



Psychiatric Security Review Board

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ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES

November 15, 2019

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

Members:

James P. Clark, M.D., Chairman
Michael J. Klemens, Ph.D., Vice-Chairman
Susan Stevens, Esq.
Paul O'Connell, M.S., M.P.A.
Gwen A. Levitt, D.O.

Assistant Attorney General:

Jeanne Galvin, Esq.

Staff:

Jaime L. Shapiro, Executive Director

Guests Present and/or Participating

Ryan Rogers, ASH
Madison Gardner, ASH
Megan Woods, AHCCCS
Nora Greer, Esq.
Lindsey Arendt, ASH
Telly Rivenburgh, AzCH
Heather Taber-Van Hoorik, CODAC
Paulina Calli, ASH
Jenna Einmo, Public Fiduciary

Jandely Eich, ASH
Chris J. Walker, ASH
Cole Arigoni, Mercy Care
Kalena Skvarek, ASH
Allyson Wirth, ASH
Jonna Docherty, ASH
Cullan Tidwell, ASH
Mai Nguyen, ASH

Call To Order:

James Clark called the meeting to order at 1:07 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:

Melissa Ann Nyberg – PSRB No. 16-06

Melissa Nyberg was present in person and through counsel, Nora Greer. The statutory hearing was held from 1:08 p.m. to 1:20 p.m. pursuant to A.R.S. § 13-3994(J). The PSRB’s jurisdiction ends on January 1, 2020, and the Arizona State Hospital (ASH) recommended expiration with no further action.

Nora Greer stated that Ms. Nyberg is asking that the Board follow ASH’s recommendation. Dr. Klemens asked Dr. Holmes to discuss whether substance abuse treatment should be added as a part of Ms. Nyberg’s discharge plan. Dr. Holmes explained that substance abuse treatment was not a large part of her treatment plan in ASH, given her history, but did not oppose adding it.

A motion was made by James Clark, seconded by Gwen Levitt, and passed unanimously to recess into executive session at 1:11 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 1:19 p.m.

In open session, a motion was made by Susan Stevens to allow the PSRB’s jurisdiction over Melissa Nyberg to expire with no further action based on the evidence presented by the Arizona State Hospital’s treatment team, and to allow the Arizona State Hospital’s treatment team to conditionally release Ms. Nyberg to a residential setting in the community up to five business days prior to the PSRB’s jurisdiction expiration date.

Dr. Clark asked Ms. Stevens to amend her motion to include recommending that substance abuse treatment and ACT Team services are added to the hospital discharge plan. Ms. Stevens accepted the amendment, Michael Klemens seconded the amended motion and it passed unanimously.

Charles Robert Vahn Middlestate Edmark – PSRB No. 00-17

Charles Edmark was present in person and through counsel, Nora Greer, who appeared on behalf of assigned counsel, John W. Blischak. The statutory hearing was held from 1:25 p.m. to 1:30 p.m. pursuant to A.R.S. § 13-3994(H). This was a two-year hearing and there was no recommendation at this time.

Ms. Greer stated that Mr. Edmark is requesting that the Board continue the matter for 90 days so that he can obtain an independent evaluation.

A motion was made by James Clark, seconded by Gwen Levitt, and passed unanimously to continue the matter for 90 days so that Mr. Edmark can explore the possibility of obtaining an independent evaluation.

Bradley Lannon Ware – PSRB No. 12-03

Bradley Ware was present in person and through counsel, Nora Greer. The statutory hearing was held from 1:31 p.m. to 1:35 p.m. pursuant to A.R.S. § 13-3994(H). ASH recommended conditional release to ASH, phase one, levels one and two.

Ms. Greer remarked that Mr. Ware is in agreement with the proposed conditional release treatment plan. Dr. Clark asked if the Special Classification Committee (SCC) approved the recommendation, and Dr. Walayat stated that it had. Dr. Walayat also explained that Mr. Ware had updated his Wellness Recovery Action Plan (WRAP).

A motion was made by Michael Klemens, seconded by Gwen Levitt, and passed unanimously to approve Bradley Ware for conditional release to Arizona State Hospital, phase one, levels one and two, and adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Ware'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.

Discussion and Possible Action Related to:

Verbal update from the Chairman regarding the Committee of Reference Hearing:

Dr. Clark explained that the purpose of the hearing was for the Senate Committee of Reference to determine whether to recommend that the PSRB be continued. Dr. Clark gave an overview of his presentation to the Committee which included statistics and implementation of the Auditor General's recommendations. Dr. Clark informed the other Board members that the Committee voted 8 – 0 to continue the PSRB.

Board members discussed future steps regarding automating its process for sending hearing notices and orders.

Draft form for potential returns to ASH:

Board members discussed the contents of the form and made amendments.

A motion was made by James Clark, seconded by Gwen Levitt, and passed unanimously to approve the form as amended.

Review and approval of draft policies:

Mental Health Reports

Risk Assessments

Setting Hearings

After discussion, a motion was made by James Clark, seconded by Gwen Levitt, and passed unanimously to approve the Mental Health Reports, Risk Assessments, and Setting Hearings policies, as amended.

Discussion, Amendment and Approval of Minutes:

Open session minutes from the October 25, 2019, meeting:

After discussion, a motion was made by James Clark, seconded by Michael Klemens, and passed unanimously to approve the October 25, 2019, open session minutes, as amended.

Executive session minutes from the October 25, 2019, meeting:

A motion was made by James Clark, seconded by Michael Klemens, and passed unanimously to recess into executive session at 2:26 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 2:29 p.m.

In open session, a motion was made by James Clark, seconded by Gwen Levitt and passed unanimously to approve the October 25, 2019, executive session minutes, as amended.

Adjournment:

The Board meeting adjourned 2:32 p.m.