



Psychiatric Security Review Board

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ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES

August 31, 2018

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

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 Telephone

Assistant Attorney General:

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

Staff:

Jaime L. Shapiro, Executive Director

Guests Present and/or Participating:

Aaron Nelson, ASH	Eleanor Johnson
Anna Branson, Esq.	Emmanuel G. Lee, Jr.
Ashley Blum, Esq.	Gabriela Reyes, ASH
Ashley Honea, ASH	Jennifer Johnson ☎
Beverly Denny	Julie Jackson, ASH
Brian Kociszewski, AHCCCS	Julie A. Rogers
Cody Johnson	Karen Pace
Cole Arigoni, Mercy Care	Kelsey Saida, ASH
Danette Cox	Kennedy Klagge, Esq. ☎
Dorothy O'Brien	Keran O'Brien

Lindsey Arendt, ASH
Manuel Gray, La Frontera-EMPACT
Michael Lee ☎
Nadine Price, ASH
Nicole Floyd, L.M.S.W., ASH
Nora Greer, Esq.

Stephen Jaffe, M.D., ASH
Stephen Morris, M.D., ASH
Steven Kwoh, M.D., ASH
Tammy Wray, Esq.
Tanner Bucholz, ASH
Telly Rivenburgh, Cenpatico

☎ Participated by Telephone

Call To Order:

James Clark called the meeting to order at 1:01 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:

Jessica Noel DeLeonard – PSRB No. 16-09

Jessica DeLeonard was present with her attorney, Kennedy Klagge, who appeared telephonically. The statutory hearing was held from 1:03 p.m. to 1:07 p.m. pursuant to A.R.S. § 13-3994(H). This was an initial hearing with no recommendation.

Kennedy Klagge and Karen Pace were teleconferenced into the hearing.

Louis Caputo stated that ASH had nothing to add. Ms. Klagge noted that Ms. DeLeonard is showing significant improvement and hopes to return to the Board soon to discuss a potential increase in privileges. Steven Kwoh was sworn in and clarified that Ms. DeLeonard is not currently attending resolution group.

A motion was made by Chandrika Shankar, seconded by Michael Klemens, and passed unanimously to deny conditional release for Jessica DeLeonard based on the evidence presented by the Arizona State Hospital’s treatment team, that Ms. DeLeonard 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. Jessica DeLeonard shall remain committed to the Arizona State Hospital.

Vicky Dulcine Gee – PSRB No. 08-10

Vicky Gee was present with her attorney, Tammy Wray. The statutory hearing was held from 1:08 p.m. to 1:41 p.m. pursuant to A.R.S. § 13-3994(H). ASH recommended conditional release to the Hospital, phase two, level three.

Michael Lee was teleconferenced into the hearing. Mr. Caputo said ASH had nothing to add. Summer Schneider stated that the treatment team has taken into consideration and addressed the concerns from last month's hearing. The team is confident in the proposed conditional release plan Submitted to the Board today, and asks that it is approved.

Dr. Clark stated that the Board gives great weight to the recommendations from the Hospital and it is not clear how Tori Lee got on the list as a properly vetted pass supervisor. Dr. Schneider stated the team's effort and hope was to be as transparent as possible with the Board about members of the community that may come into contact with Ms. Gee while she is on an off-grounds pass. She added that the inpatient treatment team realized later that they had the wrong name listed for Ms. Gee's son's significant other.

Tammy Wray argued that the Board is not there to consider Ms. Gee's safety in the community, but rather whether her son, Emmanuel Lee, Jr., is appropriate as a pass supervisor. She added that the treatment team's intent was that Ms. Gee spend time with both of her sons during off-grounds passes, although only one is a proposed pass-supervisor.

Juli Warzynski, Maricopa Deputy County Attorney, shared the State's continuing concerns as to Ms. Gee's sons as pass supervisors. She reminded the Board that the proposed conditional release plan presented last month was inaccurate and misleading. Extensive discussion ensued.

Emmanuel Lee, Jr. was sworn in and testified about his close relationship with his grandmother and the impact of her death on him and his family. He stated he has forgiven his mother and is asking for the privilege to spend time with her. Mr. Lee said he visits his mother two or three times per month at ASH, and has brought his children and other family members to visit as well.

