



Psychiatric Security Review Board

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ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES

December 11, 2020

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 ☞

Paul O'Connell, M.S., M.P.A ☞

Susan Stevens, Esq. ☞

Assistant Attorney General:

Jeanne Galvin, Esq.

Staff:

Hannah N. Garcia, Executive Director

Guests Present and/or Participating

Akram Bhatti, M.D. ☞

Bobby Blansett

Erin Cohen, Esq., ASH ☞

Garrett Whiting, Esq.

Gary Schlee

Holly Giesel, Esq.

James Holmes, Psy.D. ☞

Juli Warzynski, Esq. ☞

Jon Wallace ☞

John Blischak, Esq. ☞

Kennedy Klagge, Esq. ☞

Nicol Green, Esq. ☞

Nora Greer, Esq. ☞

Paula Hughes-Riccio ☞

Raymond Geiser, Esq. ☞

Raymond Hanna, Esq.

Robert Bible ☞

Ronald DeBrigida ☞

Shawne Wood ☞

Stephen Morris, M.D. ☞

Tammy Brown ☞

Tammy Wray, Esq. ☞

☎ Participated Telephonically

Call To Order:

James 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. This means that persons present during an executive session of the PSRB may not disclose any information regarding the executive session or discuss those proceedings with any person who was not also present at the executive session.”

Dr. Clark swore in individuals who anticipated testifying.

Statutory Hearings:

Bobby Gene Blansett – PSRB No. 18-13

Bobby Blansett was present in person and through counsel, Holly Giesel, who participated in person. The statutory hearing was held from 1:03 p.m. to 2:40 p.m. pursuant to A.R.S. § 13-3994 (H). This was a two-year hearing, and there was no recommendation.

Holly Giesel stated that all reports that have been provided to the Board regarding Bobby Blansett, indicate that he would be a low risk for Phase 1, Level 1 privileges.

Ms. Giesel questioned Dr. Donna Robinson at length as an expert witness, Dr. Robinson completed an independent risk assessment of Mr. Blansett prior to the hearing. Dr. Robinson stated that it was her clinical opinion that Mr. Blansett is at a low risk for reoffending if granted Phase 1, Level 1 privileges.

Dr. Clark stated that it was his understanding that Dr. Bhatti’s recommendation for no conditional release privileges was unchanged.

Dr. Bhatti confirmed that his recommendation remains the same, as to no privileges. He stated that Mr. Blansett is continuing to make progress, but is still in need of additional treatment before privileges should be recommended.

Ms. Gieszal questioned Dr. Bhatti at length regarding Mr. Blansett's diagnosis and level of dangerousness.

After further discussion, James Clark made a motion, seconded by Susan Stevens and passed unanimously to move into executive session to seek legal advice.

Back in open session, James Clark asked Dr. Bhatti if he believes Mr. Blansett is dangerous or has shown any dangerous behaviors. Dr. Bhatti's response was that he still needs additional treatment to become more stable.

After further discussion, a motion was made by James Clark, seconded by Susan Stevens, and passed unanimously, to approve Mr. Blansett for conditional release to the Arizona State Hospital, phase one, level one, and to adopt the standard conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Blansett'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 the standard conditional treatment plan adopted today.

Robert Earl Bible – PSRB No. 13-07

Robert Bible was present telephonically, and through counsel, John Blischak, who participated telephonically. The statutory hearing was held from 2:43 p.m. to 2:57 p.m. pursuant to A.R.S. § 13-3994 (A)(5) and (B)(4). The outpatient treatment team is requesting independent living.

John Blischak, Esq., stated that he is in support of this recommendation and that Mr. Bible has made tremendous progress.

James Clark asked what the advantage would be for Mr. Bible in regards to moving him to less supervised level of care.

Shawne Wood, program coordinator stated that Mr. Bible would be able to hold a full-time job. With his current treatment plan, he needs to attend classes 7 days a week and he is not able to support himself with his current work schedule.

James Clark stated that he is concerned with the move to independent living from a 23- hour facility.

Nicol Green, Esq. stated that due to Mr. Bible's history, she also has concerns about independent living and the quick change of supervision.

