



Psychiatric Security Review Board

2500 East Van Buren Street
Phoenix, Arizona 85008
PH: (602) 220-6037
FAX: (602) 220-6028

DOUGLAS A. DUCEY, GOVERNOR
JAMES P. CLARK, M.D., CHAIRPERSON
www.azdhs.gov/psrb

ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES August 25, 2017

Members:

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

☞ Absent

Assistant Attorneys General:

Thomas Raine, Esq., for the Psychiatric Security Review Board
Louis Caputo, Esq., for the Arizona State Hospital

Staff:

Jaime L. Shapiro, Executive Director

Guests Present and/or Participating:

Aften Anaya, Esq., Pinal County Deputy Public Defender	Jandely Eich, ASH
Barbara LeBourdais	Jennifer Gutierrez, ASH
Beth Dolobowsky, ASH	Johanna Lippert, N.P., ASH
Brenda Wise, AHCCCS	Jonathan Tekle, Cope Community Services
Brian Bequette, La Frontera	Julian Lockhart
Cole Arigoni, Mercy Maricopa Integrated Care	Lakisha Terry, ASH
Darin Myler, United States Probation	Lindsey Arendt, ASH
Dawood Mulla, M.D., ASH	Louis Tapia
Deborah Hall, La Frontera	Manuel Gray, La Frontera
Emily Heath, ASH	Maya Raine, ASH
	Nicole Floyd, ASH
	Nora Greer, Esq., Defense Counsel

Paula Perrera, Esq., Pinal Deputy County
Attorney ☞
Phillip Brei, ASH
Samantha O’Neal, AHCCCS
Scott Kirkorsky, M.D., Banner University
Medical Center
Scott Norman, ASH
Shawn Harrel, ASH
Sora Hwang, ASH

Stacey Heard, Esq., Pinal Deputy County
Attorney
Stefanie Jones-Campbell, Esq., Pinal County
Deputy Public Defender
Tammy Wray, Esq., Maricopa County
Deputy Public Defender
Telly Rivenburgh, Cenpatico Integrated
Care
Tommi Crance, ASH

☞ Participated Telephonically

Call To Order:

James P. Clark called the meeting to order at 1:04 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:

Peter Rice Sherman – PSRB No. 10-03

Peter Sherman was present with his attorney, Stefanie Jones-Campbell. The statutory hearing was held from 1:05 p.m. to 1:19 p.m. pursuant to A.R.S. § 13-3994(H). ASH recommended Conditional Release to the Community.

Louis Caputo said that ASH had additional information that would be best discussed in executive session.

A motion was made by James Clark, seconded by Susan Stevens and passed unanimously 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 consideration in executive session, the Board reconvened in open session at 1:18 p.m.

In open session, Ms. Jones-Campbell said Mr. Sherman is committed to his recovery and is in agreement with the Hospital's recommendation.

A motion was made by Michael Klemens, seconded by Chandrika Shankar and passed 3 – 1 to approve Peter Sherman for conditional release to the community, and adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's Treatment Team, that Mr. Sherman's mental disease or defect is in stable remission and he is not dangerous if he resides in the facility specified in the conditional release treatment plan and remains compliant with the terms of conditional release and the treatment plan presented today.

Susan Stevens opposed the motion.

Barbara Downey LeBourdais – PSRB No. 99-17

Barbara Downey LeBourdais was present with her attorney, Stefanie Jones-Campbell. The statutory hearing was held from 1:20 p.m. to 1:26 p.m. pursuant to A.R.S. § 13-3994(H). Ms. LeBourdais requested that the terms of conditional release be amended to change her outpatient treatment team to La Frontera.

Dr. Clark and Ms. Jones-Campbell summarized that Ms. LeBourdais' case was abruptly closed at Horizon Health and Wellness of Arizona (HHWAZ). Due to extenuating circumstances; Ms. LeBourdais became eligible for AHCCCS and was opened and treated at La Frontera. Ms. LeBourdais will be able to stay with La Frontera for the foreseeable future with her private insurance.