Emmanuel Lee, Sr. was sworn in and informed the Board that he agrees more with the recommendation than he did last month, but still has concerns about Ms. Gee's medication compliance when she eventually moves to a less-restrictive setting. Mr. Lee stated that he

does not want his youngest son to be involved in Ms. Gee's off-grounds passes because of his illness. At that time, a family quarrel ensued and Dr. Clark had to restore order. It was clarified that Ms. Gee is restricted from going to the Lee family home while on an off-grounds pass.

A motion was made by James Clark, seconded by Paul O'Connell, and passed unanimously to approve Ms. Gee for a modification of pass supervisors to include Emmanuel Lee, Jr. and Hope Lives, based on the evidence presented by the ASH treatment team that Ms. Gee remains in stable remission and is not dangerous.

Michelle Marie Price – PSRB No. 14-11

Michelle Price was present with her attorney, Nora Greer. The statutory hearing was held from 1:42 p.m. to 2:06 p.m. pursuant to A.R.S. § 13-3994(H). The inpatient treatment team recommended conditional release to ASH, phase one, levels one and two, but ASH administration did not agree.

Mr. Caputo argued that today's hearing may not be within its statutory two-year timeframe because the two-year mark does not occur until next month. Jaime Shapiro explained her administrative practice is that two-year hearings are set every 23 months. Mr. Caputo's argument was unclear and Board members asked several questions in an attempt to illuminate his point. The Board decided to proceed with the hearing as there was no objection from any party.

Steven Dingle stated that the treatment team is recommending privileges at a two-year hearing; however, the Special Classification Committee (SCC) and ASH administration disagreed with the recommendation. When the Board asked, Dr. Dingle did not discuss why the SCC disagreed with the recommendation, but did offer that Dr. Bhatti presented Ms. Price and the recommendation to the SCC. Ms. Price was interviewed by the SCC but there was no motion from the committee members at that time.

Dr. Clark stated that the psychiatric report and risk assessment support clear and convincing evidence that Ms. Price is in stable remission and not dangerous. Chandrika Shankar asked again why there was no vote by the SCC, and Dr. Dingle stated the Board would have to ask each committee member. Dr. Clark suggested that the hearing be continued so the SCC members could meet and be surveyed as to their opinions about the recommendation, and it be reported back to the Board in a month. Dr. Dingle said he would have to consult with counsel and the deputy director.

Nora Greer stated that she shares the Board's concern and understands ASH's position. Ms. Greer explained that her client is clearly appropriate for conditional release and is unsure how to advise Ms. Price at this point, and suggested the possibility of an independent evaluation to assist in moving the recommendation forward.

After extensive discussion, a motion was made by James Clark, seconded by Paul O'Connell, and passed 4 – 1 to continue the hearing for one month to permit the Hospital, if it so chooses, to have the SCC reconvene and report back to the Board regarding their concerns regarding the issue of not being willing to move forward with treatment team's recommendation regarding the conditional release of Michelle Price.

Michael Klemens opposed the motion due to concern that the PSRB is being placed in a potentially risky position, and he believes a month is not enough time.

Tina Renee Beerens – PSRB No. 12-14

Tina Beerens was present with her attorney, John W. Blischak. The statutory hearing was held from 2:07 p.m. to 2:16 p.m. pursuant to A.R.S. § 13-3994(J). The PSRB's jurisdiction ends September 18, 2018 and ASH recommended expiration with no further action.

Jennifer Johnson, victim, was teleconferenced into the hearing and sworn in. Mr. Caputo said ASH had nothing to add. Ms. Johnson testified that Ms. Beerens should be held accountable for her actions. John Blischak stated that his client has been held accountable by being held in confinement at ASH for the duration of her sentence. Mr. Blischak urged the Board to follow the recommendation.

Dr. Klemens asked for clarification regarding the discharge plan and Julie Jackson, Ms. Beerens' social worker, stated that Ms. Beerens will be returning to New Mexico and is set to receive mental health treatment there.

Eleanor Johnson, a victim's wife, was sworn in and testified that she wished to emphasize that Jennifer Johnson was turned down by several courts for a restraining order against Ms. Beerens, and the family is concerned for their safety upon Ms. Beerens discharge. There was discussion regarding restitution.

