



Psychiatric Security Review Board

150 N. 18th Ave., Suite 410
Phoenix, AZ 85007
Phone: 602-364-3061

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

ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES

April 24, 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 📞
Susan Stevens, Esq. 📞
Paul O'Connell, M.S., M.P.A. 📞
Gwen A. Levitt, D.O. 📞

Assistant Attorney General:

Jeanne Galvin, Esq. 📞

Staff:

Hannah N. Garcia, Executive Director

Guests Present and/or Participating

Anthony Watsula 📞	Josephine Jones, Esq. 📞
Bernardo Garcia, Esq. 📞	Kennedy Klagge, Esq. 📞
C.A Carrasco	Leroy Scott 📞
Cody Meeks 📞	M. Akram Bhatti, M.D
Diane Wagner, ASH	Megan Bright 📞
Dorothy Wilson, ASH	Michael Graham 📞
Erin Cohen, Esq., ASH 📞	Nicol Green, Esq. 📞
James Holmes, Psy. D. 📞	Nora Greer, Esq. 📞
Jandely Eich, ASH 📞	Raphael Wani 📞
John Blischak, Esq. 📞	Raymond Hanna, Esq.

Rebecca Lane, Spectrum 📞
Ricardo Ramirez
Robert Bible 📞
Robert McMannis 📞
Robert Ortega 📞
Sharon Campbell

Stacey Heard, Esq. 📞
Stephanie Jones-Campbell, Esq. 📞
Stephen Jaffe, M.D. 📞
Stephen Morris, M.D. 📞
Stevie Willis, La Frontera-EMPACT 📞
Tammy Wray, Esq. 📞

📞 Participated Telephonically

Call To Order:

James 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. 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:

Brian Matthew Garofalo – PSRB No. 18-09

Brian Garofalo was present telephonically, and through counsel, Kennedy Klagge, who appeared telephonically. The statutory hearing was held from 1:07 p.m. to 1:10 p.m. pursuant to A.R.S. § 13-3994 (F). This is an initial hearing, there is no recommendation.

Kennedy Klagge asked the Board to continue Mr. Garofalo’s hearing 30 days.

After discussion, a motion was made by James Clark, seconded by Susan Stevens, and passed unanimously to continue Brian Garofalo’s hearing 30 days.

Raphael Nyagong Wani – PSRB No. 08-06

Raphael Wani was present telephonically and through counsel, Tammy Wray who appeared telephonically. The statutory hearing was held from 1:11 p.m. to 1:20 p.m. pursuant to A.R.S.

§ 31-502(A)(5) and (B)(4). The outpatient team is recommending a removal of medication monitoring.

Tammy Wray stated that Mr. Wani has recently changed jobs and is now working for Amazon with flexible work hours. Due to his shift hours, it is a large inconvenience for Mr. Wani's medication monitoring, due to the fact that he works several over-night shifts.

Michael Klemens asked if someone was able to clarify why Mr. Wani did not notify the Board correctly following his address change.

Tammy Wray stated that Mr. Wani is not a native English speaker and he had just gotten confused about the instructions that were in his Order. Mr. Wani provided his new address as soon as he understood the requirements.

Tammy Wray proposed that if the Board was reluctant on granting the request, Mr. Wani could participate in weekly medication pick-ups, and daily phone contact with his case manager.

After discussion, a motion was made by Michael Klemens, seconded by Gwenn Levitt, and passed unanimously to approve an adjustment in Mr. Wani's medication monitoring to include, weekly bubble pack check-ins, and daily phone contact with his case manager. Mr. Wani remains in stable condition and is not dangerous.

Cody Francis Zachary Meeks– PSRB No. 18-07

Cody Meeks was present telephonically, and through counsel, Stefanie Jones-Campbell, who appeared telephonically. The statutory hearing was held from 1:21 p.m. to 1:25 p.m. pursuant to A.R.S. § 13-3994(F). This is an initial hearing; there is no recommendation.

After further discussion, a motion was made by Susan Stevens, seconded by Paul O'Connell, and passed 4-0 to deny conditional release for Cody Meeks based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Meeks 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. Meeks shall remain committed in the Arizona State Hospital.

Gwenn Levitt's phone had been disconnected prior to voting.

