



## ***Psychiatric Security Review Board***

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DOUGLAS A. DUCEY, GOVERNOR  
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[www.azdhs.gov/psrb](http://www.azdhs.gov/psrb)

# **ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES**

**September 28, 2018**

**PSRB Hearing Room  
2500 E. Van Buren St.  
Phoenix, AZ 85008**

### Members:

James P. Clark, M.D., Chairperson  
Chandrika Shankar, M.D., Vice-Chairperson  
Susan Stevens, Esq.  
Paul O'Connell  
Michael J. Klemens, Ph.D. 📧

📧 Absent

### Assistant Attorney General:

Thomas Raine, Esq., for the Psychiatric Security Review Board

### Staff:

Jaime L. Shapiro, Executive Director

### Guests Present and/or Participating:

Aaron Nelson, ASH	Gabriela Reyes, ASH
Andrew Blischak, Esq.	Jacob Miera
Ashley Blum, Esq.	Jandely Eich, ASH
Ashley Monea, ASH	Jason Eng, Southwest Behavioral and Health Services
Billie Jo Peters	Joan Spitler
Brian Beckette, La Frontera-EMPACT	Joel Bunis, Arizona Department of Health Services
Christopher Lambeth	Jon Marsh 📞
Cole Arigoni, Mercy Care	Joseph Stewart, Esq.
Cyndi Froehlich, ASH	
Cyndi Hostetter, AHCCCS	

Katrina Lepthian, ASH  
Kristin Lambeth  
Lindsey Arendt, ASH  
Louis Tapia  
T. M. Spitler  
Nadine Price, ASH  
Nicole Floyd, ASH  
Nicole Perto, COPE Community Services ☎  
Nicole Sagman, ASH  
Nora Greer, Esq.  
Paul Gaulocher

Roberta McVickers, Esq. ☎  
Roselinda Yazzie  
Rosie Yazzie ☎  
S.O. Morris, M.D., ASH  
Stephen Jaffe, M.D., ASH  
Steven Kwoh, M.D., ASH  
Tammy Wray, Esq.  
Telly Rivenburgh, Arizona Complete Health  
Tracy Linkes  
Val Marsh

☎ Participated by Telephone

### **Call To Order:**

James Clark called the meeting to order at 1:03 p.m. and read the Executive Session Confidentiality Statement:

“Minutes of and discussions made in executive session are required by law to be kept confidential and shall not be communicated to any person outside this meeting room, except to members of the Board, a person who is the subject of the discussion pursuant to Arizona Revised Statutes (A.R.S.) § 38-431.03(A)(1), the auditor general in connection with an audit authorized by law, and the attorney general.”

Dr. Clark swore in individuals who anticipated testifying.

### **Statutory Hearings:**

#### **Louis Hurtado Tapia – PSRB No. 10-01**

Louis Tapia was present with his attorney, Nora Greer. The statutory hearing was held from 1:05 p.m. to 1:15 p.m. pursuant to A.R.S. § 13-3994(H). Mr. Tapia and the outpatient treatment team recommended independent living.

Nicole Perto, Mr. Tapia’s case manager, was teleconferenced into the hearing. Nora Greer shared that Mr. Tapia continually does well on his conditional release and members of his treatment team find him cooperative. Mr. Tapia discussed a car accident he was involved in where he was found not at fault.

A motion was made by James Clark, seconded by Susan Stevens, and passed 4 – 0 to recess into executive session at 1:07 p.m. to discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2).

After discussion in executive session, the Board reconvened in open session at 1:14 p.m.

In open session, a motion was made by James Clark, seconded by Susan Stevens, and passed 4 – 0 to grant independent living to Louis Tapia, and that the current treatment plan remain in place, based on evidence presented by Mr. Tapia and the outpatient treatment team that Mr. Tapia remains in stable remission and is not dangerous if he resides independently.

