant en chef du Canada.

À NOTRE HÔTEL DU GOUVERNEMENT, en Notre ville d'Ottawa, ce vingt-septième jour d'octobre en l'an de grâce mil neuf cent quatre-vingt-treize, le quarante-deuxième de Notre règne.

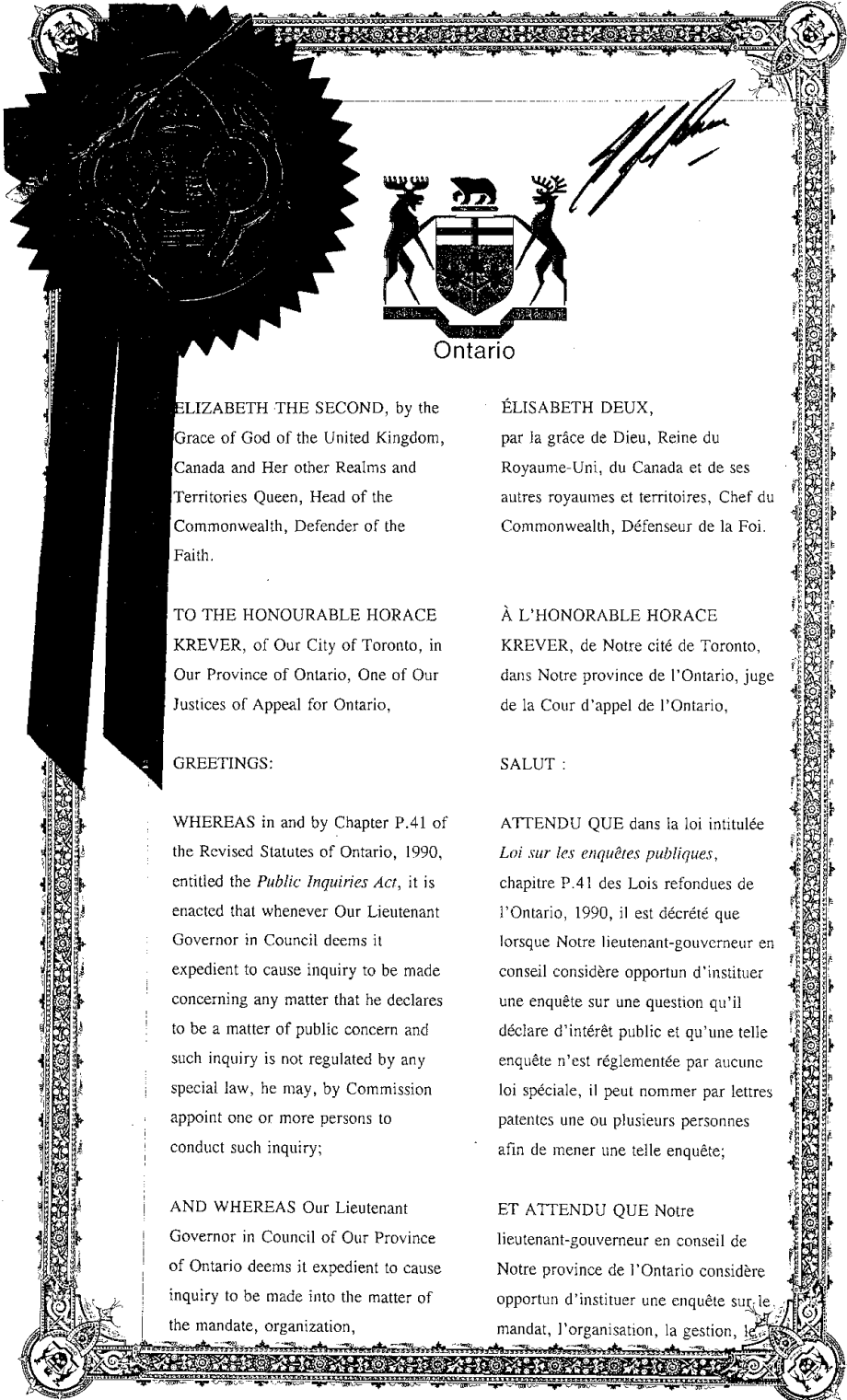
BY COMMAND

PAR ORDRE,

  
DEPUTY REGISTRAR  
GENERAL OF CANADA

SOUS-REGISTRAIRE  
GÉNÉRAL DU CANADA

## ONTARIO COMMISSION



ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO THE HONOURABLE HORACE KREVER, of Our City of Toronto, in Our Province of Ontario, One of Our Justices of Appeal for Ontario,

GREETINGS:

WHEREAS in and by Chapter P.41 of the Revised Statutes of Ontario, 1990, entitled the *Public Inquiries Act*, it is enacted that whenever Our Lieutenant Governor in Council deems it expedient to cause inquiry to be made concerning any matter that he declares to be a matter of public concern and such inquiry is not regulated by any special law, he may, by Commission appoint one or more persons to conduct such inquiry;

AND WHEREAS Our Lieutenant Governor in Council of Our Province of Ontario deems it expedient to cause inquiry to be made into the matter of the mandate, organization,

ÉLISABETH DEUX,  
par la grâce de Dieu, Reine du Royaume-Uni, du Canada et de ses autres royaumes et territoires, Chef du Commonwealth, Défenseur de la Foi.

À L'HONORABLE HORACE KREVER, de Notre cité de Toronto, dans Notre province de l'Ontario, juge de la Cour d'appel de l'Ontario,

SALUT :

ATTENDU QUE dans la loi intitulée *Loi sur les enquêtes publiques*, chapitre P.41 des Lois refondues de l'Ontario, 1990, il est décrété que lorsque Notre lieutenant-gouverneur en conseil considère opportun d'instituer une enquête sur une question qu'il déclare d'intérêt public et qu'une telle enquête n'est réglementée par aucune loi spéciale, il peut nommer par lettres patentes une ou plusieurs personnes afin de mener une telle enquête;

ET ATTENDU QUE Notre lieutenant-gouverneur en conseil de Notre province de l'Ontario considère opportun d'instituer une enquête sur le mandat, l'organisation, la gestion, le

management, financing and regulation of the blood system in Ontario including the events surrounding the contamination of the blood system in Ontario in the early 1980s, more particularly set forth in Order in Council numbered 3265/93 and dated the 15th day of December, 1993;

AND WHEREAS by the said Order in Council such matter is declared to be of public concern and that Part III of the *Public Inquiries Act* applies to the inquiry;

NOW KNOW YE that WE, having and reposing full trust and confidence in you the said Horace Krever DO HEREBY APPOINT you effective the date hereof to be Our Commissioner to examine, inquire into and report upon the matter of the mandate, organization, management, financing and regulation of the blood system in Ontario including the events surrounding the contamination of the blood system in Ontario in the early 1980s, more particularly set out in the said Order in Council, and after due study and consideration to prepare an interim report to Our Lieutenant Governor on or before the first day of May, 1994, on the safety of the blood system with appropriate recommendations on actions that might be taken to address any shortcomings and to prepare a final report to Our Lieutenant Governor on or before the

financement et la réglementation du système ontarien d'approvisionnement en sang, y compris les circonstances entourant la contamination des réserves de sang dans la province au début des années 1980, les détails de l'enquête étant donnés dans le décret numéro 3265/93 en date du 15 décembre 1993;

ET ATTENDU QU'en vertu dudit décret, cette question est considérée d'intérêt public et que la partie III de la *Loi sur les enquêtes publiques* s'applique à cette enquête;

QU'IL SOIT PAR CONSÉQUENT ENTENDU QU'ayant pleinement confiance en vous, ledit Horace Krever, NOUS VOUS NOMMONS PAR LES PRÉSENTES commissaire, à compter de la date indiquée dans les présentes, afin d'enquêter sur le mandat, l'organisation, la gestion, le financement et la réglementation du système ontarien d'approvisionnement en sang, y compris les circonstances entourant la contamination des réserves de sang dans la province au début des années 1980, les détails de cette enquête étant donnés dans le décret mentionné précédemment. Après avoir étudié et considéré tous les aspects pertinents, vous devrez présenter à Notre lieutenant-gouverneur, le ou avant le premier jour de mai 1994, un rapport provisoire sur la sécurité du système d'approvisionnement en sang, ainsi



thirtieth day of September, 1994 with recommendations on the efficient and effective blood system in Ontario for the future as more particularly set out in the said Order in Council;

AND WE DO HEREBY CONFER on you, Our said Commissioner, the power to summon any person and to require any such person to give evidence on oath or affirmation and to produce such documents and things as you Our said Commissioner may specify as relevant to the subject-matter of the inquiry and not inadmissible in evidence in a court by reason of any privilege under the law of evidence;

AND WE DO HEREBY ORDER that all Our ministries, boards, agencies and commissions shall assist you, Our said Commissioner, to the fullest extent, and that in order to carry out your duties and functions, you shall have the authority to engage such counsel, expert technical advisors, investigators and other staff as you deem proper, at rates of remuneration approved by the Treasury Board;

que des recommandations sur les mesures qui devraient être prises pour remédier à tout manquement. Vous devrez en outre présenter un rapport final à Notre lieutenant-gouverneur au plus tard le trentième jour de septembre 1994, ainsi que des recommandations permettant d'assurer à l'avenir l'efficacité du système ontarien d'approvisionnement en sang, ledit décret contenant plus de détails à ce sujet;

ET NOUS VOUS CONFÉRONS, en votre qualité de commissaire, le pouvoir d'assigner toute personne à comparaître et d'exiger de cette personne qu'elle témoigne sous serment ou qu'elle fasse une affirmation solennelle et qu'elle produise tout document et toute chose qui, selon vous Notre commissaire, se rapporte à l'objet de l'enquête et n'est pas inadmissible comme preuve devant un tribunal en raison d'un privilège accordé en vertu du droit de la preuve;

ET NOUS ORDONNONS PAR LES PRÉSENTES que tous Nos ministères, conseils, organismes et commissions vous aident, en votre qualité de commissaire, au maximum de leurs capacités, et qu'afin de pouvoir assumer vos devoirs et fonctions, vous ayez l'autorité de retenir les services de tous les conseillers, conseillers-experts techniques, enquêteurs et autres membres de personnel que vous jugerez à propos, à des taux de

rémunération approuvés par le Conseil du Trésor;

TO HAVE, HOLD AND ENJOY the said Office and authority of Commissioner for and during the pleasure of Our Lieutenant Governor in Council for Our Province of Ontario.

