



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

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# **ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES December 15, 2017**

### Members:

James P. Clark, M.D., Chairperson  
Chandrika Shankar, M.D., Vice-Chairperson Ⓣ  
Susan Stevens, Esq.  
Paul O'Connell  
Michael J. Klemens, Ph.D.

Ⓣ Arrived at 1:14 p.m.

### Assistant Attorney General:

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

### Staff:

Jaime L. Shapiro, Executive Director

### Guests Present and/or Participating:

Stefanie Jones-Campbell, Esq., Pinal County  
Deputy Public Defender  
Brian Bohan, Esq., Pinal County Deputy  
Public Defender  
Raul Placencio  
Cole Arigoni, Mercy Maricopa Integrated  
Care  
Manuel Gray, La Frontera-EMPACT  
Charles R. VahnMiddlestate Edmark  
Lindsey Arendt, L.C.S.W., ASH  
Nicole Floyd, L.M.S.W., ASH  
Christine Carrasco, ASH

Jaimee Huey, ASH  
Diane Wagner, L.M.S.W., ASH  
Johanna Lippert, N.P., ASH  
Cyndi Froehlich, ASH  
Anna Branson  
Sergio B. Chavez, M.D., ASH  
Shira Zias, ASH  
Jandely Eich, ASH  
John W. Blischak, Esq.  
David Joslyn, ASH  
Beth Dolobowsky, ASH  
Madison Gardner, C.T.R.S., ASH

Brian Beckette, La Frontera-EMPACT  
Billie Jo Peters  
Juli Warzynski, Esq., Maricopa Deputy  
County Attorney  
Laurie Shea, Arizona Health Care Cost  
Containment System

Tammy Wray, Esq., Maricopa County  
Deputy Public Defender  
Laurie Goldstein, ASH Human Rights  
Committee  
Jack L. Potts, M.D.  
Stacey Heard, Esq., Pinal Deputy County  
Attorney ☎

☎ Participated Telephonically

### **Call To Order:**

James P. Clark called the meeting to order at 1:00 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:**

#### **Raul Armando Placencio – PSRB No. 12-02**

Raul Placencio was present with his attorney, Stefanie Jones-Campbell. The statutory hearing was held from 1:02 p.m. to 1:05 p.m. pursuant to Arizona Revised Statutes (A.R.S.) § 13-3994(H). The outpatient treatment team recommended self-administration of medication.

Stacey Heard, Pinal Deputy County Attorney, was teleconferenced into the hearing.

After discussion, a motion was made by James Clark, seconded by Paul O’Connell and passed 4 – 0 that Mr. Placencio remains in stable remission and is not dangerous if Mr. Placencio administers his medications independently.

#### **Charles Robert VahnMiddlestate Edmark – PSRB No. 00-17**

Charles Edmark was present with his attorney, John W. Blischak. The statutory hearing was held from 1:07 p.m. to 1:16 p.m. pursuant to A.R.S. §§ 13-3994(H) and (M), and 31-

502(A)(5). The PSRB considered whether to revoke, modify or re-affirm conditional release; ASH recommended revocation.

John W. Blischak stated that Mr. Edmark still needs time to cooperate with the treatment team and requested a three month continuance. Dr. Clark said the PSRB needed to make the determination whether to revoke, modify or re-affirm conditional release, and could reset the matter for the future.

Thomas Raine advised that the Board to rule on the motion to continue prior to addressing the issue of conditional release.

A motion was made by James Clark to deny the motion to continue. Mr. Blischak argued that the motion is made in good faith. After discussion, the motion was seconded by Susan Stevens and passed 4 – 0.

*Chandrika Shankar abstained from the vote.*

A motion was made by Susan Stevens, seconded by Michael Klemens and passed 4 – 0 that the PSRB revoke conditional release for Mr. Edmark based on the evidence presented by the ASH treatment team that Mr. Edmark violated the terms of his conditional release and that he remain at the Arizona State Hospital for further evaluation and treatment.

*Chandrika Shankar abstained from the vote.*

Mr. Blischak added to the record that Mr. Edmark may seek a second opinion.