Leroy Otis Scott– PSRB No. 19-03

Leroy Scott appeared telephonically, and through counsel, Bernardo Garcia, who appeared telephonically. The statutory hearing was held from 1:26 p.m. to 1:35 p.m. pursuant to A.R.S. § 13-3994 (F),(H). This was an initial hearing requested by ASH, ASH is recommending phase one, levels one and two of conditional release.

Josephine Jones from the County Attorney’s office stated that she has not seen any signed signature of a Psychiatrist that supports the requests from ASH. She has been able to review all documents regarding Mr. Scott and she has seen that he is very engaged in treatment, but due to the fact that Mr. Scott has not been at ASH for even a full year yet, it might be too early to grant conditional release. At this time, the County Attorney’s Office does not support this request.

M. Akram Bhatti, the leading Psychiatrist for Mr. Scott expressed that he has been very stable and motivated in his treatment.

Michael Klemens asked if Mr. Scott had any plans on completing a Resolution Group yet.

Jandely Eich from ASH, stated that the Resolution Group is a closed group and it had begun before Mr. Scott was transferred to ASH. At this time, it is hard to say when the next resolution group will begin due to COVID-19 uncertainty.

After discussion, a motion was made by James Clark, seconded by Gwenn Levitt, and passed unanimously to approve Leroy Scott for conditional release to the Arizona State Hospital, phase one, levels one and two, and to adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital’s treatment team, that Mr. Scott’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.

Cuatemoc “C.A.” Aguilla Carrasco– PSRB No. 12-13

Cuatemoc Carrasco was present in person and through counsel, John W. Blischak, who appeared telephonically. The statutory hearing was held from 1:39 p.m. to 1:51 p.m. pursuant to A.R.S. § 13-3994(H). ASH recommended conditional release to a secure nursing facility.

M. Akram Bhatti stated that Mr. Carrasco has been doing very well and that he would be successful in a 24 hour nursing facility.

Michael Klemens stated that he remembered the treatment team attempting to get Mr. Carrasco into a facility in Scottsdale, where he was put on a wait list, and was inquiring if this is the facility that they had planned on transferring him to.

Amy Murray, Mr. Cassaco's case manager, stated that some facilities are currently not accepting admissions at this time, and he is on the wait list for multiple facilities. She stated that it is hard to know when facilities will be accepting admission due to COVID-19.

After further discussion, a motion was made by Paul O'Connell, seconded by Michael Klemens, and passed unanimously to approve Cuatemoc Carrasco for conditional release to a secure nursing facility, and to adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Carrasco's mental disease or defect is in stable remission and he is not dangerous if he remains compliant with the terms of conditional release and the treatment plan presented today.

Sharon Sue Campbell– PSRB No. 18-04

Sharon Campbell was present in person, and through counsel, Nora Greer, who appeared telephonically. The statutory hearing was held from 1:52 p.m. to 2:03 p.m. pursuant to A.R.S. § 31-502 (A) (5). ASH recommended a revocation of conditional release.

Nora Greer asked the Board to not revoke Ms. Campbell's conditional release privileges. She stated that Ms. Campbell's incident was self-reported, and she has been a part of Resolution Group following the incident. She also stated that Ms. Campbell is to be released in several months, and she believed that it would not be good to take away privileges before she is released.

James Clark asked James Holmes, Psy.D., if in his opinion, ASH's recommendation to revoke conditional release for Ms. Campbell was due to deterioration, or just a violation of conditional release.

James Holmes stated that this request to revoke conditional release was due to overall safety and dangerousness. He stated that he believes that Ms. Campbell is in stable remission.

After discussion, a motion was made by James Clark, seconded by Gwenn Levitt, and passed unanimously to revoke conditional release for Sharon Campbell based on the evidence presented by the Arizona State Hospital's treatment team regarding decompensation and that she has also shown signs of dangerousness. Although she remains in stable condition, the signs of dangerousness, noted by her treatment team, are significant. Ms. Campbell shall remain committed at the Arizona State Hospital.

Sharon Campbell apologized to the Board for her actions and stated that she was “pushed beyond her limits”, due to her not sleeping for several days.