Cole Arigoni, PSRB Care Coordinator at Mercy Maricopa Integrated Care (MMIC), discussed which services are available to her at La Frontera-EMPACT.

A motion was made by James Clark, seconded by Susan Stevens and passed 4 – 0 to approve the request to amend the terms of conditional release to allow for La Frontera to be the outpatient treatment provider for Barbara Downey LeBourdais.

Emmanuel Wayne Harris – PSRB No. 05-07

Emmanuel Harris not present and Andrew Blischak, who appeared on behalf of assigned attorney, Robert J. Trebilcock, requested that the Board waive Mr. Harris's presence. The statutory hearing was held from 1:27 p.m. to 1:28 p.m. pursuant to A.R.S. § 13-3994(H). There was no recommendation at that time.

Mr. Blischak informed the Board that Mr. Harris declined to attend and the Board waived Mr. Harris's presence.

After discussion, a motion was made by Susan Stevens, seconded by Chandrika Shankar and passed 4 – 0 to deny conditional release for Emmanuel Wayne Harris based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Harris 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. Mr. Harris shall remain committed to the Arizona State Hospital.

Matthew John Mooney – PSRB No. 15-08

Matthew Mooney was present with his attorney, Andrew Blischak, who appeared on behalf of assigned attorney, John W. Blischak. The statutory hearing was held from 1:29 p.m. to 1:34 p.m. pursuant to A.R.S. § 13-3994(H). There was no recommendation at that time.

After brief discussion, a motion was made by Chandrika Shankar, seconded by Susan Stevens and passed unanimously to recess into executive session at 1:30 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 1:33 p.m.

In open session, a motion was made by Chandrika Shankar, seconded by Susan Stevens and passed 4 – 0 to deny conditional release for Matthew John Mooney based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Mooney 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. Matthew John Mooney shall remain committed to the Arizona State Hospital.

Paula Kristine Hughes-Riccio – PSRB No. 11-04

Paula Hughes-Riccio was present with her attorney, Tammy Wray. The statutory hearing was held from 1:35 p.m. to 1:46 p.m. pursuant to A.R.S. § 13-3994(H). The outpatient treatment team recommended that Ms. Hughes-Riccio be allowed to self-administer her evening medications.

Ms. Wray shared that Ms. Hughes-Riccio continues to do well, is active with her team, continues to build her support system and will start working in September. The change that the team is requesting will help her coordinate her afternoon work schedule.

A motion was made by James Clark, seconded by Susan Stevens 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 1:46 p.m.

In open session, a motion was made by James Clark, seconded by Susan Stevens and passed 4 – 0 to grant the request for Paula Hughes-Riccio to self-administer her evening medications.

Julian Lockhart – PSRB No. 07-16

Julian Lockhart was present with his attorney, Tammy Wray. The statutory hearing was held from 1:47 p.m. to 1:56 p.m. pursuant to A.R.S. § 13-3994(H). The PSRB set this hearing to review the monthly conditional release reports.

Dr. Clark summarized that there were consistent remarks regarding paranoia in the monthly conditional reports.

A motion was made by James Clark, seconded by Susan Stevens and passed 4 – 0 to recess into executive session at 1:48 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 1:55 p.m.

In open session, a motion was made by James Clark, seconded by Michael Klemens and passed 4 – 0 for no status change.

Royce Tarone Hobbs – PSRB No. 11-03

Royce Hobbs was present with his attorney, Tammy Wray. The statutory hearing was held from 1:57 p.m. to 2:26 p.m. pursuant to A.R.S. § 13-3994(J). The PSRB's jurisdiction over Mr. Hobbs ends on September 26, 2017, and ASH did not recommend a court-ordered evaluation for civil commitment.

Dr. Dingle said that while the treatment team did not recommend court-ordered evaluation, he thought it would be a reasonable alternative. When Dr. Shankar asked for elaboration, Dr. Dingle said he made the recommendation on behalf of the Arizona Department of Health Services.