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

Rick Stevenson was present with his attorney, Tammy Wray. The statutory hearing was held from 1:17 p.m. to 1:26 p.m. pursuant to A.R.S. § 13-3994(H). ASH recommended conditional release to the Hospital, phase one, level two.

Ms. Wray said that Mr. Stevenson has successfully completed over twenty level one passes, has a strong community support system, and is looking forward to level two.

A motion was made by Michael Klemens, seconded by Susan Stevens and passed unanimously to recess into executive session at 1:20 p.m. to discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2).

After consideration in executive session, the Board reconvened in open session at 1:24 p.m.

In open session, Dr. Clark noted that this admission to ASH is Mr. Stevenson's fourth and his conditional release had been revoked multiple times, and asked if the treatment team would object to a longer time frame for level two. The treatment team agreed.

A motion was made by James Clark, seconded by Susan Stevens and passed unanimously to approve Rick Stevenson for conditional release to Arizona State Hospital, phase one, level two, and amend the conditional release treatment plan to allow fifteen passes over 180 days, 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.

**Billie Jo Peters – PSRB No. 03-09**

Billie Jo Peters was present with her attorney, Tammy Wray. The statutory hearing was held from 1:27 p.m. to 1:35 p.m. pursuant to A.R.S. § 13-3994(H). The PSRB set this hearing to review Ms. Peters' living options. The outpatient treatment team recommended a reduction in staffings from once per week to once per month.

Brian Bequette, Ms. Peters' case manager from La-Frontera-EMPACT, was sworn in and testified that Ms. Peters moved into her new housing placement and is doing well. Dr. Clark asked if Ms. Peters has Assertive Community Treatment (ACT) Team services, and Mr. Bequette said she is on a supportive team. Ms. Wray added that Ms. Peters' is required to have face-to-face contact with residential staff three times daily. Ms. Peters said she is not sure if she will continue to pursue a Peer Support Certificate.

A motion was made by Paul O'Connell, seconded by Susan Stevens and passed 4 – 1 to reduce staffings from once per week to once per month, based on the evidence presented from the outpatient treatment team that Ms. Peters remains in stable remission and is no longer dangerous if she remains compliant with the current treatment plan.

*Michael Klemens opposed the motion.*

Following the vote, Jaime Shapiro outlined the proposed conditional release order and no parties objected.

**Tahum Garland – PSRB No. 08-10**

Tahum Garland was present with his attorney, Tammy Wray. The statutory hearing was held from 1:36 p.m. to 1:53 p.m. pursuant to A.R.S. § 13-3994(H) and (N) and 31-502(A)(5). The Board considered whether Mr. Garland's return to ASH was justified.

A motion was made by Susan Stevens, seconded by Michael Klemens and passed unanimously to recess into executive session at 1:38 p.m. to discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2).

After consideration in executive session, the Board reconvened in open session at 1:49 p.m.

In open session, a motion was made by Michael Klemens that the PSRB finds that Mr. Garland's return to the Arizona State Hospital was justified, based on the evidence presented, that there was reasonable cause to believe that Mr. Garland's mental health has deteriorated to the point that that he has failed to comply with the terms of his conditional release and that Mr. Garland remain at ASH for further evaluation and treatment, pending a hearing within ninety (90) days to determine whether the PSRB will revoke, modify, or reinstate the Order of Conditional Release.

Ms. Wray objected to the finding that Mr. Garland violated the terms of conditional release and dangerousness.

An amended motion was made by Michael Klemens, seconded by Susan Steven and passed unanimously the PSRB finds that Mr. Garland's return to the Arizona State Hospital was justified, based on the evidence presented, that there was reasonable cause to believe that Mr. Garland's mental health has deteriorated and that Mr. Garland remain at ASH for further evaluation and treatment, pending a hearing within ninety (90) days to determine whether the PSRB will revoke, modify, or reinstate the Order of Conditional Release.

**Jill Fraley Manahan – PSRB No. 09-10**

Jill Manahan was present with her attorney, Holly Gieszl. The statutory hearing was held from 1:54 p.m. to 2:16 p.m. pursuant to A.R.S. §§ 13-3994(H) and (M), and 31-502(A)(5). ASH recommended revocation of conditional release.

