



Psychiatric Security Review Board

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ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES

May 29, 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

Ashley Blum, Esq. ☞	Holly Geisel ☞
Bernadette Allen, ☞	Jandely Eich, ASH ☞
Billie Peters ☞	John Benitez
Brian Garofalo ☞	John Blischak, Esq. ☞
Cole Arigoni, ☞	Josephine Jones, Esq. ☞
Christopher Fortier ☞	Kennedy Klagge, Esq. ☞
Diane Wagner, ASH	Martha Burkholder, M.D. ☞
Dorothy Wilson, ASH	M. Akram Bhatti, M.D
Erin Cohen, Esq., ASH ☞	Megan Bright ☞
Gracie Verduzco	Michael Graham ☞

Michael McGill, Esq. 📞
Nicol Green, Esq. 📞
Nora Greer, Esq. 📞
Rebecca Lane, Spectrum 📞
Rick Unklesbay, Esq. 📞

Robert Bible 📞
Stephen Jaffe, M.D. 📞
Summer Schneider, Psy. D. 📞
Tracy Linkes 📞

📞 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:

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 1:11 p.m. pursuant to A.R.S. § 13-3994 (F). This is a continued, initial hearing, there is no recommendation.

Kennedy Klagge stated that Mr. Garofalo has been participating in exercise and it has been having great effects on him.

James Clark asked if Mr. Garofalo had a Substance Abuse Treatment Plan.

Diane Wagner, Social Worker, stated that Substance Abuse Treatment was not in Mr. Garofalo’s treatment plan at this time.

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

George A. Majewski – PSRB No. 16-05

George Majewski was not present. His counsel, John Blischak, waived his presence and appeared telephonically. The statutory hearing was held from 1:12 p.m. to 1:19 p.m. pursuant to A.R.S. § 13-3994 (H). Two-year hearing, no recommendation.

John Blischak stated that he has reached out by phone to Mr. Majewski several times and he has not returned any calls.

Gwenn Levitt wanted to address whether Mr. Majewski has been referred for SMI determination.

Jeanne Galvin suggested that this hearing be tabled, in order for Gwen Levitt's question to be answered.

After discussion, a motion was made by James Clark, seconded by Gwen Levitt, and passed unanimously to continue Mr. Majewski's hearing in order for the treatment team to address the issue of SMI determination at the next meeting.

Robert Earl Bible– PSRB No. 13-07

Robert Bible was present telephonically, and through counsel, John Blischak, who appeared telephonically. The statutory hearing was held from 1:20 p.m. to 1:34 p.m. pursuant to A.R.S. § 31-502 (A) (5) and (B) (4). The outpatient treatment team is requesting a move from a level 2 facility, to a 23 hour placement.

Martha Burkholder, M.D., stated that Mr. Bible has been doing very well and has been stable. Due to this progress, she stated that she supports the move to a 23 hour unit for Mr. Bible.

James Clark stated that at the last hearing, he noted that Mr. Bible has 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 hear, and that Mr. Bible seems to be very aggressive when he is off of his medication. He questioned if this 23 hour placement facility would provide the needed supervision and stability for Mr. Bible.

Bernadette Allen stated that the 23 hour placement has supervised staff during the day and night, meeting attendance requirements, and medication compliance requirements. The staff has not had any problems with Mr. Bible, he has always been pleasant and respectful.

Robert Bible stated that he has been med-compliant and because of this, he is not experiencing any psychosis or delusions. He also plans on attending meetings once COVID-19 restrictions are lifted.

John Blischak stated that due to Mr. Bible being stable on his medication, he has been extremely positive and pleasant.

After further discussion, a motion was made by James Clark, seconded by Paul O'Connell, and passed unanimously to grant a move from a level 2 facility, to a 23 hour placement and that Mr. Bible is stable and not dangerous if he continues to follow the current treatment plan that is in place today.

Christopher Fortier– PSRB No. 15-05 (A) and (B)

Christopher Fortier appeared telephonically, and through counsel, John Blischak, who appeared telephonically. The statutory hearing was held from 1:35 p.m. to 1:39 p.m. pursuant to A.R.S. § 13-3994 (H). ASH is recommending phase 3, levels 5 and 6 of conditional release.

John Blischak stated that he supported this recommendation from ASH.

Michael Klemens asked Summer Schneider the last time Mr. Fortier utilized an off-ground pass.

Summer Schneider stated Mr. Fortier's last off-ground pass was around mid-March.

Michael Klemens stated that he has seen that Mr. Fortier is planning on pursuing his MBA. Even if Mr. Fortier was not pursuing a Master's Degree, would he still be ready for this step-down in supervision.

