

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT

LAW PROJECT FOR PSYCHIATRIC)
RIGHTS, Inc., an Alaskan non-profit)
corporation,))
)
Plaintiff,)
)
vs.)
)
STATE OF ALASKA, *et al.*,)
)
Defendants,)
)

Case No. 3AN 08-10115CI

FIRST REQUESTS FOR PRODUCTION

COMES NOW the Plaintiff, Law Project for Psychiatric Rights (PsychRights®), and, pursuant to Rules 26 and 34 of the Alaska Rules of Civil Procedure, requests defendants State of Alaska *et al.*, to produce and permit PsychRights to inspect and copy each document requested as follows:

You must serve written responses to these requests for production within thirty (30) days of service hereof. The responses must state, with respect to each item or category, that the document has been produced as requested, unless the request is objected to, in which event the reasons for objection shall be specifically stated. If objection is made to part of an item or category, the part shall be specified.

In the event that any document called for by these requests is to be withheld for any reason, please identify that document as follows: title, addressor, addressee, indicated or blind copies, date, subject matter, number of pages, attachments or appendices, all persons

to whom distributed, shown or explained, present custodian, and the basis for withholding the document.

In the event that any document called for by these requests has been destroyed for any reason, please identify that document as follows: date of destruction, manner of destruction, reason for destruction, person authorizing destruction, and person destroying the document.

The requests apply to all documents in your possession, custody or control, including documents in the possession of or subject to the custody or control of your agents or attorneys. Unless otherwise specified, the documents called for by these document requests are documents in your possession, custody or control that were applicable, effective, prepared, written, generated, sent, dated, or received at any time since January 1, 1999.

"Documents" as used herein means all original writings and other forms of recording or documentation of any nature whatsoever, and all non-identical copies thereof, in your possession, custody or control, regardless of where located, and includes, but is not limited to, computer stored or computer generated information, legal documents, agreements, records, communications, reports, studies, summaries, regulations, indices, memoranda, calendar or diary entries, handwritten notes, working papers, agendas, bulletins, notices, announcements, instructions, charts, manuals, brochures, policies, schedules, telegrams, teletypes, films, videotapes, photographs, microfilm or microfiche, all papers, books, journals, ledgers, statements, memoranda, reports, invoices, work sheets, work papers, notes, transcription of notes, letters, correspondence, abstracts, checks,

diagrams, plans, blueprints, specifications, pictures, drawings, graphic representations, lists, logs, publications, advertisements, instructions, minutes, orders, purchase orders, messages, resumes, contracts, cables, recordings, audio tapes, magnetic tapes, visual tapes, transcription tapes or recordings or any portion thereof or summaries thereof, on which any handwriting, typing, printing, photostatic, or other form of communications are recorded or reproduced, as well as all notations on the foregoing; all originals, all file copies and all other copies of any of the foregoing; and all drafts and notes (whether typed, handwritten or otherwise) made or prepared in connection with such documents, whether used or not, pertaining, describing, referring or relating, directly or indirectly, in whole or in part, to the subject matter of each request, and which are in the possession, custody, or control of defendant, State of Alaska, its subsidiaries, officers, directors, employees, agents, representatives, predecessors, attorneys, or others acting on behalf of it defendants.

THIS REQUEST FOR PRODUCTION SHALL BE DEEMED TO BE CONTINUING IN NATURE SO AS TO REQUIRE SEASONAL, SUPPLEMENTAL RESPONSES IF YOU, YOUR AGENTS, REPRESENTATIVES OR ATTORNEYS OBTAIN FURTHER INFORMATION AS TO THE EXISTENCE OF ADDITIONAL DOCUMENTS BETWEEN THE TIME YOUR RESPONSES ARE FILED AND SERVED AND THE TIME OF TRIAL.

