



DEPARTMENT OF HEALTH AND MENTAL HYGIENE
OFFICE OF CHIEF MEDICAL EXAMINER
421 EAST 26TH STREET, NEW YORK, NY 10016

CHARLES S. HIRSCH, M.D., Chief Medical Examiner
Mimi C. Mairs, Staff Attorney

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August 21, 2008

James B. (Jim) Gottstein, Esq.
President/CEO
PsychRights®
406 G Street, Suite 206
Anchorage, Alaska 99501

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AUG 25 2008

**RE: Esmin Green, Neuroleptics and Fatal Blood Clots:
A Freedom of Information Law Request
and Demand for Further Investigation**

Dear Mr. Gottstein,

This is in reply to your letter, addressed to Charles Hirsch, M.D., Chief Medical Examiner, in which you demand, pursuant to the Freedom of Information Law [FOIL], the following Office of Chief Medical Examiner [OCME] documents:

“investigative reports and the medications Ms. [Esmin] Green was prescribed, if any, the time of the administration and the doses.”

This request is denied pursuant to §87(2)(b) of FOIL, wherein disclosure would constitute an unwarranted invasion of personal privacy. Documents prepared by this Agency in association with determining cause and manner of death are not public record.

To obtain a copy of an autopsy report or record of a specific individual, the OCME requires explicit authorization from a decedent's next-of-kin; the authorization must permit the OCME to disseminate autopsy findings to a non-family 3rd party – in your case to the Anchorage, Alaska Law Project for Psychiatric Rights. The OCME additionally requires that the authorization be notarized and that the authorizer's familial relationship to the decedent is clearly stated (e.g., blood relatives must state their kinship to the decedent). If the authorizer is identified as the Administrator or Executor of the decedent's estate, then such authorization must be accompanied by Letters Testamentary/Letters of Administration.

If you wish to appeal the decision of the Office of Chief Medical Examiner to deny copies of these documents, you may do so within 30 days of receipt of this decision. You may

appeal to: Leslie C. Kamelhar, Records Appeals Officer, Office of Chief Medical Examiner, 421 East 26th Street, New York, NY10016.

You additionally demand that the OCME re-open the investigation of Ms. Green's death – specifically you demand that the OCME investigate whether “her fatal blood clot was likely caused by the administration of psychiatric drugs” and that OCME “report back” (ostensibly to the Anchorage, Alaska Law Project for Psychiatric Rights) “on the results”.

We acknowledge your concern of the perceived circumstances surrounding Ms. Green's death.

The Office of Chief Medical Examiner has concluded its inquiry into the cause and manner of Ms. Esmine Green's death. The OCME is satisfied with our determination.

Sincerely,



Mimi C. Mairs,
Staff Attorney &
Records Access Officer

cc:

Corporation Counsel
Legal Counsel Division, 6th Floor
100 Church Street
New York, New York 10007