A motion was made by James Clark, seconded by Paul O'Connell, and passed unanimously that the PSRB allow its jurisdiction over Tina Beerens to expire without ordering the Pima County Attorney to initiate civil commitment proceedings 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. Beerens to a residential setting in the community up to five days prior to the PSRB's jurisdiction expiration date.

Jean Alutaya Cataline – PSRB No. 14-12

Jean Cataline was not present and her attorney, John W. Blischak, represented her interests. The statutory hearing was held from 2:17 p.m. to 2:20 p.m. pursuant to A.R.S. § 13-3994(H). This was a two-year hearing and there was no recommendation at that time.

Julie A. Rogers was teleconferenced into the hearing. Mr. Blischak moved that the hearing be continued based on Ms. Cataline's refusal to attend and that he has not had the chance to meet with his client.

After discussion, a motion was made by Paul O'Connell, seconded by Chandrika Shankar, and passed 4 – 1 to continue the hearing to September.

Michael Klemens opposed the motion citing that the patient refused to attend the hearing, that there would likely be no change in the recommendation for next month, and that the attorney had ample time to meet with his client.

Aaron Jason Wallace – PSRB No. 11-07

Aaron Wallace was present with his attorney, John W. Blischak. The statutory hearing was held from 2:21 p.m. to 2:24 p.m. pursuant to A.R.S. § 13-3994(H). This was a two-year hearing and there was no recommendation at that time.

Mr. Caputo stated ASH had nothing to add. Dr. Bhatti provided clarification that Mr. Wallace was no longer court-ordered to receive treatment pursuant to Title 36.

A motion was made by James Clark, seconded by Michael Klemens, and passed unanimously that the PSRB deny conditional release for Aaron 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. Aaron Wallace shall remain committed to the Arizona State Hospital.

After the vote, Mr. Wallace asked the Board what would happen to him when the PSRB's jurisdiction ends, and if the Board would civilly commit him at that time because he assaulted another patient about a month ago. Dr. Clark referred him back to his treatment team.

Joe Curtis O’Cain – PSRB No. 12-01

Joe O’Cain was present with his attorney, John W. Blischak. The statutory hearing was held from 2:25 p.m. to 2:28 p.m. pursuant to A.R.S. § 13-3994(H). ASH recommended conditional release to ASH, phase two, level four.

Mr. Blischak urged the Board to approve the recommendation. Dr. Schneider clarified that the STAR Program and Beverly Denny are aware of the responsibilities of being a pass supervisor.

A motion was made by Michael Klemens, seconded by Chandrika Shankar, and passed unanimously to approve Joe O’Cain for conditional release to Arizona State Hospital, phase two, level four, and adopt the conditional release treatment plan which includes the additions of the STAR Program and Beverly Denny as pass supervisors, based on the evidence presented by the Arizona State Hospital’s treatment team that Mr. O’Cain’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, Amendment and Approval of Minutes:

Open session and executive session minutes from the July 27, 2018, meeting:

After discussion, a motion was made by James Clark, seconded by Paul O’Connell, and passed 3 – 0 – 2 to approve the open and executive session minutes, as amended.

Chandrika Shankar and Susan Stevens abstained.

Open session minutes from the August 13, 2018, meeting:

After discussion, a motion was made by James Clark, seconded by Paul O’Connell and passed 3 – 0 – 2 to approve the open session minutes, as amended.

Chandrika Shankar and Michael Klemens abstained.

Executive session minutes from the August 13, 2018, meeting:

A motion was made by James Clark, seconded by Paul O’Connell, and passed 3 – 0 – 2 to recess into executive session at 2:36 p.m. to discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2).

Chandrika Shankar and Michael Klemens abstained.

After discussion in executive session, the Board reconvened in open session at 2:43 p.m.

In open session, a motion was made by James Clark, seconded by Paul O'Connell, and passed 3 – 0 – 2 to approve the executive session minutes, as discussed and amended in executive session.

Chandrika Shankar and Michael Klemens abstained.

Adjournment:

The Board meeting was adjourned at 2:44 p.m.