ET QUE VOUS DÉTENIEZ lesdites qualité et autorité de commissaire ET EN JOUISSIEZ tant qu'il en agréera à Notre lieutenant-gouverneur en conseil pour Notre province de l'Ontario.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent, and the Great Seal of Our Province of Ontario to be hereunto affixed.

EN FOI DE QUOI, nous avons fait des présentes Nos Lettres patentes et y avons apposé le Grand Sceau de Notre province de l'Ontario.

WITNESS:

TÉMOIN :

THE HONOURABLE HENRY NEWTON ROWELL JACKMAN, LIEUTENANT GOVERNOR OF OUR PROVINCE OF ONTARIO

L'HONORABLE HENRY NEWTON ROWELL JACKMAN, LIEUTENANT-GOUVERNEUR DE NOTRE PROVINCE DE L'ONTARIO

at Our City of Toronto in Our said Province, this twentieth day of January in the year of Our Lord one thousand nine hundred and ninety-four and in the forty-second year of Our Reign.

en Notre cité de Toronto, dans ladite province, ce vingtième jour de janvier, de l'an mil neuf cent quatre-vingt-quatorze de Notre ère et dans la quarante-deuxième année de Notre règne.

BY COMMAND

PAR ORDRE

BRIAN CHARLTON  
Chair of the Management Board of Cabinet

BRIAN CHARLTON  
Président du Conseil de gestion du gouvernement

DATED January 20 , A.D. 1994


Public Inquiries Act  
Revised Statutes of Ontario, 1990  
Chapter P.41

Recorded this twenty-fourth

day of January, A.D. 1994

As Number 238

In Liber 6

  
Manager,  
Official Documents

## PRINCE EDWARD ISLAND ORDER-IN-COUNCIL



Certified to be a true copy of an Order of Her Honour the Lieutenant Governor in Council at its meeting of 9 December 1993.

Executive Council  
Prince Edward Island

No. EC659/93

PUBLIC INQUIRIES ACT  
APPOINTMENT OF THE HONOURABLE MR. JUSTICE HORACE KREVER  
COMMISSIONER OF THE INQUIRY ON THE  
CANADIAN BLOOD SYSTEM

Pursuant to section 1 of the *Public Inquiries Act*, R.S.P.E.I. 1988, Cap. P-31, and upon the recommendation of the Prime Minister of Canada in order to further the objectives of a Commission appointed by the Committee of the Privy Council of Canada under Part 1 of the *Inquiries Act*, R.S.C. 1985, c. 1-11, Council appointed the Honourable Horace Krever, a Judge of the Ontario Court of Appeal, to conduct an inquiry to review and report on the mandate, organization, management, operations, financing and regulation of all activities of the blood system in Canada, including events surrounding the contamination of the blood supply in Canada in the early 1980s.

Further, Council noted that the appointment of this Commission is in the public interest in Prince Edward Island, as concerns have been expressed that some non-governmental agencies or third parties may attempt to limit the scope of the inquiry or impede the investigation by challenging the jurisdiction of a federally created inquiry to review and report on matters falling within provincial jurisdiction.

And further, Council advised that the inquiry will examine, without limiting the generality of the inquiry:

1. the organization and effectiveness of past and current systems designed to supply blood and blood products in Canada;
2. the roles, views, and ideas of relevant interest groups; and
3. the structures and experiences of other countries, especially those with comparable federal systems.

*R. Allan Rankin*

R. Allan Rankin  
Clerk of the Executive Council



Canada  
Province of  
Prince Edward Island

ELIZABETH THE SECOND, by the  
Grace of God of the United Kingdom,  
Canada and Her other Realms and  
Territories, QUEEN, Head of the  
Commonwealth, Defender of the Faith.

*Marion L. Reid*  
Lieutenant Governor

TO ALL TO WHOM these presents shall come or whom the same may in any  
wise concern:

GREETING

WHEREAS the Committee of the Privy Council, on the recommendation of the  
Prime Minister, advises that a Commission do issue under Part I of the  
*Inquiries Act*, R.S.C. 1985, c. I-11, and under the Great Seal of Canada  
appointing the Honourable Horace Krever, a Judge of the Ontario Court of  
Appeal, to be a Commissioner to review and report on the mandate,  
organization, management, operations, financing and regulation of all  
activities of the blood system in Canada,

AND WHEREAS concerns have been expressed that some non-governmental  
agencies or third parties may attempt to limit the scope of the inquiry or  
impede this investigation by challenging the jurisdiction of a federally  
created inquiry to review and report on matters falling within provincial  
jurisdiction,

AND WHEREAS the possible frustration of the objectives of the Inquiry is  
contrary to public interest in this Province,

THEREFORE by and with the advice of the Executive Council for Prince  
Edward Island and pursuant to section 1 of the *Public Inquiries Act* R.S.P.E.I.  
1988, Cap. P-31 WE DO APPOINT the Honourable Mr. Justice Horace Krever to  
conduct an inquiry to review and report on the mandate, organization,  
management, operations, financing and regulation of all activities of the  
blood system in Canada, including events surrounding the contamination of the  
blood supply in Canada in the early 1980s, by examining, without limiting the  
generality of the inquiry:

1. the organization and effectiveness of past and current systems  
designed to supply blood and blood products in Canada;
2. the roles, views, and ideas of relevant interest groups; and
3. the structures and experiences of other countries, especially  
those with comparable federal systems.

IN TESTIMONY WHEREOF We have caused these Our Letters Patent effective 9 December 1993, and the Great Seal of Prince Edward Island, to be hereto affixed.

WITNESS the Honourable Marion L. Reid, Lieutenant Governor of the Province of Prince Edward Island, at Charlottetown this 9th day of December in the year of Our Lord one thousand nine hundred and ninety-three and in the forty-second year of Our Reign.

By Command,



Clerk of the Executive Council

## SASKATCHEWAN ORDER-IN-COUNCIL

6 April 1994

227/94

TO THE HONOURABLE

THE LIEUTENANT GOVERNOR IN COUNCIL:

The undersigned has the honour to report that:

1. Section 2 of The Public Inquiries Act provides as follows:

"2 The Lieutenant Governor in Council, when he deems it expedient to cause inquiry to be made into and concerning a matter within the jurisdiction of the legislature and connected with the good government of Saskatchewan or the conduct of the public business thereof, or that is in his opinion of sufficient public importance, may appoint one or more commissioners to make such inquiry and to report thereon."

2. A federal inquiry into the mandate, organization, management, operation, financing and regulation of all activities of the blood system in Canada, including the events surrounding the contamination of the blood system in Canada in the early 1980's, was announced in September 1993 following the annual meeting of federal/provincial/territorial ministers of health in Edmonton.

3. The Governor in Council has appointed the Honourable Horace Krever, a Judge of the Ontario Court of Appeal, to act as a Commissioner to conduct the review and to report to the Governor in Council with recommendations on an efficient and effective blood system in Canada for the future.

4. It is of sufficient public importance to cause an inquiry to be made of the Canadian blood system and Saskatchewan's roles and responsibilities therein to be concurrent with the federal inquiry.

The undersigned has the honour, therefore, to recommend that Your Honour's Order do issue pursuant to section 2 of The Public Inquiries Act:

- 2 -

(a) appointing the Honourable Horace Krever as a commissioner of a Commission of Inquiry into the mandate, organization, management, operation, financing and regulation of the blood system in Saskatchewan and Canada, including the events surrounding the contamination of the blood system in the early 1980's, by examining, without limiting the generality of the inquiry:

- (i) the organization and effectiveness of past and current systems designed to supply blood and blood products in Canada;
- (ii) the roles, views, and ideas of relevant interest groups; and
- (iii) the structures and experience of other countries, especially those with comparable systems;


(b) directing the Commissioner to prepare an interim report to the Governor in Council and to provide a copy thereof to the Lieutenant Governor in Council no later than May 31, 1994 on the safety of the blood system, with appropriate recommendations on actions which might be taken to address any current shortcomings;

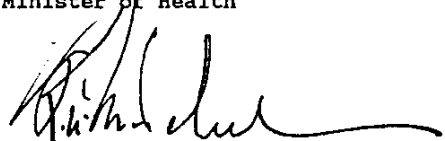
(c) directing the Commissioner to submit a final report to the Governor in Council and to provide a copy thereof to the Lieutenant Governor in Council no later than September 30, 1994 with recommendations on an efficient and effective blood system for the future, including:

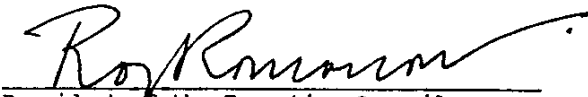
- (i) its managerial, financial, and legal principles as well as the medical and scientific aspects;

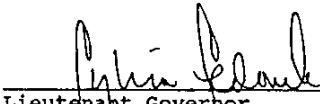


- (ii) the appropriate roles and responsibilities of the provincial/territorial and federal governments, the Canadian Red Cross Society, and other relevant organizations;
- (iii) the contractual and other relationships which should exist amongst the governments and organizations involved in the system;
- (iv) resource implications, including current allocations;
- (v) powers that are appropriate to recommendations concerning responsibilities and authorities; and
- (vi) actions required to implement these recommendations.

