



## ***Psychiatric Security Review Board***

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

DOUGLAS A. DUCEY, GOVERNOR  
JAMES P. CLARK, M.D., CHAIRPERSON  
[www.azdhs.gov/psrb](http://www.azdhs.gov/psrb)

# **ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES February 6, 2018**

### Members:

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

☎ Participated by Phone

### Assistant Attorney General:

Thomas Raine, Esq., for the Psychiatric Security Review Board

### Staff:

Jaime L. Shapiro, Executive Director

### Guests Present and/or Participating:

Anthony Watsula  
Charles Holmes  
Donald DeWalt  
Louis Caputo, Esq., Assistant Attorney General  
Maureen Alianza, La Frontera-EMAPCT  
Stevie Willis, La Frontera-EMAPCT  
Tammy Wray, Esq., Maricopa County Deputy Public Defender  
Wanda DeWalt

**Call To Order:**

James P. Clark called the meeting to order at 1:06 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.

Wanda DeWalt asked if the PSRB received her letter and Jaime Shapiro informed her it had not been received.

**Statutory Hearings:**

**Charles Clifford Holmes – PSRB No. 01-18**

Charles Holmes was present with his attorney, Bernardo Garcia. The statutory hearing was held from 1:08 p.m. to 1:22 p.m. pursuant to A.R.S. § 13-3994(N). The PSRB considered whether the return to ASH was justified.

Dr. Clark shared that Mr. Holmes was returned to ASH in January 26, 2018, from independent living, based on a urine drug screen (UDS) result positive for methamphetamines.

Bernardo Garcia shared that his client believes that the UDS results are a false positive and has asked the State Hospital to submit hair samples for drug testing, and is waiting the result. Mr. Holmes has had false positive results in the past and he requests that the hearing be continued awaiting the result of the hair screening.

Dr. Clark explained that the record shows that Mr. Holmes has been released to the community and returned to ASH twice. In 2011, there was use of bath salts at a group home accompanied by mental deterioration and in 2015, a UDS result was positive for medications not prescribed to him. He went on to explain the UDS for methamphetamines is a sophisticated test. When this result was first reported, Dr. Clark noted Mr. Holmes was prescribed a medication that can give a false positive for amphetamine; however, the test for methamphetamine does not yield a false positive. Dr. Shankar concurred with this analysis.

Wanda DeWalt, Mr. Holmes mother, testified that her son was working with her the week prior to the incident. He was ill and taking Sudafed and other medication for an infection. She said that she knows her son did not do illicit drugs. She explained that there was a supply shortage at the County where the hair sample was sent and requested that the Board give Mr. Holmes the benefit of the doubt.

Stevie Willis from La Frontera-EMPACT testified that Mr. Holmes has been doing well, was going to his meetings and showed no signs of decompensation.

A motion was made by James Clark, seconded by Paul O'Connell and passed unanimously that Charles Holmes' return to the Arizona State Hospital was justified, based on the evidence presented, that there was reasonable cause to believe that Mr. Holmes has failed to comply with the terms of his conditional release and that Mr. Holmes remain at ASH for further evaluation and treatment, pending a hearing within ninety (90) days to determine whether the PSRB will revoke, modify, or reinstate the Order of Conditional Release.

After discussion, Thomas Raine clarified that Mr. Holmes would be eligible to request a hearing prior to the 90 days if the hair test result shows a false positive.

**Anthony William Watsula – PSRB No. 09-13**

Anthony Watsula was present with his attorney, Tammy Wray. The statutory hearing was held from 1:23 p.m. to 1:33 p.m. pursuant to A.R.S. § 13-3994(N). The PSRB considered whether the return to ASH was justified.

Dr. Clark explained that Mr. Watsula was returned to ASH on January 26, 2018, following a positive UDS for methamphetamines.

Ms. Wray sought clarification about how the decision was made to bring Mr. Watsula back to the Hospital. Dr. Clark explained that Ms. Shapiro received notification of a positive UDS from La Frontera staff. Dr. Clark subsequently directed Ms. Shapiro to issue an order to return. Mr. Watsula discussed the events leading to the relapse. Ms. Wray commented about an alternative community setting such as intensive outpatient substance abuse treatment. Board members and Mr. Watsula discussed other housing options and Mr. Watsula expressed his wish to live with family.

A motion was made by James Clark, seconded by Paul O'Connell and passed unanimously that Anthony Watsula's return to the Arizona State Hospital was justified, based on the evidence presented, that there was reasonable cause to believe that Mr. Watsula has failed to comply with the terms of his conditional release and that Mr. Watsula remain at ASH for

further evaluation and treatment, pending a hearing within ninety (90) days to determine whether the PSRB will revoke, modify, or reinstate the Order of Conditional Release.

**Adjournment:**

The Board meeting was adjourned at 1:34 p.m.