After further discussion, a motion was made by Michael Klemens, seconded by Paul O'Connell, and passed unanimously for no status change. Mr. Bible remains in stable remission and is not dangerous if he complies with the conditional release treatment plan previously ordered by the PSRB.

Jorge Garcia Aceves-PSRB No. 17-01

Jorge Aceves was present telephonically and through counsel, Raymond Hanna, who participated in-person. The statutory hearing was held from 2:58 p.m. to 3:01 p.m. pursuant to A.R.S. §13-3994 (H). This is a two-year hearing with no recommendation.

After further discussion, a motion was made by Paul O'Connell, seconded by Michael Klemens, and passed unanimously to deny conditional release for Jorge Aceves based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Aceves 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. Aceves shall remain committed in the Arizona State Hospital.

Jon Morris Wallace- PSRB No. 05-18

Jon Wallace was present telephonically and through counsel, Nora Greer, who participated telephonically. The statutory hearing was held from 3:02 p.m. to 3:42 p.m. pursuant to A.R.S. § 13-3994 (H). This is a two-year hearing, ASH is recommending to rescind Level 1 privileges.

Nora Greer, Esq., stated that she would like to question Dr. Morris about his clinical report in executive session.

A motion was made by James Clark, seconded by Susan Stevens, and passed unanimously to move into executive session to discuss private health information.

Nora Greer stated that she would not like the Board to rescind Mr. Wallace's privileges. Mr. Wallace has remained consistent with his treatment and has not abused his privileges.

Garrett Whiting, Esq., noted that Mr. Wallace's psychiatric report there were instances of cooperation and he asked that the Board take that into great consideration.

After further discussion, a motion was made by James Clark, seconded by Susan Stevens, and passed unanimously to deny conditional release for Jon Wallace based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Wallace 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. Wallace shall remain committed in the Arizona State Hospital.

Tammy Lee Brown– PSRB No. 17-02

Tammy Brown was present telephonically, and through counsel, Raymond Geiser, who participated telephonically. The statutory hearing was held from 3:43 p.m. to 3:48 p.m. pursuant to A.R.S. § 13-3994 (H). This is a two-year hearing, there is no recommendation.

Erin Cohen, Esq., stated that the day after the PSRB report was sent to the Board, there was a medication change.

After further discussion, a motion was made by James Clark, seconded by Paul O’Connell, and passed unanimously to deny conditional release for Tammy Brown based on the evidence presented by the Arizona State Hospital’s treatment team, that Ms. Brown did not prove by clear and convincing evidence that she no longer suffers from a mental disease or defect, that the mental disease or defect is in stable remission, and that she is no longer dangerous. Ms. Brown shall remain committed in the Arizona State Hospital.

Gary Willard Schlee No. 12-10

Gary Schlee was present in person and through counsel, Kennedy Klagge, who participated telephonically. The statutory hearing was held from 3:48 p.m. to 3:55 p.m. pursuant to A.R.S. §13-3994 (H). The PSRB will determine if the return to ASH was justified.

Kennedy Klagge, Esq., stated that she does not believe that Mr. Schlee’s return to ASH was justified. She would like Mr. Schlee to be returned to the community before the holidays so that he does not experience deterioration from the change in care.

Mr. Schlee stated that he only strained his neck and did not hurt his head. He has been feeling great since he was given a medication to treat side effect, which was related to his antipsychotic medication.

Rebecca Lane stated that Mr. Schlee is a model patient. She feels as though his treatment team in the community should have been allowed to address his needs internally and through local inpatient stabilization, rather than rehospitalization at ASH.

A motion was made by James Clark, seconded by and passed unanimously that Gary Schlee’s return to ASH was justified. However, because Mr. Schlee is now back in stable remission and not dangerous, the Board moved to allow him to return to his previous community living facility and resume his previous conditional release to the community treatment plan.

Discussion, Amendment, and Approval of Minutes:

Open session minutes from the November 13, 2020, meeting:

A motion was made by James Clark, seconded by Paul O'Connell, to adopt the November 13, 2020 open session minutes as amended.

Identification of Future Agenda Items:

Adjournment:

The Board meeting adjourned 4:10 p.m.