RECOMMENDED BY:   
 Minister of Health

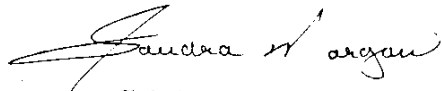
RECOMMENDED BY:   
 Minister of Justice and Attorney General

APPROVED BY:   
 President of the Executive Council

ORDERED BY:   
 Lieutenant Governor

REGINA, Saskatchewan

CERTIFIED TRUE COPY



Clerk of the Executive Council

# *Appendix B*

## Commissioner and His Staff

### **Commissioner**

The Honourable Horace Krever

### **Commission Counsel**

Marlys Edwardh

Melvyn Green

Céline Lacerte-Lamontagne

Roy Stephenson

### **Associate Commission Counsel**

Delmar Doucette

Leslie Paine

Frédéric Palardy

Louis Sokolov

### **Principal Scientific Adviser**

George E. Connell, OC, PhD

### **Executive Coordinator and Scientific Adviser**

Penny Chan, PhD

### **Administrator**

Mary Ann Allen

### **English Editors**

Ian Montagnes

Rosemary Shipton

Mary McDougall Maude

Dan Liebman

### **Legal and Policy Analysts**

Ronda Bessner

Elizabeth Carlton

### **French Editors**

Thérèse de la Bourdonnaye

Ghislaine Ouellette

Marie-Joëlle Auclair

Nicole Henderson

### **Researchers**

Bonnie Goldberg

Ruth Hibbard

Helen Posluns

### **Registrar**

Sidney Smith

**Communications**

Gregory Hamara

**Investigators**

Raymond Bérubé

Dan Killam

Mario Roy

**Library/Registry**

Carol Hearty

Leslie Johnston

Cleve Jones

Brenda McGillvray

Larissa Moffat

**Computer Support**

Neil Blaney

Werner Colangelo

Obadiah George

James Rees

**Evidence and Document Analysts**

Barbara Dickie

Allison Fowles

Brenda Fraser

Cindy Freeman

Leigh Ann Gillies

Karine Morin

Michelle Ryan

Lisa Wyndels

**Administration**

Grace Battiston

Barbara Brown

Gregory Davies

Tammy Dwosh

Melinda D'Aoust

Gail Godbout

Brenda Meads

Saozinha Medeiros

Patricia Rutt

Neil Zeidenberg

**Secretaries**

Yvonne Boytel

Rosie Garnet

Jean Phillippo

Lisa Raine

Helen Robinson

Jacqueline Tarne

Gwen Williams

Jean Zadan

# Appendix C

## Rules of Procedure and Practice for the Commission of Inquiry Into the Blood Supply

1. It is proposed that in the ordinary course Commission counsel will call and question all witnesses who will be heard at the Inquiry. Counsel for a party\* may apply to the Commissioner to adduce a particular witness' evidence in chief. If counsel is granted the right to do so, examination shall be confined to the normal rules governing the examination of one's own witness.
2. Parties are encouraged to provide to Commission counsel the names and addresses of all witnesses they feel ought to be heard.
3. Commission counsel have a discretion to decline to call witnesses whose evidence does not appear to them relevant or falls within an area which they intend to cover with other witnesses.
4. If, at the end of a stage of the hearing there are persons who a party believes must be heard and Commission counsel has not called them, the party may apply for leave to have them called as witnesses. If leave is granted, Commission counsel shall call them, subject to Rule 1.
5. The order of examination will be as follows:
  - i) Commission counsel will adduce the evidence from the witness. Parties granted formal standing will then have an opportunity to cross-examine the witness;
  - ii) Counsel for a witness, regardless of whether or not counsel is representing a party, will cross-examine last, unless he or she has adduced the evidence of that witness in chief, in which case there will be a right to re-examine the witness; and

---

\* The use of the term "party" is intended to refer to those granted standing and is not intended to convey notions of an adversarial context.

iii) Commission counsel may ask questions covering new areas that have been raised through cross-examination conducted by the parties.

6. Witnesses will give their evidence under oath or affirmation.

### **The Form of the Evidence**

7. Commission counsel are entitled to adduce evidence by way of both leading and non-leading questions as they, in their judgement, deem necessary, subject always, of course, to the discretion of the Commissioner.

8. Witnesses may request that the Commission hear their evidence pursuant to a subpoena in which event a subpoena shall be issued.

9. Witnesses who are not represented by counsel for parties with standing are entitled to have their counsel present.

10. Counsel for a witness is entitled to ask questions of the witness after Commission counsel has adduced his or her evidence and the other parties have cross-examined the witness.

11. Counsel for a witness will also have standing for the purposes of that witness' testimony to make any objections thought appropriate.

12. The Commission is entitled to receive evidence which might otherwise be inadmissible in a court of law. The strict rules of evidence will not apply to determine the admissibility of evidence. However, the Commissioner will be mindful of the dangers of evidence not admissible in a court of law and its possible effect on reputation.

13. One copy of the transcript of evidence will be available to be shared by counsel for the parties. The transcript will be kept in an office outside the hearing room. A disk version of the transcript may be ordered by anyone prepared to pay its cost.

14. The media will also have a copy of the transcript as well as a copy of all public exhibits made available to them in their press room.

15. All witnesses and counsel are free to address the Commission in either official language. Simultaneous translation is available.

16. Any witness unable to speak either of the official languages will be given the assistance of an interpreter.

17. Documents to be filed will be filed in the language in which the document was drawn.

18. The order of cross-examination will be determined by the parties having standing and, if they are unable to reach agreement, by the Commissioner.

### **Confidentiality**

19. The Commissioner is committed to a process of public hearings. However, applications may be made to proceed *in camera* or to otherwise preserve the confidentiality of information.

20. If the proceedings are televised, applications may be made for an order that the evidence of a witness not be filmed.

21. Any witness who is infected with any blood borne disease, or who is related to someone infected with a blood borne disease, has the option of having his or her identity concealed from the public and testifying before the Commission in private. Only the Commissioner, staff members and Commission counsel, counsel for parties with standing and representatives of parties with standing, may be present during testimony being heard in private.

22. A witness whose identity is concealed will not be identified in the records and transcript of the hearing except by non-identifying initials.

23. The reporting of the evidence of a witness granted confidentiality shall avoid references that might reveal the identity of the witness. No photographic or other reproduction of the witness shall be made either during the witness' testimony or upon his or her entering and leaving the site of the Inquiry.

24. The transcript of evidence of any witness who is granted confidentiality shall be edited to remove references that reveal the identity of the witness.

25. Any reports of the Commission using the evidence of witnesses who have been granted confidentiality will conceal the identities of such witnesses.

26. Any witness who is granted confidentiality will reveal his or her name to the Commission and counsel participating in the Inquiry in order that the Commission and counsel can prepare to question the witness. The Commission and counsel shall maintain confidentiality of the names revealed to them. No such information shall be used for any other purpose either during or after the completion of the Commission's mandate.

27. Any witness who is granted confidentiality may either swear an oath or affirm to tell the truth using the non-identifying initials given for the purpose of that witness' testimony.

28. A witness whose identity is concealed has the choice of either testifying in private or testifying in public. The witness' testimony, though not his or her identity, may be reported. Rules 22, 23, 24 and 25 apply to such a witness.

29. All parties and their counsel shall be deemed to undertake to adhere to the rules respecting confidentiality. A breach of these rules by a party or counsel to a party shall be dealt with by the Commissioner.

### **Time of Sittings**

30. During the phase of the public hearings scheduled to occur in Toronto, the Commissioner will sit four days out of five. When the Commission commences hearings across the country, the Commissioner will sit five days out of five.

31. As there will be different stages of the Inquiry, counsel should be aware that some witnesses may be called more than once.

### **Documentary Evidence**

32. Originals of relevant documents are to be provided to Commission counsel upon request.

33. The Commission expects all relevant documents to be produced by any party with standing.

34. Documents received from a party, or any other organization or individual, shall be treated as confidential by the Commission unless and until they are made part of the public record as an exhibit. This is not intended to preclude Commission counsel from disclosing a document to a proposed witness prior to the witness giving his or her testimony or as part of the investigation being conducted.

35. Subject to Rule 36 and to the greatest extent possible, Commission counsel will endeavour to provide in advance to both the parties and a witness the documentation that will be referred to during the course of that witness' testimony.