Please produce the following at the Law Project for Psychiatric Rights, 406 G Street, Suite 206, Anchorage, Alaska 99501, or designate the location where PsychRights may inspect and copy such documents, on or before thirty days from service of this request:

REQUEST FOR PRODUCTION NO. 1. Any and all documentation of computerized records pertaining children and/or youth who have had contact with the Office of Children's Services (OCS) from January 1, 1999, to date, including but not limited to:

1. Software utilized,
2. Manuals,
3. File format,
4. File structure,
5. The identity and meaning (including codes and/or lookup tables, etc.) of all fields contained in such computerized records, and
6. Examples of all report types.

RESPONSE

REQUEST FOR PRODUCTION NO. 2. Any and all documentation of computerized records pertaining children and/or youth who have had contact with the Division of Juvenile Justice (DJJ) from January 1, 1999, to date, including but not limited to:

1. Software utilized,
2. Manuals,
3. File format,
4. File structure,
5. The identity and meaning (including codes and/or lookup tables, etc.) of all fields contained in such computerized records, and
6. Examples of all report types.

RESPONSE

REQUEST FOR PRODUCTION NO. 3. Any and all documentation of computerized records pertaining children and/or youth who have had contact with the Alaska Psychiatric Institute (API) from January 1, 1999, to date, including but not limited to:

1. Software utilized,
2. Manuals,
3. File format,
4. File structure,
5. The identity and meaning (including codes and/or lookup tables, etc.) of all fields contained in such computerized records, and
6. Examples of all report types.

RESPONSE

REQUEST FOR PRODUCTION NO. 4. Any and all documentation of computerized records pertaining children and/or youth kept by the Division of Behavioral Health (DBH) from January 1, 1999, to date, including but not limited to:

1. Software utilized,

2. Manuals,
3. File format,
4. File structure,
5. The identity and meaning (including codes and/or lookup tables, etc.) of all fields contained in such computerized records, and
6. Examples of all report types.

RESPONSE

REQUEST FOR PRODUCTION NO. 5. Any and all documentation of computerized records relating to payment (or reimbursement) by the Division of Healthcare Services (HCS) for psychotropic drugs prescribed to children and/or youth who have or had claims for payment (or reimbursement) for psychotropic drugs from January 1, 1999, to date, including but not limited to:

1. Software utilized,
2. Manuals,
3. File format,
4. File structure,
5. The identity and meaning (including codes and/or lookup tables, etc.) of all fields contained in such computerized records, and
6. Examples of all report types.

RESPONSE

REQUEST FOR PRODUCTION NO. 6. Any and all documents in the care, custody, or control of DHSS, OCS, DJJ, API, DBH & HCS, pertaining to the following individuals, all of whom have executed Authorizations for Release of Information:¹

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]

RESPONSE

DATED: March 2, 2008.

Law Project for Psychiatric Rights

By: 

James B. Gottstein
ABA # 7811100

¹ See, Attachment A.

AUTHORIZATION FOR RELEASE OF INFORMATION

To: All Treating Medical Personnel and their Employers, Alaska Department of Health and Social Services, Alaska Office of Children's Services, Alaska Division of Juvenile Justice, Alaska Psychiatric Institute, Alaska Division of Behavioral Health and Alaska Division of Health Care Services.

I, [REDACTED], to the extent of my authority, hereby authorize and direct you to:

- (1) communicate with the Law Project for Psychiatric Rights (PsychRights®),
- (2) answer all of PsychRights' questions, and
- (3) provide copies of all documents and other materials requested by PsychRights pertaining to me.

The purpose of this consent is to enable PsychRights to acquire information in connection with its prosecution of *Law Project for Psychiatric Rights v. State of Alaska et al.*, 3AN 08-10115CI, Alaska Superior Court, Third Judicial District, State of Alaska. This authorization encompasses all information that is relevant or may lead to relevant information in the lawsuit as determined by PsychRights, including, but not limited to:

- (i) medical and mental health treatment, including the administration of psychotropic medication,
- (ii) diagnoses and indications,
- (iii) medical necessity,
- (iv) informed consent,
- (v) monitoring for negative effects of treatment,
- (vi) communications with individuals and agencies,
- (vii) consideration of psychosocial interventions, and
- (viii) monitoring the level and type(s) of improvement or deterioration in behavior, life skills, family, school, and social relationships, sports, and the ability to cope with life's demands.