A motion was made by James Clark, seconded by Susan Stevens and passed 4 – 0 to recess into executive session at 1:59 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 2:16 p.m.

In open session, Mr. Hobbs presented the Board with certificates of achievement and shared that he has been sober for seven (7) years.

A motion was made by James Clark, seconded by Susan Stevens and passed 3 – 1 to order the Maricopa County Attorney to initiate civil commitment proceedings for Royce Hobbs, with the recommendation that the evaluation occur on an outpatient basis, pending the expiration of the PSRB's jurisdiction based on the evidence presented and that the Arizona State Hospital's treatment team be allowed to conditionally release Mr. Hobbs to a twenty-four (24) hour residential facility, approved by Mr. Hobbs' treatment team, up to thirty (30) days prior to the PSRB's jurisdiction expiration date.

Chandrika Shankar opposed the motion citing that she would prefer that Mr. Hobbs go through the typical civil commitment process on an inpatient basis due to substance abuse and non-compliance histories. She also cited the most recent report states that Mr. Hobbs still experiences symptoms that were present at the time of the crime.

Reuben James Murray – PSRB No. 06-21

Reuben Murray was present with his attorney, Tammy Wray. The statutory hearing was held from 2:27 p.m. to 2:46 p.m. pursuant to A.R.S. § 13-3994(M). Mr. Murray was returned to ASH for possible decompensation and dangerousness.

Dr. Clark said Mr. Murray was returned to ASH on August 14, 2017, and the Board's task at hand is to determine whether the return was justified.

A motion was made by James Clark, seconded by Susan Stevens and passed 4 – 0 to recess into executive session at 2:29 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 2:38 p.m.

In open session, a motion was made by James Clark, seconded by Michael Klemens that there was reasonable cause to believe that Reuben Murray's mental health deteriorated and that Mr. Murray's return to ASH was justified.

Mr. Murray challenged the motion by asking on what grounds his mental health deteriorated and Dr. Clark reiterated the motion. Mr. Murray explained what occurred during the altercation and said that he intended to file an order of protection, but his roommate beat him to it.

Ms. Shapiro asked Mr. Raine if an order of protection issued against Mr. Murray was a violation of terms of conditional release. Mr. Raine said the issuance of an order of protection, in and of itself, is not a violation; however, if an order of protection prevents a person from returning to his or her assigned place of residence, that is a violation.

Dr. Clark called for the vote and it passed 4 – 0.

After discussion, a motion was made by James Clark, seconded by Susan Stevens and passed 4 – 0 to reset the matter for September 29.

Louis Hurtado Tapia – PSRB No. 10-11

Louis Tapia was present with his attorney, Nora Greer. The statutory hearing was held from 2:47 p.m. to 2:50 p.m. pursuant to A.R.S. § 13-3994(H). Mr. Tapia's outpatient treatment team recommended independent living.

Dr. Clark summarized that in April of this year, the Board approved semi-independent living at a residence staffed eight (8) hours per day. Nora Greer said Mr. Tapia's case manager, Jonathan Tekle, was present in case the Board wanted to hear testimony from him. He said that Mr. Tapia is doing well and the treatment team is in support of the change.

A motion was made by James Clark, seconded by Michael Klemens and passed 4 – 0 to grant the outpatient treatment team's request for Louis Tapia to live independently.

Isaac Bonelli – PSRB No. 03-01

Isaac Bonelli was present with his attorney, Nora Greer. The statutory hearing was held from 2:51 p.m. to 3:20 p.m. pursuant to A.R.S. § 13-3994(N). ASH recommended revocation of release.

Paula Perrera, Pima County Deputy Attorney, was teleconferenced into the hearing.

A motion was made by James Clark, seconded by Susan Stevens and passed 4 – 0 to recess into executive session at 2:52 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 3:03 p.m.