36. Counsel to the parties will be provided with copies of documents only upon giving an undertaking that these will be used solely for the purposes of the Inquiry. Counsel are entitled to disclose these confidential documents to their respective clients only upon the client entering into a written undertaking to the same effect. This undertaking will be of no force regarding any particular document once that document becomes part of the public record when it is filed as an exhibit.

37. A party who believes that Commission counsel has not included relevant documents in the document book must bring this to the attention of Commission counsel at the earliest possible opportunity. The object of this rule is to prevent witnesses from being surprised with a relevant document that they have not had an opportunity to examine prior to their testimony. If Commission counsel decides the document is not relevant, it shall not be included in the document book. This does not preclude the document from being used in cross examination by any of the parties. Before such a document may be used for the purposes of cross examination, a copy must be made available to all parties by counsel intending to use it not later than the first cross examination of that witness, subject to the discretion of the Commissioner.

### **The Right to Counsel**

38. If a person is employed with someone who holds standing as a party to the Inquiry, Commission counsel will interview that person only after informing counsel for the party, unless the witness says he or she has independent counsel or instructs Commission counsel that he or she does not wish counsel for the party to be present or notified.

39. If a witness has held prior employment with one or more of the parties, Commission counsel will tell the witness that he or she is free to have the benefit of counsel for that party, but Commission counsel will proceed with the interview if the witness indicates that he or she does not wish counsel for the party by whom he or she was employed to be notified or be present during the interview.



## Supplementary Rules of Procedure and Practice

1. Except where inconsistent with these Rules, the Rules of Procedure and Practice for the Commission of Inquiry Into the Blood Supply also apply.
2. The Commissioner retains the discretion to permit a departure from the Rules to ensure fairness.
3. All recipients of Section 13 Notices who intend to respond to the issues raised in their Section 13 Notices shall do so at the time scheduled by the Commissioner for response.
4. Persons responding to a Section 13 Notice by way of adducing documentary evidence that has not already been filed as an exhibit, whether or not they intend to adduce *viva voce* evidence, shall provide copies of such documents to the Commission by October 1, 1996.
5. Any documents produced pursuant to Rule 4 will be copied and distributed to all parties and persons responding to Section 13 Notices by Commission staff before any *viva voce* evidence is heard.
6. Persons responding to Section 13 Notices shall be bound by Rule 36 of the Rules of Procedure and Practice.
7. At the commencement of the tendering of evidence, either *viva voce* and/or documentary, in response to a recipient's Section 13 Notice, the recipient shall file the Notice as an exhibit.
8. Testimony offered must be relevant and responsive to the issues raised in the Section 13 Notice. The Commissioner urges counsel to avoid repetition, and as much as possible to ensure that witnesses have firsthand knowledge of matters they discuss.
9. Except as provided for in Rule 14 of the Supplementary Rules, counsel adducing testimonial evidence shall proceed according to the normal rules governing the examination of ones own witnesses.
10. Counsel for a person responding to a Section 13 Notice by way of adducing *viva voce* evidence shall file with the Commission 14 days in advance of their scheduled commencement date the following:
  - 1) curriculum vitae, where available, and willsay statements of proposed witnesses;

- 2) a list of all documents, by exhibit number and page, already filed as exhibits that each witness will make reference to;
  - 3) a list of all documents produced and distributed pursuant to Rules 3 and 4 which the witness will be referred to.
11. Willsay statements, curriculum vitae and lists of exhibits to be referred to will be copied and distributed by the Commissioner's staff to parties with standing and other recipients of Section 13 Notices who intend to respond to their Section 13 Notices.
12. i) All parties with standing and all recipients of Section 13 Notices or their counsel who have chosen to respond will have the right to cross-examine any witness called in response to a Section 13 Notice. Subject to Rule 12 ii) cross-examination shall be limited to the issues raised in the Section 13 Notice to which the witness is responding.
- ii) Cross-examination relevant to issues raised in the Section 13 Notice that the witness has not addressed in chief or raised in other Section 13 Notices will be permitted only with leave of the Commissioner, and when sufficient notice has been given to the witness permitting the witness to prepare adequately.
- iii) With respect to the application of Rule 37 of the Rules of Procedure and Practice for the Commission of Inquiry Into the Blood Supply, new documents to be used for the purposes of cross-examination must be made available not only to the parties but also to persons responding to Section 13 Notices and the witness.
13. Applications to compel the attendance of witnesses in order to respond to Section 13 Notices shall be made to the Commissioner on three days' notice and shall include a statement in writing setting out:
- 1) the evidence it is expected the witness will give;
  - 2) the need, if any, for a summons.

The issuance of a summons does not relieve the person who obtained the summons from the provisions of Rule 10.

14. Counsel may tender the evidence of a person in the form of a written statement, signed by that witness, dealing with issues that are non-controversial. The Commissioner will hear and determine any application to cross-examine the witness on matters dealt with in the statement or otherwise pursuant to rule 12(ii).

15. The order of cross-examination will be determined by agreement. However, if no agreement can be reached, the order shall be fixed by the Commissioner. Commission Counsel, if they choose to cross-examine, will do so last. Counsel calling the witness shall have a right of re-examination.

## *Appendix D*

### Parties Granted Standing and Their Counsel

Canadian Red Cross Society	Earl A. Cherniak Maureen Currie Robert Charbonneau Constance Berrie Chris Morrison Beth Walden
Canadian Blood Agency	James H. Smellie Martha Healey
Canadian Hemophilia Society*	Bonnie A. Tough Katheryn Podrebarac Jacques Sylvestre
Canadian AIDS Society*	R. Douglas Elliott Michael Rodrigues Patricia Lefebour
Hemophilia Ontario* Toronto and Central Ontario Region	Graham Pinos David Harvey
Gignac, Sutts Group*	Paul C. Nesseth
Connaught Laboratories Limited	Allen N. West Monica McCauley
Jean-Daniel Couture* and Guy-Henri Godin*	Michel Savonitto Lyne Beauchamp Anna Maria Mongillo
Canadian Hemophiliacs Infected with HIV*	William A. Selnes

Janet Connors\*

Dawna J. Ring

Miles Canada Inc./Bayer Inc.

Randal T. Hughes  
Ian Nordheimer  
Deborah Campbell  
Tracy Patel

Province of Saskatchewan  
Province of British Columbia  
Province of Alberta  
Province of New Brunswick  
Province of Nova Scotia  
Province of Manitoba  
Province of PEI  
Province of Newfoundland  
Yukon Territory  
Northwest Territories

William C. Craik  
Gary Bainbridge  
Darlene Groh (for Alberta only)

HIV-T Group (Blood Transfused)\*

Kenneth Arenson  
David Harvey  
Allan D.J. Dick  
Lori Stoltz  
Harriet Simand

The Hepatitis C Group of  
Transfusion Recipients  
and Hemophiliacs\*

Pierre Lavigne  
Adele Berthiaume

Province of Ontario

Michele Smith  
Tom Wickett  
Caroline Engmann

Province of Quebec\*\*

Serge Kronström  
Michel Jolin  
Nathalie Clark

Government of Canada

Donald Rennie  
Linda Wall  
Richard Morneau  
J. Sanderson Graham

Hepatitis C Survivors Society

Philip Tinkler  
Ian Blue

Committee of HIV Affected  
and Transmitted

Kenneth Arenson

Association of Hemophiliac  
Clinic Directors of Canada

Mary M. Thomson  
Julia Schatz  
Louis Lacoursière

Armour Pharmaceutical Company

W. Thomas McGrenere

---

\* Participants granted intervener funding.

\*\* The Province of Quebec did not seek standing but cooperated throughout and participated in the hearings in Quebec and in the national hearings.

# Appendix E

## Intervener Funding: Order in Council and Annex "A" – Guidelines



CLERK OF THE PRIVY COUNCIL - LE GREFFIER DU CONSEIL PRIVÉ

P.C. 1994-520

24 March, 1994

PRIVY COUNCIL • CONSEIL PRIVÉ

HIS EXCELLENCY THE GOVERNOR GENERAL  
IN COUNCIL, on the recommendation of the Prime  
Minister, is pleased hereby to authorize the  
Clerk of the Queen's Privy Council for Canada  
to make ex gratia payments, in accordance with  
the criteria and principles set out in Schedule  
"A" hereto, to assist in the payment of the  
costs incurred by intervenors to the Commission  
of Inquiry on the Blood System in Canada,  
established under Part I of the Inquiries Act  
by Order in Council P.C. 1993-1879 of  
October 4, 1993, upon consideration of the  
advice and recommendations for such payments  
made on November 30, 1993 by the Honourable  
Mr. Justice Horace Krever pursuant to  
paragraph 5 of that Order in Council.

CERTIFIED TO BE A TRUE COPY - COPIE CERTIFIÉE CONFORMÉ

A handwritten signature in black ink, appearing to be "R. A. 2.11".