Summer Schenider stated that Mr. Fortier would still be ready for Phase 3, levels 5 and 6. He is determined to strengthen his Christian fellowship, which provides him with a strong level of support. She fully supports this recommendation.

After discussion, a motion was made by Gwen Levitt, seconded by James Clark, and passed unanimously to approve Christopher Fortier for conditional release to Arizona State Hospital,

phase three, levels five and six, and to adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Fortier'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 Peters was present telephonically and through counsel, Ashley Blum, who appeared telephonically. The statutory hearing was held from 1:40 p.m. to 1:59 p.m. pursuant to A.R.S. § 31-502 (A) (5). The outpatient treatment team is requesting independent living.

Ashley Blum stated Ms. Peters has tremendous family support. ACT provides a great amount of services that she would take part in, including medication monitoring. Ms. Peters' sentence expires in three years, and she believes that leaning towards independence, would benefit her greatly.

Tracy Linkes stated Ms. Peters has been responsible about taking her medication and attending AA meetings. She has been able to participate in Ms. Peters' weekly staffings, and has been able to witness her doing well.

Josephine Jones stated the State supports an ACT team working with Ms. Peters in order to maintain stable remission.

Courtney Bradford stated an ACT team would assist Ms. Peters with medication monitoring, tasks in the community, employment, and maintaining overall compliance.

Michael Klemens questioned what the future plans are for Ms. Peters in regards to working in the community, and future attempts to obtain employment.

Billie Peters stated she has a job cleaning houses but due to COVID-19, she has not been working. Once social distancing ends, she plans on returning to her job.

Michael Klemens noted a concern that Ms. Peters expressed to her attending practitioner that she would like to be off all of her medication.

Billie Peters stated she would not go off of her medication, unless it was advised by her Doctor.

Gwen Levitt asked the treatment team if Ms. Peters had been experiencing any symptoms from a new medication change.

Courtney Bradford stated that Ms. Peters has not been experiencing any symptoms or issues.

James Clark expressed his concern about Ms. Peters having a lot of unstructured time due to not working.

Billie Peters stated that she typically spends her day cleaning, cooking, participating in meetings and therapy, and spending time with her sisters.

After further discussion, a motion was made by Michael Klemens, seconded by Susan Stevens, and passed 4-1 to deny the request for Billie Peters to transition to independent living based on the evidence presented from the outpatient treatment team today.

John Benitez– PSRB No. 18-10

John Benitez was present in person, and through counsel, Nora Greer, who appeared telephonically. The statutory hearing was held from 2:12 p.m. to 2:17 p.m. pursuant to A.R.S. § 13-3994 (H). This is an initial hearing, there is no recommendation.

Nora Greer stated Mr. Benitez has been compliant and continues to understand the importance of his treatment.

After further discussion, a motion was made by Gwen Levitt, seconded by Paul O’Connell, and passed unanimously to deny conditional release for John Benitez based on the evidence presented by the Arizona State Hospital’s treatment team, that Mr. Benitez 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. Benitez shall remain committed in the Arizona State Hospital.

Gracie Moses Verduzco– PSRB No. 01-13

Gracie Verduzco was present in person and through counsel, Nora Greer, who appeared telephonically. The statutory hearing was held from 2:18 p.m. to 2: p.m. pursuant to A.R.S. §13-3994(H). This was a hearing requested by the patient.

According to Statute ARS §13-3994, paragraph H states that a person is not entitled to a hearing before the Board sooner than 20 months after a prior hearing. The Board attorney indicated that the Board is not able to hold this hearing because statute ARS §13-3994 does not allow it.

After discussion, James Clark made a motion, seconded by Michael Klemens, and passed unanimously to end this hearing immediately.

Discussion and Possible Action Related to:

Legislative Update:

Susan Stevens stated that the regular session bills are all dead. In the future, special sessions will be conducted to deal with certain issues.

18-Month Auditor General Follow-Up:

James Clark stated that he and Executive Director, Hannah Garcia, have been working on the PSRB's response to this follow-up.

Hannah Garcia will send a copy of the 18-Month Auditor General Follow-Up to all Board members.

Memo to Senate-Additional Areas of Concern:

James Clark stated he had additional Areas of Concern that he would like to add regarding HB2320.

Discussion, Amendment, and Approval of Minutes:

Open session minutes from the April 24, 2020, meeting:

James Clark will provide Hannah Garcia with changed to the minutes, to then be approved at the June, 26th meeting.

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 2:42 p.m.