**Billie Jo Peters – PSRB No. 03-09**

Billie Jo Peters was present with her attorney, Ashley Blum. The statutory hearing was held from 1:16 p.m. to 1:40 p.m. pursuant to A.R.S. § 13-3994(H). The outpatient treatment team recommended removal of monthly face-to-face staffings.

Ashley Blum noted that Ms. Peters' sister, Tracey Linkes, and staff from the residential facility, Brian Eng, were present and in support of the recommendation. She added that Ms. Peters continues to do well in her placement, attends group therapies, therapy appointments, and AA, and wishes take steps toward independent living.

A motion was made by James Clark, seconded by Susan Stevens, and passed 4 – 0 to recess into executive session at 1:19 p.m. to discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2).

After discussion in executive session, the Board reconvened in open session at 1:35 p.m.

In open session, a motion was made by James Clark, seconded by Paul O'Connell, and passed 3 – 1 to reduce the monthly face-to-face staffings to quarterly, or more frequently as needed, with the understanding that monthly phone staffings will continue to occur, based on the evidence presented by the outpatient treatment team that Ms. Peters' remains in stable remission and not dangerous.

*Dr. Shankar opposed the motion citing that she believes Ms. Peters is not clinically stable enough to reduce oversight.*

**Michelle Marie Price – PSRB No. 14-11**

Michelle Price was present with her attorney, Nora Greer. The statutory hearing was held from 1:41 p.m. to 2:15 p.m. pursuant to A.R.S. § 13-3994(H). The inpatient treatment team

recommended conditional release to ASH; however, ASH administration and the Special Classification Committee (SCC) opposed it.

Dr. Clark recalled that this hearing was continued so the SCC could be polled and possibly report back to the PSRB as to why the recommendation was opposed. Steven Dingle stated that his comments are unchanged. Dr. Clark stated that it seems like the SCC has information that could indicate that Ms. Peters may not be in stable remission or may be dangerous, and is not willing to share it with the PSRB. Board members made several attempts to clarify what the discrepancy is between the treatment team, ASH administration, and the SCC, but Dr. Dingle stated he was not willing to discuss it in open session. Dr. Clark asked Dr. Dingle if ASH administration believes Mr. Price is in stable remission and not dangerous, and Dr. Dingle stated that there was no motion from the SCC during the time Ms. Price was reviewed and added that he doesn't know because he doesn't know what people think. Dr. Shankar stated that she joins Dr. Clark in being perplexed at the process of the SCC, and asked Dr. Dingle what the reason was for the lack of a motion and what discussion was had. Dr. Dingle replied that discussions made in the SCC are protected under ASH policy and not under the purview of the PSRB.

A motion was made by James Clark, seconded by Susan Stevens, and passed 4 – 0 to recess into executive session at 1:47 p.m. to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

After discussion in executive session, the Board reconvened in open session at 1:56 p.m.

In open session, Ms. Greer stated that the only legal strategy she can devise is to obtain an independent evaluation and request that the hearing be continued until it's completed. Dr. Clark asked Dr. Dingle if an independent evaluation would help Ms. Price move toward conditional release and Dr. Dingle said that speculating would imply that he knew why the SCC did not make a motion, and he added that the SCC is an "internal risk management process and those processes are not reviewed in open forums unless there was clear reason to do so". Dr. Clark asked what the SCC would like to see from Ms. Price to move her forward, and Dr. Dingle said that is "not for conversation here". Dr. Dingle added that he "would have no problem going back to speak about this issue in executive session with the PSRB provided it was just the PSRB, me, and my attorney".

Ms. Greer said she would be willing to waive her client's right to participate in the executive session. Discussion ensued about the legality of Dr. Dingle's proposal and Mr. Raine concluded that he would have to research further.

After discussion, a motion was made by Chandrika Shankar, seconded by Susan Stevens, and passed 4 - 0 to continue the matter for 90 days so Ms. Price can obtain an independent evaluation.