ANNEX "A"

COMMISSION OF INQUIRY ON THE BLOOD SYSTEM IN CANADA

INTERVENOR FUNDING

Within the context of fiscal restraint, the Government has agreed to provide assistance with regard to the costs of certain intervenors appearing before the Commission in accordance with the following principles and criteria:

Principles

- o Commission counsel has the primary responsibility for representing the public interest at the inquiry including the responsibility to ensure that all interests that bear on the public interest are brought to the Commissioner's attention.
- o Intervenor participation is for the purpose of ensuring that particular interests and perspectives that are considered by the Commissioner to be essential to his mandate will be presented to him; these include interests and perspectives that could not be put forward by Commission counsel without harming the appearance of objectivity that will be maintained by Commission counsel and which the Commissioner believes are essential to the successful conduct of the inquiry.
- o The aim of funding is to assist intervenors in presenting such interests and perspectives but is not for the purpose of indemnifying intervenors from all costs incurred.

Criteria

1. The Commission will certify, through the employment of an assessment officer to review accounts, that the fees and disbursements incurred by funded intervenors' counsel are necessary to the presentation of interests and perspectives essential to the successful conduct of the inquiry and that they are consistent with the principles and criteria established for the funding of intervenor participation in the Commission.



- 2 -

2. More particularly regarding fees:
- (a) Counsel will only receive funding for attendance at local hearings to be held throughout the country if (i) counsel has clients in the province or territory of that particular local hearing; or (ii) counsel has prior authorization from the assessment officer to attend a particular local hearing because the intervenor has an interest or perspective that is essential to the successful conduct of that particular hearing and will not otherwise be represented;
  - (b) (i) For those intervenors for whom the Commissioner has recommended senior and junior counsel, no more than two counsel will receive funding for any one hearing; for those intervenors for whom the Commissioner has recommended two senior counsel to share time (these intervenors being an amalgamation of previously separate groups of individuals), no more than one counsel will receive funding for any one hearing except in the unusual circumstances that the amalgamated groups within the intervenor have disparate interests that cannot be represented by one counsel; for all other intervenors, no more than one counsel will receive funding for any one hearing. (ii) Whether more than one counsel should be funded for any particular day of hearing, will be in the discretion of the assessment officer.
  - (c) maximums will be set for preparation and hearing time to be billed: (i) 50 hours of preliminary preparation per intervenor prior to February 14, 1994 except when a senior and junior counsel have been authorized in which case it will be 50 hours for the senior counsel and 25 hours for the junior counsel; (ii) thereafter 10 hours of preparation and hearing time for each day counsel attends the inquiry;
  - (d) Counsel fees will be eligible for funding in accordance with the Justice fee guidelines approved for participant counsel at Commissions of Inquiry.

- 3 -

- (e) Counsel fees for intercity travel time will be eligible for funding at one-half the normal hourly rate.
- 3. Counsel will only receive funding for disbursements that would be reasonable to incur for a client of modest means.
- 4. When intercity travel is necessary, counsel will receive funding for travel costs (including transportation, accommodation and meals) at Treasury Board rates.

# Appendix F

## Persons Appearing before the Inquiry

	Date of testimony
<hr/> <i>The Canadian Red Cross Society</i>	
Alport, Edward Charles	25–27 May 1994
Anhorn, Craig A.	18–19 September 1995
Aye, Maung Tin	23–24 and 28–30 November 1995
Barr, Robert Murray	24–25 October 1994
Blajchman, Morris	17–18 and 20–21 October 1994 and 27–28 March 1995
Bowen, Thomas	28–29 April 1994
Bradbury, Donald	19 August 1994
Buskard, Noel Adams	6–8 July 1994
Crivellari, Lorenzo	23–24 November 1995
Davey, Martin Geoffrey	8–11, 15–18, 23–26, and 29–31 May and 1, 5–8, and 12–13 June 1995
Décary, Francine	21 September 1994
Dunne, Helen	19 August 1994
Gauthier, Linda	14 September 1994
Good, Lin	27–28 September 1995
Gorelick, Max	27–29 July 1994
Guévin, Raymond	19–20 September 1994
Hébert, Michel	13–14 September 1994
Hemming, Harold Robert	27–28 September 1995
Herst, Roslyn	15–18 February, 25–28 October, and 8–9 December 1994 and 6–7 July 1995

Houde, Claude	23–24 November 1995
Huntsman, Richard George	15–17 August 1994
Jones, Janet	27–28 September 1995
Kaegi, Andrew	11 July 1995
Laflamme, Léandre	14 September 1994
Lane, Ed	11–12 December 1995
Larke, Peter Bryce	20–21 April 1994
Lidster, Shanno	1 June 1994
Lindores, Douglas	14–15 February 1994 and 23–24 November and 14–15 December 1995
MacKay, John Sinclair	14–15 July 1994
MacNutt, Cathy	23–24 November 1995
McSheffrey, John Brian	25–27 May 1994
Morin, Claude	21–22 September 1995
Paterson, Christopher Blakey	27–28 September 1995
Perrault, Roger A.	8–11, 15–18, 23–26, and 29–31 May and 1, 5–8, and 12–13 June 1995
Poon, Man-Chiu	11 July 1995
Rock, Gail Ann	10–12 April 1995
Ross, Helen Elizabeth	2–3 August 1994 and 27 June 1995
Rousseau, Joseph	13–14 September 1994
Roy, Mary Lynne	14–15 July 1994
Schroeder, Marlis	13–14 June 1994
Turc, Jean-Michel	26–27 April 1994
Turner, Andrew Robert	27 April 1994
Van Dusen, Julie	1 June 1994
Vick, Stephen	30 November and 11–12 December 1995
Weber, George	2–3 October 1995
<i>The Canadian Blood Committee and its advisory subcommittee</i>	
Anderson, Fred S.	9 August 1995
Boily-Nichol, Elaine	16–17 August 1995
Dreezer, Stephen	8–11 August 1995

Gamble, Robert W.	31 August 1995
Glynn, Peter A.R.	8–11 August 1995
Hauser, Jo	31 August 1995
Hearn, Ambrose M.	8–11 August 1995
Inwood, Martin	4–5 July 1995
Klotz, Randall	16–17 August 1995
Koopmann, Peter	16–17 August 1995
Langley, George Ross	16–17 August 1995
Leclerc-Chevalier, Denise	21–22 August 1995
Poyser, Kenneth	21 June 1995
Sullivan, Wayne Hudson	26–27 July 1994 and 31 August 1995

*The Canadian Blood Agency*

Dobson, William	17 February 1994
Dresch, Philip	30 November and 14–15 December 1995
Rivet, Colette	30 November 1995
Vermette, Michel	28–29 November 1995

*Federal public health officials*

Bailey, Keith	29 November 1995
Boucher, D. Wark	25–27 and 30 October and 2 and 6 November 1995
Clayton, Alastair	11–13 October 1995
Furesz, John	25–27 and 30 October and 2 and 6 November 1995
Gill, Peter	23–24 October and 4 December 1995
Gully, Paul	21–22 and 28 November 1995
Hogan, Victoria	24 November 1995
Jessamine, Alexander Gordon	11 October 1995
Kennedy, Douglas	28–30 November 1995
Kirkwood, David Herbert W.	3 November 1995
Liston, Albert Joseph	6 October 1995

Losos, Joseph	21–22 November 1995
Mathias, Richard	21–22 November and 1 December 1995
Michols, Dann	16 February 1994
O'Shaughnessy, Michael	23–24 October 1995
Pope, David C.	25–27 and 30 October and 2 and 6 November 1995
Sutherland, Donald	21–22 November 1995
Wigle, Donald	21–22 November 1995

*The National Advisory Committee on AIDS*

Gilmore, Norbert	17 and 19–21 April 1995
Mathias, Richard	17 and 19–21 April 1995
Shepherd, Frances A.	17 and 19–21 April 1995
Soskolne, Colin Lionel	17 and 19–21 April 1995

*Bayer Corporation*

Duchardt, Karl	11–12 December 1995
Ryan, John	11–12 September and 11–12 December 1995

*Baxter Corporation*

Alderson, Larry	14 September 1995
Pinard, Micheline	14 September 1995

*Connaught Laboratories Limited*

Cochrane, William	28–29 August 1995
Davies, Alun	28–29 August 1995
Magnin, Anthony A.	23–24 August 1995

*The Canadian Blood Bank*

Richardson, Charles	15 August 1994
Stanbury, Paul	15 August 1994
Webber, Sharon	15 August 1994
Whalen, Raymond	15 August 1994

*Provincial and local public health officials*

Allard, Denis Gerard	12 July 1994
Anderson, Catherine Margaret	30 May 1994
Anderson, Patricia Louise	14 October 1994
Balram, B. Christofer	12 July 1994
Blake, Barbara	12–13 October 1994
Browne, Joseph A.	12–13 October 1994
Cantin, Réjean	27 September 1994
Chadwick, Nigel Lyle	14 October 1994
Cudmore, Douglas W.	3 August 1994
Demshar, Helen P.	14 October 1994
Dionne, Marc	28 September 1994
Dobbin, Lucy C.	25 July 1994
Fast, Margaret Vanetta	16 June 1994
Finn, Jean-Guy	11 July 1994
Gagnon, Reynald	30 September 1994
Guilfoyle, Francis John	17 June 1994
Hammond, Gregory	16 June 1994
Hogan, Kevin Paul	18 August 1994
Horsman, Gregory	31 May 1994
Hutchison, Patricia Anne	30 May 1994
Johnstone, Timothy	28–29 March 1994
Korn, David Ashley	9 March 1994
Laberge-Ferron, Denise	29 September 1994
Larke, Peter Bryce	20–21 April 1994
Lavigne, Pierre Marcel	26–27 July 1994
Macdonald, Sharon	16 June 1994
MacLean, David Robert	2 August 1994
Macpherson, Alexander Stewart	17 March and 11 October 1994
Marshall, Carlton M.	14 October 1994
Matusko, Patricia A.	16 June 1994
Maynard, Frank Alvin	17 June 1994
Millar, John S.	5–6 April 1994
Mindell, William	22 June 1995