George Majewski– PSRB No. 16-05

George Majewski was not present. His counsel, John W. Blischak, appeared telephonically. The statutory hearing was held from 2:04 p.m. to 2:06 p.m. pursuant to A.R.S. 13-3994(H). This was a two-year hearing; there was no recommendation

John Blischak stated that he had not had the opportunity to review Mr. Majewski’s packet with him, and that he would move to continue his hearing 30 days.

After discussion, a motion was made by James Clark, seconded by Paul O’Connell, and passed 4-1, to continue George Majewski’s hearing 30 days.

Robert Earl Bible, III– PSRB No. 13-07

Robert Bible was present telephonically, and through counsel, John W. Blischak, who appeared telephonically. The statutory hearing was held from 2:07 p.m. to 2:24 p.m. pursuant to A.R.S. § 31-502 (A)(5) and (B)(4). The outpatient treatment team requested a move from a level 2 facility, to a 23 hour placement.

James Clark stated that in the February report for Mr. Bible, there is a note made by the attending practitioner, Martha Burkholder, which expressed that his recovery remains fragile and that she feels that it is not yet time for him to be released to a less-structured setting.

Michael Klemens noted that there were also concerns from Ms. Burkholder in Mr. Bible’s March report as well.

Gwenn Levitt questioned that if the attending practitioner is not supporting the request, then who would be the individuals supporting the request.

Robert McMannis, case manager filling in for Martha Burkholder, stated that the staff at the residence in which Mr. Bible is currently residing in, is making the request.

Gwenn Levitt recommended that the outpatient psychiatrist, case management team, and residential staff come to a conclusion on what the final recommendation would be for Mr. Bible, so that everyone is on the same page.

Robert Bible stated that the new 23 hour facility has a lot of structure as well as supervised care. There are also more groups that he would be able to be a part of.

Robert McMannis stated that while this description is true, he would eventually be able to leave the 23 hour facility without supervision. At his current facility, he is not able to leave the building without direct supervision.

After further discussion, a motion was made by James Clark, seconded by Paul O'Connell, and passed 4-0 to deny the request for a transfer from a level 2 facility to a 23 hour placement for Robert Bible based on the evidence presented by the outpatient treatment team, that not all members of Mr. Bible's treatment team appear to be in agreement on what should be recommended for him. The Board recommends that the outpatient psychiatrist, case management team and residential staff present a recommendation that shows that everyone is on the same page.

James Clark noted that Mr. Bible has had a repetitive pattern of violence, multiple arrests, hospitalizations, and episodes of non-compliance. Mr. Bible's descriptions of his psychosis are some of the most severe he had ever heard, and that Mr. Bible seems to be very aggressive when he is off of his medication. This is why it would be important for everyone to be aligned in their recommendation.

Susan Stevens' phone was disconnected prior to voting.

Robert Comer Ortega- PSRB No. 16-11

Robert Ortega was present telephonically, and through counsel, Raymond Hanna, who appeared in person. The statutory hearing was held from 2:25 p.m. to 2:36 p.m. pursuant to A.R.S. § 13-3994 (F). This was an initial hearing, there was no recommendation.

Gwenn Levitt asked ASH staff why Mr. Ortega has not been found SMI.

Diane Wagner, Mr. Ortega's social worker, expressed that this is something that she can discuss with Mr. Ortega and his team.

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

Anthony William Watsula- PSRB No. 09-13

Anthony Watsula was present telephonically, and through counsel, Tammy Wray, who appeared telephonically. The statutory hearing was held from 2:37 p.m. to 2:44 p.m. pursuant to A.R.S. § 13-3994 (H). This was a two-year hearing, ASH is recommending phase one, levels one and two of conditional release.

Stephen Morris, M.D., stated that Mr. Watsula has been doing well, and has continued to be stable.

Tammy Wray stated that Mr. Watsula is going to continue to work on his potential privileges to improve his overall wellness.

James Clark inquired about a certain page in Mr. Watsula's risk assessment suggested that Mr. Watsula does not take responsibility for prior actions related to substance abuse.

Stephen Morris stated that the treatment team fully believes now that Mr. Watsula has taken responsibilities for his actions.

After discussion, a motion was made by Gwenn Levitt, seconded by Susan Stevens, and passed unanimously to approve Anthony Watsula for conditional release to Arizona State Hospital, phase one, levels one and two, and to adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Watsula'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.