**Rick William Stevenson – PSRB No. 95-06**

Rick Stevenson was present with his attorney, Tammy Wray. The statutory hearing was held from 2:16 p.m. to 2:43 p.m. pursuant to A.R.S. § 13-3994(H). The Hospital recommended conditional release to ASH: phase two, levels three and four.

Jon Marsh, a friend of Mr. Stevenson, was teleconferenced into the hearing. James Holmes pointed out a discrepancy in his report to the Board which indicated that Mr. Stevenson absconded while on an off-grounds pass in 1995, but it should read that Mr. Stevenson absconded from the grounds of ASH. Dr. Holmes added that the SCC supported the recommendation.

Ms. Wray pointed out the members of the audience who are in support of Mr. Stevenson. Ms. Shapiro played a video message to Mr. Stevenson from the Marsh family for the Board members. Jon Marsh was sworn in and testified that the Marsh family considers Mr. Stevenson a family member and look forward to sharing time with him.

A motion was made by James Clark, seconded by Susan Stevens, and passed 4 – 0 to recess into executive session at 2:28 p.m. to discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2).

After discussion in executive session, the Board reconvened in open session at 2:39 p.m.

In open session, Dr. Clark stated that, due to the heinousness of the index crime, Mr. Stevenson’s history of chronicity and relapse, he believes Mr. Stevenson should move more slowly through the levels of conditional release.

A motion was made by Susan Stevens to approve Rick Stevenson for conditional release to Arizona State Hospital, phase two, level three and four, and adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital’s treatment team, that Mr. Stevenson’s mental disease or defect is in stable remission and he is not dangerous if he remains a resident of the State Hospital and is compliant with the terms of conditional release and the treatment plan presented today.

Dr. Clark asked Ms. Steven's if she would accept an amendment to change the word "or" to "and" on the proposed conditional release treatment plan. Ms. Stevens accepted the amendment, Chandrika Shankar seconded, and the motion passed 4 – 0.

**Ricky Allen Yazzie – PSRB No. 14-13**

Ricky Yazzie was present with his attorney, Roberta McVickers, who appeared telephonically. The statutory hearing was held from 2:44 p.m. to 2:56 p.m. pursuant to A.R.S. § 13-3994(H). The Hospital recommended conditional release to ASH: phase two, levels three and four.

Roberta McVickers and Rosie Yazzie, Mr. Yazzie's mother, were teleconferenced into the hearing. Mrs. Yazzie asked the PSRB if it would be acceptable for her to offer a prayer. The PSRB had no objection.

Ms. McVickers requested that the Board adopt the recommendation. Paul Gaulocher Mr. Yazzie's AA sponsor, was present and testified that he has known Mr. Yazzie for about two years and meets with him about twice per week. He shared that Mr. Yazzie has been sober for over five years and is committed to a sober lifestyle.

A motion was made by Susan Stevens, seconded by James Clark, and passed 4 – 0 to recess into executive session at 2:51 p.m. to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

After discussion in executive session, the Board reconvened in open session at 2:55 p.m.

In open session, a motion was made by Paul O'Connell, seconded by Chandrika Shankar, and passed 4 – 0 to approve Ricky Yazzie for conditional release to Arizona State Hospital, phase two, levels three and four, and adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Yazzie's mental disease or defect is in stable remission and he is not dangerous if he remains a resident of the State Hospital and is compliant with the terms of conditional release and the treatment plan presented today.

**Jean Alutaya Cataline – PSRB No. 14-12**

Jean Cataline was not present and Andrew J. Blischak appeared on behalf of assigned attorney, John W. Blischak. The statutory hearing was held from 2:57 p.m. to 3:02 p.m. pursuant to A.R.S. § 13-3994(H). There was no recommendation at that time.