Morisset, Richard	23 September 1994
Pelletier, Michel Y.	28 September 1994
Philippon, Donald J.	18 April 1994
Ratnam, Samuel	18 August 1994
Rekart, Michael Louis	29–30 March and 5 April 1994
Remis, Robert S.	29–30 September 1994 and 10 October 1995
Robert, Jean	23 September 1994
Romanowski, Barbara	25 April 1994
Rozee, Kenneth Roy	2 August 1994
Sarsfield, Peter Aymar	17 June 1994
Schabas, Richard Elliott	12–13 October 1994
Sullivan, Wayne Hudson	26–27 July 1994 and 31 August 1995
Sweet, Lamont Edward	3 August 1994
Wallace, Evelyn Mackenzie	12–13 October 1994
Walters, David John	11–12 July 1994
Waters, John Robert	18–20 April 1994
West, Roy	31 May 1994
Williams, Robert J.	18 August 1994
Yeates, Glenda	30 May 1994

*AIDS and gay community organizations*

Alloway, Tom	30–31 March 1995
Backé, Horst	17 June 1994
Barnes, Lesley Joan	29 July 1994
Bernard, Kimberley	29 July 1994
Cassidy, David	27 September 1994
Clausson, Nils	1 June 1994
Faulkner, Marilyn	17 June 1994
Frederickson, Robert Erik	29 July 1994
Getty, Grace Anne	13 July 1994
Helquist, Gens	1 June 1994
Hislop, George	30–31 March 1995



Holinda, Daniel	21 April 1994
Jackson, Ed	30–31 March 1995
Jewell, David	21 April 1994
Lavoie, René	27 September 1994
Marchand, Rick	8 April 1994
Massiah, Elizabeth	21 April 1994
McCarthy, Dale	30–31 March 1995
McCarthy, Vern	1 June 1994
Metcalfe, Robin Douglas	29 July 1994
Murray, Glen	17 June 1994
Noble, James Erwin	13 July 1994
Norton, Deborah	1 June 1994
Parsons, Trudy Renee	17 August 1994
Phair, Michael	21 April 1994
Raymond, René	27 September 1994
Shantz, Barbara	8 April 1994
Skoglund, Craig	17 June 1994
Smith, Eric Marshall	29 July 1994
Stewart, Noah	8 April 1994
Sussey, Elaine Brenda	13 July 1994
Thomas, Réjean	27 September 1994
Upward, Wallace	17 August 1994
Welsh, Michael	8 April 1994
Williams, Henry Charlton	13 July 1994
Willoughby, Brian	8 April 1994
Wood, Peter Francis	29 July 1994
Wushke, Ralph	1 June 1994
Yetman, Gerard	17 August 1994
<i>The Montreal Haitian community</i>	
Adrien, Alix	26 September 1994
Alcindor, Antony	26 September 1994
Rateau, Marlène	26 September 1994

*The Canadian Hemophilia Society*

David, Lindee	29 November 1995
Gurney, Edwin	28 June 1995
Kreppner, James Rudolph	21 March 1994 and 28–29 November 1995
Kubin, Edward Richard	15 June 1994 and 12 July 1995
Mindell, William	22 June 1995
Page, David	18 February and 16 September 1994
Poyser, Kenneth	21 June 1995
Wong-Reiger, Durhane	30 November 1995

*Physicians and others treating hemophiliacs, serving on the medical and scientific committee of the Canadian Hemophilia Society, and belonging to the Association of Hemophilia Clinic Directors of Canada*

Ali, S. Kaiser	27 June 1995
Bartlett, Joy	14 July 1995
Bélanger, Gisèle	12 July 1995
Bell, Carol	14 July 1995
Bernier, Lorraine	12 July 1995
Blanchette, Victor Stanley	6–7 July and 30 November 1995
Card, Robert	19–20 June 1995
Girard, Muriel	12 July 1995
Grove, Gershon	29–30 June 1995
Harrington, Anne	14 July 1995
Herst, Roslyn	15–18 February, 25–28 October, and 8–9 December 1994 and 6–7 July 1995
Inwood, Martin	4–5 July 1995
Kobrinsky, Nathan	10 July 1995
Lindner, Lois	14 July 1995
Moisey, Clarence G.	26 June 1995
Poon, Man-Chiu	11 July 1995
Rayner, Harry Ledingham	10 July 1995
Rivard, Georges-Étienne	13 July 1995
Ross, Helen Elizabeth	2–3 August 1994 and 27 June 1995

Strawczynski, Hanna	14–16 June 1995
Teitel, Jerome	6–7 July and 28–30 November 1995
Walker, Irwin	4–5 July 1995

*Other physicians*

Berger, Philip B.	14–15 March and 11 October 1994
Biggins, Kieran	25 April 1994
Bowmer, Michael Ian	18 August 1994
Cowan, Donald Henry	18 October 1994
Dawson, David	25 April 1994
Dupont, Claire Louise	26 September 1994
Fanning, Mary Major	8 March and 11 October 1994
Feinman, Saya Victor	27–28 March 1995
Goresky, Gerald V.	25 April 1994
Greenberg, Mark	18 October 1994
Gross, Allan E.	18 October 1994
Harris, Floyd W.	25 April 1994
Hume, Heather Ann	26 September 1994
King, Susan Margaret	9–10 March 1994
Macauley, John	4 May 1995
Maclean, Alexander	4 May 1995
Noble, William H.	18 October 1994
Pinkerton, Peter Harvey	18 March 1994
Poon, Annette Olive	15–16 March 1994
Tsoukas, Christos Michael	20 September 1995

*Infected and affected persons*

Antill, Richard William	24 May 1994
Aubin, Claudia	22 February 1994
Aubin, Richard	22 February 1994
Bard, Camil	22 September 1994
Baribeau, Daniel	16 September 1994
Batt, Janet Maureen	31 March 1994
Blackwood, Kelly	11 March 1994
Brown, Grace	13 July 1994

Brown, Mark	15 June 1994
Brown, Patrick Allison	13 July 1994
Brunet, Carole	22 April 1994
Bulbrook, Mark Patrick	23 February 1994
Charland, Michel	22 September 1994
Chapman, Erma	15 June 1994
Chénier, Monique	16 September 1994
Cloutier, Pierrette	16 September 1994
Colley, Garry	31 March 1994
Collins, Linda	21 February 1994
Comeau, Judith	16 September 1994
Conliffe, Michael	24 February 1994
Connors, Janet Irene	22 March 1994
Connors, Randal Duane	22 March 1994
Cook, Deborah	17 October 1994
Coolen, Carl	25 July 1994
Coolen, Gary	25 July 1994
Coris, Laura	31 March 1994
Couture, Jean-Daniel	22 September 1994
Coyle, Derek Edward	15 June 1994
Dadd, Lena Mary	21 February 1994
Decarie, Johanne	22 February 1994
Decarie, William	22 February 1994
Desmarais, Pierre	16 September 1994
Douglas, Ann	31 March 1994
Drew, Joan Moulton	31 March 1994
Drury, Kathleen Anne	24 February 1994
Dubé, Evelyn	16 September 1994
Duffenais, Leonard	19 August 1994
Duffenais, Regina	19 August 1994
Dungey, Barbara	31 March 1994
Dungey, Bradley	31 March 1994
Durk, Dorothy	22 April 1994
Durocher, Jean-Charles	16 September 1994

Elliott, Mary	11 March 1994
Fordham, Brian Leslie	15 July 1994
Fordham, Carla Maureen	15 July 1994
Freise, Marlene	7 March and 17 October 1994
Freise, Norman Jerald	7 March 1994
Gillis, Rose Marie	2 August 1994
Godin, Guy-Henri	22 September 1994
Greszczyszyn, Caroline	24 February 1994
Greszczyszyn, John	24 February 1994
Hackett, Doug	21 February 1994
Hackett, James	21 February 1994
Hall, William James	24 May 1994
Hébert, Nicole	22 September 1994
Hollingshead, Linda M.	21 March 1994
Holmstrom, Bertha	15 June 1994
Holtz, Lisa	22 April 1994
Huneault, Daniel A.J.	21 March 1994
Isaac, Barry	22 April 1994
Johnson, Malcolm	23 February 1994
Kampf, Gabriel	21 February 1994
Kampf, Lynn	21 February 1994
Kiriakidis, Zoe	16 September 1994
Kreppner, James Rudolph	21 March 1994 and 28–29 November 1995
Kubin, Edward Richard	15 June 1994 and 12 July 1995
Kubin, JoAnn	15 June 1994
Kubin, Lynne	15 June 1994
Laffin, Reta	25 July 1994
Laflamme, Lina	16 September 1994
Lake, Patricia	25 July 1994
Landry, Anne-Marie	13 July 1994
Landry, Normand	13 July 1994
Lane, Solange	22 September 1994
Lee, Cindy	24 May 1994

