

**Kenneth Scott**

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May 07, 2005

Amos Martinez, Ph.D.  
State Grievance Board.  
1560 Broadway, Suite 880  
Denver CO 80202 - 7880

RE: *Warren Hern, M.D.*

Dear Dr. Martinez:

The purpose of this letter is to submit a formal complaint to the Board regarding certain diagnostic statements made by the above-captioned medical doctor and illegal handling of medical records.

Dr. Hern founded and operates an abortion clinic in Boulder. Hern and I have been engaged in protracted litigation (against each other) and we both have been at the forefront of media coverage. Hern has consistently abused process by making diagnostic statements regarding my alleged mental illness, which diagnostic statements are outside the scope of any expertise that he might have. Some (if not all) of these statements are derived from confidential medical records that he illegally obtained and without any signed release (by me). Upon information and belief, he has leaked these medical records to the media and others for use against me. He has been at this for over ten years. Although this began nearly ten years ago, Hern's latest maneuver was just last week. I have attached a copy of his April 25 2005 and December 18 1995 affidavits.

Firstly, Dr. Hern's 1995 affidavit explains that he obtained medical records, including psychiatric evaluations and other diagnostic findings, from unnamed "law enforcement officials." *Id.* at paragraphs 8, 13, 14 & 15. Although I am not trained in the law and do not know what statutes were in effect in 1995, I do have good reason to believe that Hern, a licensed practitioner in this state, both then and today appreciates the importance of **confidentiality of medical records**. The fact that Hern is at political odds with me is no valid reason for him to

violate this most fundamental tenet of modern medical practice. Although the “theft” of these medical records (*See* C.R.S. § 18-4-412)) implicates unnamed “law enforcement officials,” it stands to reason that Hern is equally culpable for the receipt stolen property (within the context of medical ethics). Further, these mental health records were provided by Hern to the media (*see* p. 16 - 17 of the attached Westward February 1997 article).

Secondly, Hern’s more recent action (just last week) is prohibited by C.R.S. § 12-43-202 (Practice outside of or beyond professional training, experience, or competence) and C.R.S. § 12-43-222(h) or other statutory equivalents. It certainly violates the professional practice guidelines,<sup>1</sup> which this Board exists to uphold. Hern is neither a psychiatrist nor a psychologist and is not qualified to make an axis I or axis II psychiatric or psychological diagnosis, such as that, which is contained in his April 25 2005 affidavit. There, he wrote: “it appears to me that [Scott] is still suffering a serious mental disorder, and this has not changed from 1995 [sic]. In particular, it appears to me that he has many paranoid delusions and that these could lead him to violent action , particularly against me.” *Id.* at p. 2.

God bless,

Ken Scott

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<sup>1</sup> The American Academy of Psychiatry and the Law’s Ethical Guidelines for the Practice of Forensic Psychiatry state, “Honesty, objectivity and the adequacy of the clinical evaluation may be called into question when an expert opinion is offered without a personal examination.” *Id.* The American Psychological Association’s Specialty Guidelines for Forensic Psychologists requires that, “Forensic psychologists avoid giving written or oral evidence about the psychological characteristics of particular individuals when they have not had an opportunity to conduct an examination of the individual .” (*Id.* at Guideline VI. H).