A motion was made by James Clark, seconded by Susan Stevens and passed unanimously to recess into executive session at 1:55 p.m. to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

After consideration in executive session, the Board reconvened in open session at 2:15 p.m.

In open session, Ms. Gieszl reiterated the motion to continue the hearing and Mr. Raine suggested that the Board rule on that motion first.

A motion was made by Susan Stevens, seconded by Chandrika Shankar and passed unanimously to grant a final continuance to February, that all independent evaluations are submitted prior, and request that the ASH treatment team provide an updated report and risk assessment.

After the vote, Dr. Clark shared that he had four individuals who requested to speak on Ms. Manahan's matter. Mr. Raine said that the hearing was continued, and all testimony should be heard in February, however there is a public comment period. Dr. Clark said he wouldn't mind hearing from the individuals.

### **Public Comment**

Ms. Gieszl shared that the defense team asked Jack Potts to appear not pursuant to § 13-3994 (O), but as rebuttal to any evidence presented by the State. She added that Dr. Potts submitted a diagnostic history for Jill Manahan. Dr. Potts was sworn in and discussed his work history and submitted an article.

Ms. Gieszl shared that Sharon Ashcroft was present and wished to comment about Ms. Manahan. Mr. Raine asked that any direct comments about Ms. Manahan be reserved for February. Ms. Manahan expressed her appreciation to the Board for continuing her matter so she could present her best case.

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

#### Pass Supervisors

Dr. Klemens and Ms. Shapiro shared that, there was discussion at a recent hearing as to what training or education pass supervisors received prior to taking ASH patients off Hospital grounds. The Board was told that there was a pamphlet handed out and could be provided to the Board. Ms. Shapiro was recently informed that, in fact, no such pamphlet exists. Dr. Klemens shared his continuing concern because it still unclear what kind of training or education pass supervisors might receive from ASH. Ms. Shapiro added that this agenda item was continued multiple times in hope that the Board could talk directly with ASH's Chief Medical Officer, Steven Dingle, who was not present. Mr. Caputo objected to Dr. Klemens' use of the word "concern" citing that the absence of written materials provided to the Board does not indicate deficiency. Dr. Klemens rebutted that he will continue to request any information on what the training is and Ms. Shapiro said she would keep it on the next agenda.

#### Adoption of Standard Conditions of Release

Ms. Shapiro shared that the conditions of release have remained mostly unchanged throughout the years and she wanted to give the Board an opportunity to analyze and adopt

standard conditions. The Board decided that they would review the documentation and address it at its March meeting while Ms. Shapiro reached out to her peers in other states. Ms. Wray asked that the materials be made available for review prior to the Board ruling on the matter and the Board agreed.

Executive Session for Legal Advice Regarding Motions to Continue

After discussion, a motion was made by James Clark, seconded by Susan Stevens and passed unanimously to recess into executive session at 2:32 p.m. to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

After consideration in executive session, the Board reconvened in open session at 2:43 p.m.

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

Open session minutes from the November 17, 2017, meeting

After discussion, a motion was made by James Clark, seconded by Susan Stevens and passed 3 – 0 to approve the open session minutes, as amended.

*Paul O'Connell and Chandrika Shankar abstained from the vote.*

Executive session minutes from the November 17, 2017, meeting:

A motion was made by James Clark, seconded by Susan Stevens and passed unanimously to recess into executive session at 2:49 p.m. to discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2).

After consideration in executive session, the Board reconvened in open session at 2:52 p.m.

In open session, a motion was made by Susan Stevens, seconded by James Clark and passed 3 – 0 approve the open session minutes, as amended.

*Paul O'Connell and Chandrika Shankar abstained from the vote.*

**Identification of Future Agenda Items:**

The Board asked Ms. Shapiro to reach out to her supervisor at ASH to ask about administrative coverage during her upcoming holiday absence and discuss at the next hearing.

**Adjournment:**

The Board meeting was adjourned at 3:04 p.m.