Lee, Jeffrey	24 May 1994
Lee, Shirley	24 May 1994
Lencucha, Sherry	22 April 1994
Lissel, Victoria Lee	24 May 1994
Lynch, Martin Russell	11 March 1994
Marche, Rita	19 August 1994
Mason, Mark	24 May 1994
Mason, Ron	24 May 1994
Mason, Sheila	24 May 1994
Matychuk, Diane	24 May 1994
McCutcheon, John B.	31 March 1994
McCutcheon, Margaret	31 March 1994
Mervyn, John	31 March 1994
Meston, Allan Ross	15 June 1994
Mitchell, David	22 February 1994
Mitchell, Lori Ann	22 February 1994
Mitchell, Ronald Keith	22 February 1994
Moisey, Clarence G.	26 June 1995
Monette, Jules	16 September 1994
Mueller, Margo	11 March 1994
Mueller, Warren	22 April 1994
Neilson, Patricia Joanne	21 March 1994
Nelson, Earl	22 April 1994
Northrup, Deborah A.	26 June 1995
O'Connor, Patrick Douglas	21 March 1994
Olson, Lorraine	22 April 1994
Osborne, Lois	17 October 1994
Page, David	18 February and 16 September 1994
Parsons, Diana	25 July 1994
Pelletier, Christian	16 September 1994
Pittman, Rochelle	11 March 1994
Plater, John Charles	21 March 1994
Plater, Margaret W.C.	21 March 1994
Ricci, Ronald Reynosa	16 September 1994

Roy, Bernadette	22 February 1994
Roy, Yves	22 February 1994
Rudd, Diane	31 March 1994
Saad, Naiem Soliman	16 September 1994
Saumure, Étienne	16 September 1994
Saumure, Lise	16 September 1994
Schwarze, Pamela	31 March 1994
Shennett, Barb	17 October 1994
Shettell, Leroy	11 March 1994
Shettell, Lydia	11 March 1994
Simon, Luc	22 September 1994
Smith, Barbara	31 March 1994
Smith, Gloria Ann	21 March 1994
Smyth, Jim	15 June 1994
Steiner, Arlene	16 September 1994
Steliga, Kama	31 March 1994
Steliga, Lyle	31 March 1994
Strohmaier, Dale	22 April 1994
Surprenant, Sylvie	16 September 1994
Swann, Antonia Jennifer	21 March 1994
Taylor, Darlene	31 March 1994
Thompson, Grace	24 May 1994
Tompkins, Dennis Richard	13 July 1994
Verreau, Bob	22 April 1994
Waines, Terry	31 March 1994
Walker, Douglas Paul	31 March 1994
Webster, Barbara	15 June 1994
White, Bruce Wayne	13 July 1994
White, Paula Mary	13 July 1994
Wilson, Dan	22 April 1994
Wilson, Edward John	21 March 1994
Zucchelli, Helen	22 April 1994

*Forty-five other persons testified in camera or confidentially, as allowed by Rules 19–29 of the Rules of Procedure (Appendix C).*

*Experts who gave opinion evidence*

Anderson, Michael	8–9 November 1995
Asher, Thomas M.	13 December 1995
Bowman, John Maxwell	13 December 1995
Bruce, Martin	6–7 December 1994
Carrière, Claude	18 December 1995
Finlayson, John	27 November 1995
Francis, Donald P.	7–9 and 13 March 1995
Gargarella, George	7 November 1995
Grobbelaar, Berend G.	13 December 1995
Hyatt, Susan	8–9 November 1995
Johnson, Jon	18 December 1995
Klein, Alexander	21 February and 14 March 1994
Lavoie, Paul	6–7 December 1994
Louria, Donald B.	6–7 December 1994
McClatchey, Kenneth	6–7 December 1994
Mosley, James Wilson	1–3 May 1995
Read, Stanley	6–7 December 1994
Remis, Robert S.	29–30 September 1994 and 10 October 1995
Robins, Jenni Lee	6–7 December 1994
Schechter, Martin T.	6–7 December 1994
Shortreed, John	6–7 December 1994 and 20 November 1995
Shumak, Kenneth Howard	14 February 1994
Skinner, Harvey	6–7 December 1994
Voelker, Cameron	20 December 1995
Walker, Elaine	19 December 1995
Warner, Tim	8–9 November 1995
Zuck, Thomas F.	6–7 December 1994 and 14–16 March 1995



*Participants in round-table discussions*

Abels, Robert	6 December 1995
Anderson, Geoffrey	5 December 1995
Brunk, Conrad	20 November 1995
Burger, Reinhard	10 November 1995
Burgess, Michael	21 December 1995
Davis, David	5 December 1995
Dick, John	6 December 1995
Dickens, Bernard	21 December 1995
Gunson, Harold	10 November 1995
Hastings, John	1 December 1995
Hébert, Paul	5 December 1995
Jacques, Louis	20 November 1995
Kain, Kevin	1 December 1995
Khabahz, Rima	1 December 1995
Langstaff, John	6 December 1995
Lowy, Fred	21 December 1995
Mathias, Richard	21–22 November and 1 December 1995
McCull, Stephen R.	20 November 1995
McDaniels, Timothy L.	20 November 1995
McKerracher, Krista	5 December 1995
Proudfoot, Alex	10 November 1995
Rosencrantz, David	5 December 1995
Shannon, Michael	6 December 1995
Shortreed, John	6–7 December 1994 and 20 November 1995
Somerville, Margaret	21 December 1995
Spencer, Richard	5 December 1995
Sternberg, Moshe	6 December 1995
Stratton, Faith	1 December 1995
Tamblyn, Susan	1 December 1995
Van Aken, Willem	10 November 1995

*Persons called as witnesses by recipients of Section 13 notices*

Chrétien, Michel	16 October 1996
Goldie, James Hugh	12 November 1996
Veinotte, Vincent Leroy	12 November 1996
Wass, Hilary	14 November 1996

# *Appendix G*

## Public Submissions to the Commission

### *Organizations*

Yukon Medical Council  
Canadian Society of Hospital Pharmacists  
Standards Council of Canada  
Registered Nursing Staff, Canadian Red Cross Society Blood  
Transfusion Service, Toronto, Ontario  
The College of Physicians & Surgeons of Manitoba  
College of Physicians and Surgeons of Saskatchewan  
The Canadian Society for Transfusion Medicine  
Canadian Public Health Association  
The Royal College of Physicians and Surgeons of Canada  
Canadian Hemophilia Society, Manitoba Chapter Inc.  
The Association of Hemophilia Clinic Directors of Canada  
Canadian Medical Association  
Canadian Anaesthetists' Society  
Canadian Hematology Society and the Canadian Association  
of Pathologists  
Canadian Institute for Political Integrity  
Ortho Biotech  
The Canadian Society of Laboratory Technologists  
The Alliance for Public Accountability

### *Individuals*

Chris Chihrin  
James E. Parker  
John Scythes and Colman Jones  
Maurice Joseph Pitre  
Roy Schubert  
David Fitzgerald  
Ronald Abrahams  
David Wood  
David S. Catton

Frank Bryant  
Cathy Gommerud  
Joan Hebb  
Bernadine Morris  
Daphne Pearse  
Catherine Kutchaw  
Ken Friesen  
Har Krishan Lal Sabharwal  
Glen Sprenger  
Duncan Conrad  
W.E. Gill  
Skuli Thorsteinson  
Susan McCutcheon  
Joyce Rosenthal  
Allan Lynch  
Sherie L. Angevine  
André Bouthillier  
Marie Hammel  
B.P.L. Moore  
Richard W. Snell  
Maureen Eley  
Stephen Dreezer  
Richard Chatelain  
William Mindell  
Tom Elrick  
Mary McNab  
Thomas W. Burford  
Margaret and Bill Rutherford  
B.G. Grobbelaar  
Gail Rock  
Luc Simon  
H.E. Woolley  
Donna Marquardt  
Pierre Gélinas  
Timothy K. Duggins  
J.R.M. Smith  
Donald and William Scott  
John R. McDonald  
T.J. Harper

# *Appendix H*

## Interim Report Recommendations

### **Chapter 4 – Risks to blood safety**

- 1 That the Canadian Red Cross Society and the Bureau of Biologics give immediate consideration to adopting the third-generation assay for screening blood donations for HCV antibody to reduce the residual risk of post-transfusion hepatitis C infection.
- 2 That the Bureau of Biologics and the Canadian Red Cross Society take steps to identify and implement a strategy to reduce the risk of bacterial contamination in blood.

### **Chapter 5 – The safety of the blood supply subsystem**

- 3 That Blood Services address at the earliest opportunity the “principal” and “other major” matters of concern identified by the international team at the three blood centres audited; and that this include assessments by all seventeen blood centres of whether the deficiencies listed in the three audit reports of the international team apply to them.
- 4 That Blood Services conduct internal Good Manufacturing Practices audits of the fourteen blood centres not audited by the international team; that these audits be conducted by auditors with competence in Good Manufacturing Practices processes; and that, if necessary, external experts be retained for this purpose.
- 5 That Blood Services develop agendas of deficiencies, found by the international team and through internal audit, which need to be corrected nationally and locally; that these agendas give priority to those “principal” and “other major” matters that can be readily corrected or are of the greatest concern; that these agendas list with each deficiency the date by which it is to be corrected; and that they also list the method by which that correction is to be achieved by the proposed date.
- 6 That Blood Services begin to develop Standard Operating Procedures locally for those tasks that are carried out locally; and that the national office of Blood Services set a reasonable schedule for the development of these Standard Operating Procedures and review them as they are produced to ensure compliance with Good Manufacturing Practices.