Michael John Graham-PSRB No. 06-08

Michael Graham was present telephonically, and through counsel, Tammy Wray, who appeared telephonically. The statutory hearing was held from 2:45 p.m. to 2:51 p.m. pursuant to A.R.S. § 13-3994 (H). This was a two-year hearing, there was no recommendation.

Tammy Wray stated that she has spoken with Mr. Graham and he is requesting to be discharged from ASH due to him having an outpatient clinic doctor, and he feels he would be able to stay safe.

Stephen Jaffe, M.D., stated that Mr. Graham has made some progress, but not enough to be released. He stated that while he is making some positive gains in his treatment, they are not enough for him to be discharged from ASH.

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

Ricardo Alejandro Ramirez-PSRB No. 17-08

Ricardo Ramirez was present in person, and through counsel, Ashley Blum, who appeared telephonically. The statutory hearing was held from 2:52 p.m. to 3:03 p.m. pursuant to A.R.S. § 13-3994 (H). ASH recommended phase one, level one, of conditional release.

Ashley Blum stated that Mr. Ramirez has made tremendous progress. He was able to participate in Resolution Group and has been medication compliant. Mr. Ramirez has support from both the community and his family.

James Clark inquired about Mr. Ramirez being interested in receiving his G.E.D.

James Holmes, Psy.D., stated that ASH no longer has a G.E.D. program, but that is something that Mr. Ramirez would be able to achieve later on, if he is granted conditional release to the community.

Josephine Jones stated that the State would like to hear from the attending psychiatrist, due to the fact that the reports for Mr. Ramirez show that he is making progress, there is not enough evidence to show that his triggers are under control. There is evidence that Mr. Ramirez shows manipulative tendencies. The State would oppose the request.

Michael Klemens questioned what type of off-campus activities Mr. Ramirez would be able to participate in, due to COVID-19.

James Holmes, Psy.D., stated that at this time, passes are suspended and all outings are on hold, until COVID-19 is resolved.

Michael Klemens then questioned that if Mr. Ramirez is granted phase 1, level 1, of conditional release, would his passes within the 180 days begin once the PSRB approves it, or once patients are allowed to participate in supervised passes again at ASH.

Erin Cohen stated that it would make most sense if the 180 days began once passes were allowed again at ASH. There would be no objection to this modification.

Stephen Jaffe, M.D., stated that he sees Mr. Ramirez regularly. He had been struggling with anxiety, so changes were to his medication and treatment. Following these changes, Mr. Ramirez has shown progress.

James Clark question why Mr. Ramirez's family has not been participating in treatment meetings.

James Holmes stated that he believes it is due to language barriers.

After discussion, a motion was made by James Clark, seconded by Paul O'Connell, and passed 4-1 to approve Ricardo Ramirez for conditional release to Arizona State Hospital, phase one, level one, to accept the modification that his one-on-one passes begin once the Arizona State Hospital allows them, and to adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Ramirez'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:

Legislative Update: HB2320

Susan Stevens stated that the Legislature is discussing how to proceed. There are three separate camps that all represent different ways of moving forward. Most likely, actions will be limited but nothing has been decided. This House Bill will most likely not come up again in this Legislative session, but she will keep the PSRB updated if HB 2320 is being moved forward, or if anything else has changed.

James Clark stated that the Board had put together Areas of Concern in Draft form. He indicated that there are additional areas of concern that he would like to add to the Draft, if the Board approves.

He stated that he will write down these new areas of concern, and have Hannah Garcia, Executive Director, distribute it to the Board for review.

Staff request to change the July 2020 meeting from the 24th to the 31st:

James Clark made a motion, seconded by Paul O'Connell and passed 4-0 to change the July meeting back from the 24th, to the 31st.

Gwenn Levitt left the meeting prior to voting.

Discussion, Amendment, and Approval of Minutes:

Open session minutes from the March 27, 2020, meeting:

James Clark made a motion, seconded by Paul O'Connell, and passed 4-0 to accept the open minutes from March 27, 2020 as amended.

Identification of Future Agenda Items

Michael Klemens stated that the Board should speak with ASH about what is being done with patients that are not allowed on passes due to COVID-19.

Adjournment:

The Board meeting adjourned 3:27 p.m.