I understand that:

- (a) The records are protected under federal confidentiality regulations issued under the Health Insurance Portability and Accountability Act (HIPAA) and cannot be disclosed without written consent unless otherwise provided for in the regulations.
- (b) The released records may contain sensitive information.
- (c) PsychRights is not a covered entity under HIPAA and the information being disclosed may be subject to redisclosure, including use in the court case, and may otherwise no longer be protected under the regulations.
- (d) I may revoke this consent at any time by notifying PsychRights.
- (e) This consent expires at the earlier of _____, or the conclusion of the lawsuit if the blank is left empty.

A copy hereof, shall be effective.

Executed this 12 day of February, 2009.

[REDACTED]
[print name]

PsychRights®

Law Project for
Psychiatric Rights, Inc.

AUTHORIZATION FOR RELEASE OF INFORMATION

To: All Treating Medical Personnel and their Employers, Alaska Department of Health and Social Services, Alaska Office of Children's Services, Alaska Division of Juvenile Justice, Alaska Psychiatric Institute, Alaska Division of Behavioral Health and Alaska Division of Health Care Services.

[REDACTED], to the extent of my authority, hereby authorize and direct you to:

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- (e) This consent expires at the earlier of _____, or the conclusion of the lawsuit if the blank is left empty.

A copy hereof, shall be effective.

Executed this 15th day of February




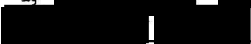
[REDACTED]

[print name]

Exhibit B, page 9 of 14 Attachment A page 2 of 7

AUTHORIZATION FOR RELEASE OF INFORMATION

To: All Treating Medical Personnel and their Employers, Alaska Department of Health and Social Services, Alaska Office of Children's Services, Alaska Division of Juvenile Justice, Alaska Psychiatric Institute, Alaska Division of Behavioral Health and Alaska Division of Health Care Services.

I,   
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A copy hereof, shall be effective.

Executed this 15 day of February, 2009.


[print name]

PsychRights®

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Psychiatric Rights, Inc.

AUTHORIZATION FOR RELEASE OF INFORMATION

To: All Treating Medical Personnel and their Employers, Alaska Department of Health and Social Services, Alaska Office of Children's Services, Alaska Division of Juvenile Justice, Alaska Psychiatric Institute, Alaska Division of Behavioral Health and Alaska Division of Health Care Services.

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A copy hereof, shall be effective.

Executed this 15th day of February, 2009.

[REDACTED]

[print name]

Exhibit B, page 11 of 14 Attachment A page 4 of 7

PsychRights®

Law Project for
Psychiatric Rights, Inc.

AUTHORIZATION FOR RELEASE OF INFORMATION

To: All Treating Medical Personnel and their Employers, Alaska Department of Health and Social Services, Alaska Office of Children's Services, Alaska Division of Juvenile Justice, Alaska Psychiatric Institute, Alaska Division of Behavioral Health and Alaska Division of Health Care Services.

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A copy hereof, shall be effective.

Executed this 15th day of February, 2009.

[REDACTED]

[print name]

Exhibit B, page 12 of 14 Attachment A page 5 of 7

PsychRights[®]

Law Project for
Psychiatric Rights, Inc.

AUTHORIZATION FOR RELEASE OF INFORMATION

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A copy hereof, shall be effective.

Executed this 15 day of February, 2009.

[REDACTED]
[print name]

Exhibit B, page 13 of 14 Attachment A page 6 of 7

AUTHORIZATION FOR RELEASE OF INFORMATION

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Executed this 15 day of February, 2009.

[REDACTED]

[print name]

Exhibit B, page 14 of 14 Attachment A page 7 of 7