- 7 That the national office of Blood Services develop national Standard Operating Procedures only for those tasks that are directly coordinated by the national office.
- 8 That Blood Services continue to implement a program of Good Manufacturing Practices, but that it reassess the program of education being used to train its key quality assurance employees to ensure that they are receiving a solid basic understanding of Good Manufacturing Practices concepts.
- 9 That the Canadian Red Cross Society and the Canadian Blood Agency undertake an audit of the capabilities of the CISCO computer system; that this audit include an evaluation of compliance with both domestic regulatory requirements and those of the U.S. Food and Drug Administration; that it also include an evaluation of the capacity to link laboratory test results electronically with other elements of the database; and that this audit include an evaluation of whether a computer system meeting all Blood Services' needs could be met more effectively through the purchase of existing commercial computer software.
- 10 That Blood Services develop a policy for locating blood donor clinics so as to avoid areas known to have a significantly higher than normal prevalence, and thus a potentially higher incidence, of HIV or of any other disease transmissible by blood.
- 11 That the Bureau of Biologics conduct annual inspections of Blood Services' seventeen blood centres and national testing laboratory.
- 12 That Bureau of Biologics inspections be conducted with an emphasis on Good Manufacturing Practices compliance, and to that end: that Bureau inspectors be trained to understand both Good Manufacturing Practices and the blood industry; that the Bureau give immediate consideration to the adoption or adaptation of the critical-control-point checklist developed by Mr Bruce and the way in which it was used by the international team; and that deficiencies found in inspections should be grouped by level of importance in the Bureau's inspection reports.
- 13 That the Bureau of Biologics, upon the completion of an inspection, promptly provide a detailed, written report to the medical director of the facility inspected.
- 14 That the Bureau of Biologics require a prompt written response on how deficiencies will be corrected; that the Bureau conduct follow-up inspections to ensure that corrective action has been taken when serious deficiencies have been found; and that the Bureau establish schedules fixing times by which written responses must be received and follow-up inspections conducted.
- 15 That Bureau of Biologics inspection reports be made public.

## **Chapter 6 – Appropriate use of blood and blood products**

- 16 That directors of hospital blood banks develop procedures to review the proposed use of any blood component requisitioned by physicians.
- 17 That peer review by a hospital transfusion committee of physicians' use of blood for transfusion be a requirement of hospital accreditation.

## **Chapter 7 – Using the patient's own blood**

- 18 That programs for pre-operative deposit of autologous blood be made available to patients throughout Canada who are scheduled to undergo elective surgery.
- 19 That the Canadian Red Cross Society examine the ways in which it can extend its pre-operative autologous service to a greater number of patients over a wider geographic area.
- 20 That the Canadian Red Cross Society ensure that its autologous blood program is available to patients about to undergo surgery outside their province of residence.
- 21 That the Canadian Red Cross Society take active measures to publicize its autologous blood transfusion service.
- 22 That Departments of Health determine in which of the public hospitals that provide elective surgery it would be feasible to create autologous blood programs, and encourage those hospitals to establish such programs.
- 23 That the institutions which operate autologous blood programs reconsider their criteria for admission to the programs to ensure that the programs are available to the maximum number of patients.
- 24 That hospitals, surgeons, and physicians inform patients scheduled for elective surgery of the existence of autologous blood programs offered by the Canadian Red Cross Society and by hospitals.
- 25 That written information on autologous blood services be provided by hospitals, physicians, and surgeons to patients well in advance of elective surgery.

## **Chapter 8 – The patient's right to decide**

- 26 That the licensing bodies of the medical profession require in their standards of practice that the treating physician obtain the informed consent of the patient to the administration of blood and blood products, in such a way that patients in Canada, barring incompetency or an emergency surgical procedure, will be informed of the risks and benefits of, and alternatives to, allogeneic blood transfusion.
- 27 That risks, benefits, and alternatives be presented in language the patient will understand and in a manner that permits questions, repetitions, and sufficient time for assimilation.

- 28 That the discussion between the physician and the patient take place well in advance of the surgical procedure or blood therapy to enable the patient to employ some of the alternatives to an allogeneic blood transfusion, such as the advance deposit of autologous blood, and to allow the patient to participate in a meaningful way in the decisions relating to the administration of blood and blood products.
- 29 That the treating physician document in the patient's medical chart that he or she has discussed the risks, benefits, and alternatives of blood transfusion with the patient.
- 30 That after treatment patients be informed by the treating physician about the particular blood component or blood product and the quantity thereof that was administered to them in the procedure; and that this information be communicated both to patients who gave prior informed consent to the administration of blood or blood products and to patients who, because of a medical or surgical emergency, did not have the opportunity to consent to the receipt of a blood transfusion.
- 31 That information on the blood and blood products be recorded in the medical chart of the patient and on the discharge summary, and that it be included in the reporting letter written by the attending physician or surgeon to the referring physician.

## **Chapter 9 – Notifying those at risk**

- 32 That the Canadian Red Cross Society review and revise its Standard Operating Procedures for trace-back and look-back to require that all donors and recipients are identified and tested where possible; and that revision specifically prevent the closing of an investigation upon the identification of a single positive donor in the case of a trace-back, or of a single negative recipient of an earlier donation in the case of a look-back.
- 33 That the Canadian Red Cross Society conduct a review of the look-backs and trace-backs it has conducted to the present, and that it re-open and complete any which have been closed following the identification of one positive donor in the case of a trace-back, or of one negative recipient of an earlier donation in the case of a look-back.
- 34 That hospitals record information pertaining to blood and blood components administered to patients and retain these records indefinitely, and in a manner that they may be readily retrieved for the purposes of both the Canadian Red Cross Society's trace-back and look-back programs and the direct notification of transfusion recipients by the hospital.
- 35 That hospitals undertake reviews of their records in order to identify former patients who received blood and blood products between 1978 and the end of 1985; and that, where such records are still in existence, the hospitals directly notify these patients that they have received a blood transfusion, inform them about the risks of HIV infection, and provide counselling about the advisability and availability of HIV testing.



- 36 That the provinces and territories take such action as may be necessary to permit hospitals access to census information, including current addresses, in the possession of their health insurance commissions for the purpose of locating recipients of blood transfusions.
- 37 That hospitals undertake reviews of their records in order to identify former patients who received blood products between 1978 and May 1990; and that, where such records are still in existence, the hospitals directly notify those patients that they have received a blood transfusion, inform them about the risks of HCV infection, and provide counselling about the advisability and availability of HCV testing.
- 38 That physicians routinely question both new and old patients to determine whether they have received blood or blood products, and that such questioning should extend to illnesses and surgical procedures which might indicate a history of blood transfusion.
- 39 That the bodies governing physicians remind physicians of the importance of taking blood transfusion histories from their patients, and that these governing bodies take such steps as may be necessary to make the taking of blood transfusion histories a standard of practice.
- 40 That physicians routinely ask their HIV- and HCV-positive patients about the date and location of any blood donations; and that, if a patient has made a donation that poses a potential risk to recipients, the physician request the consent of that patient to provide information concerning the blood donation to the Canadian Red Cross Society for the purpose of locating infected recipients.
- 41 That the provinces and territories take such action as is necessary to require that physicians request information from HIV- and HCV-positive patients concerning the date and location of any blood donations, and to require further that, if the donation poses a potential risk to recipients, the physician request the consent of the patient to provide information concerning the blood donation to the Canadian Red Cross Society for the purpose of locating infected recipients.
- 42 That physicians familiarize themselves with appropriate clinics where their patients may be tested for HIV, and that under no circumstances should physicians refer their patients to the Canadian Red Cross Society for HIV testing.
- 43 That bodies governing physicians assist physicians in familiarizing themselves with the location of appropriate clinic sites for HIV testing, and that they amend their standards of practice to prevent physicians from referring patients to the Canadian Red Cross Society for HIV testing because of the danger to recipients in this practice.



## National Hearings

7-9 March 1995	Toronto
13-16 March 1995	
27-31 March 1995	
10-12 April 1995	
17 April 1995	
19-21 April 1995	
1-4 May 1995	
8-11 May 1995	
15-18 May 1995	
23-26 May 1995	
29 May-1 June 1995	
5-8 June 1995	
19-22 June 1995	
26-30 June 1995	
4-7 July 1995	
10-14 July 1995	
8-11 August 1995	
14-17 August 1995	
21-24 August 1995	
28-29 August 1995	
31 August 1995	
11-12 September 1995	
14 September 1995	
18-22 September 1995	
27-28 September 1995	
2-3 October 1995	
5-6 October 1995	
10-13 October 1995	
23-27 October 1995	
30-31 October 1995	
1-3 November 1995	
6-7 November 1995	
27 November 1995	
4 December 1995	

## Current Issues

<i>Presentations</i>	Toronto
6-7 December 1994	
8-9 November 1995	
21-24 November 1995	
11-15 December 1995	
18-20 December 1995	

*Round-table Discussions*

10 November 1995

20 November 1995

1 December 1995

5–6 December 1995

21 December 1995

Toronto

*Case Studies*

28–30 November 1995

Toronto