In open session, Ms. Shapiro asked if the risk assessment would be submitted for the PSRB's review and Dr. Dingle said he wouldn't speculate. Ms. Greer argued that Mr. Bonelli was stable after his release from federal prison and he should be released from ASH in order for him to be allowed to return to Houston, Texas.

Paula Perrera argued that the State's position is such that Mr. Bonelli has a history of engaging in behavior that is a danger to the public and her office is in favor of revocation and that he remains in ASH until the end of the PSRB's jurisdiction.

After discussion, a motion was made by James Clark, seconded by Susan Stevens and passed 4 – 0 to revoke the Release for Isaac Bonelli based on the evidence presented by the ASH treatment team that Mr. Bonelli's mental condition has deteriorated, he may be dangerous and he is no longer in stable remission requiring that Mr. Bonelli remain at the Arizona State Hospital for further evaluation and treatment.

After the vote, there was extensive discussion as to whether there would be an independent psychological evaluation submitted to the Board prior to Mr. Bonelli's jurisdiction under the Board, ending December 13, 2017, and whether the Board should hold a hearing prior to the hearing already scheduled for Mr. Bonelli's jurisdiction expiration.

The PSRB took a break from 3:20 p.m. to 3:25 p.m.

Call to the Public

Dr. Dingle said that a patient under the PSRB's jurisdiction was ill and admitted to Maricopa County Integrated Health System (MIHS) for medical treatment. He reported that MIHS might want to move the patient to a skilled nursing facility (SNF).

A motion was made by James Clark, seconded by Michael Klemens and passed 4 – 0 to recess into executive session at 3:29 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 3:40 p.m.

In open session, Dr. Clark asked Dr. Dingle what ASH was requesting the Board do. Dr. Dingle withdrew his request, citing that in the time the Board was seeking legal advice, MIHS communicated that the patient would not be sent to a SNF. Discussion ensued about what ASH and PSRB would do in a similar situation, moving forward.

Discussion, Consideration and Possible Action Related to:

An update from Steven Dingle, ASH Chief Medical Officer, regarding ASH pilot program whereby psychologists are assigned as attending practitioners:

Dr. Dingle shared that ASH's new pilot program seeks to bring the psychologist out from the role of consultation and into a position where the psychologist can assume the role of the primary leader of the treatment team. Dr. Dingle said that his expectation is that the PSRB will receive more informative reports from ASH.

Nomination and Election of a Vice-Chairperson:

A nomination was made by James Clark, seconded Michael Klemens and passed 3 – 0 for Chandrika Shankar to assume the role of Vice-Chairperson.

Review of the Request for PSRB Reports Templates:

Ms. Shapiro suggested that the requests for the reports are modified in such a way that provokes a more comprehensive explanation that gives evidence to support the opinions set forth, and read from her examples. After discussion, the Board decided that each Board member make their edits to the templates and send to the Board's attorney. Mr. Raine would then schedule a time where he and Mr. Caputo, and Ms. Wray can review the drafts and bring it to next month's meeting. Board members and Mr. Caputo discussed the review process of the reports prior to their submission to the PSRB.

Update from the board's attorney regarding law review and non-quorum meeting minutes.

Mr. Raine advised that a sub-committee formed by a Board, even though it may not constitute a quorum, is subject to open meeting law. A non-official sub-committee can work on a topic and report back to the Board at the next meeting. Mr. Raine's recommends that, if the Board wants to have a substantive discussion about law review, it is best if the Board hold an open meeting subject to notice and minutes. Board members and Board staff discussed open meeting law and best practices for statutory changes.

Discussion, Amendment and Approval of Minutes:

Open session minutes from the June 30, 2017, meeting:

Executive session minutes from the June 30, 2017, meeting:

Open session minutes from the July 28, 2017, meeting:

Executive session minutes from the July 28, 2017, meeting:

After amendments, a motion was made by James Clark, seconded by Michael Klemens and passed 4 – 0 to approve the minutes, as amended.

Adjournment:

The meeting was adjourned at 4:38 p.m.