Ms. Shapiro informed the Board that Ms. Cataline chose not to be present and asked Thomas Raine if Mr. Blischak should waive her presence. Mr. Blischak asked the PSRB to waive Ms. Cataline's presence citing that John Blischak has not been able to reach Ms. Cataline. John T. Stewart, an attorney for another matter, advised Mr. Blischak not to waive Ms. Cataline's presence and Mr. Blischak withdrew his request, and asked for a continuance. When asked, Mr. Blischak stated that he did not know why the assigned attorney was not able to meet with his client.

After discussion, a motion was made by James Clark, seconded by Paul O'Connell, and passed 3 – 1 to continue the matter for one month for one last time.

*Susan Stevens opposed the motion citing that it is a waste of the Board's time to repeatedly continue matters on bases such as this.*

**Christopher William Lambeth – PSRB No. 07-06**

Christopher Lambeth was present and Andrew J. Blischak appeared on behalf of assigned attorney, John W. Blischak. The statutory hearing was held from 3:03 p.m. to 3:30 p.m. pursuant to A.R.S. § 13-3994(H). Mr. Lambeth and the outpatient treatment team requested independent living.

Dr. Clark stated that the treatment team is also recommending that Mr. Lambeth move to an Assertive Community Treatment (ACT) Team and reduced weekly substance abuse meeting attendance from twice to once per week. Mr. Blischak stated that Mr. Lambeth is demonstrating independent living skills, maintains a job, and participates in leisure and sporting activities. He added that last year, the Board approved Mr. Lambeth for a step-down to a sixteen-hour residence, but none had become available since that time. Telly Rivenburgh, Regional Behavioral Health Authority (RBHA) Care Manager from Cenpatico Integrated Care, was present and spoke to several factors as to why a sixteen-hour was difficult to secure for Mr. Lambeth.

A motion was made by James Clark, seconded by Susan Stevens, and passed 4 – 0 to recess into executive session at 3:08 p.m. to discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2).

After discussion in executive session, the Board reconvened in open session at 3:25 p.m.

In open session, a motion was made by Chandrika Shankar, seconded by Susan Stevens, and passed 3 – 1 to approve Christopher Lambeth to move to independent living with ACT Team support, and that the existing substance abuse requirements remain the same.

*James Clark opposed the motion citing that he believes a slower transition to a sixteen hour facility is more appropriate.*

**Rickey Farrell Russell – PSRB No. 09-05**

Rickey Russell was present with his attorney, Joseph T. Stewart. The statutory hearing was held from 3:31 p.m. to 3:34 p.m. pursuant to A.R.S. § 13-3994(H). There was no recommendation at that time.

Mr. Stewart stated that Mr. Russell was independently evaluated and it was very helpful in identifying ways to move forward; however, the report will not be submitted to the Board.

A motion was made by Susan Stevens, seconded by Paul O’Connell, and passed 4 – 0 to deny conditional release for Rickey Russell based on the evidence presented by the Arizona State Hospital’s treatment team, that Mr. Russell did not prove by clear and convincing evidence that he no longer suffers from a mental disease or defect, that the mental disease or defect is in stable remission and that he is no longer dangerous. Rickey Russell shall remain committed to the Arizona State Hospital.

**Discussion, Consideration and Possible Action Related to:**

RBHA Changes:

Ms. Shapiro, Cindy Hostetter, and Cole Arigoni briefly informed the Board of the RBHA changes occurring on October 1.

**Discussion, Amendment and Approval of Minutes:**

Open session minutes from the August 31, 2018, meeting:

Executive session minutes from the August 31, 2018, meeting:

A motion was made by James Clark, seconded by Susan Stevens, and passed 4 – 0 to approve the open and executive session minutes from the August 31, 2018, meeting, as amended.

Open session minutes from the September 17, 2018, meeting:

A motion was made by James Clark, seconded by Susan Stevens, and passed 4 – 0 to approve the open session minutes from the September 17, 2018, meeting, as amended.

**Identification of Future Agenda Items:**

- Board members added a discussion to a future agenda item regarding attorney conduct.

**Adjournment:**

The Board meeting was adjourned at 3:50 p.m.