



## ***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 SPECIAL HEARING**

**April 16, 2019**

**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. ☎  
☎ Telephonic  
➤ Absent

### Assistant Attorney General:

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

### Staff:

Jaime L. Shapiro, Executive Director

### Guests Present and/or Participating:

Bill Hughes, Esq. ☎	Julie Jackson, ASH
Connie Wells-Breton	Kennedy C. Klagge, Esq. ☎
Cyndi Froehlich, ASH	Kevin Mathieu, ASH
Diana Walayat, M.D., ASH	Lindsay Werkheiser, ASH
Erin Cohen, Esq.	Lori Ann Stickney
Jeff Brady, ASH	Rudy Flores, ASH
Jerry Wells	Sharie Brock ☎
Johnny Ybarra, ASH	Vanessa Ndimubandi, ASH

### **Call To Order:**

James Clark called the meeting to order at 1:03 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:**

#### **Jerry Lee Carter Wells, Jr. – PSRB No. 16-11**

Jerry Wells was present in person and through counsel, Kennedy C. Klagge, who appeared telephonically. The statutory hearing was held from 1:04 p.m. to 1:48 p.m. pursuant to A.R.S. § 13-3994(H). The PSRB considered ASH’s recommendation that Mr. Wells be allowed to temporary leave the secure mental health facility to attend a family member’s funeral.

Kennedy Klagge, Mr. Wells’ attorney, Bill Hughes, Yavapai Deputy County Attorney, and Sharie Brock, RBHA Care Manager, were teleconferenced into the hearing.

Ms. Klagge stated that, upon reviewing the recommendation that Mr. Wells should be accompanied by one ASH staff person or security officer along with ankle transport devices, she agrees that Mr. Wells would be appropriate to attend the funeral.

On behalf of the State through the Yavapai County Attorney’s Office, Mr. Hughes would not oppose Mr. Wells’ attendance at the funeral if he wears the ankle transport devices and is under continual monitoring by an ASH staff member.

Dr. Klemens asked if Dr. Dingle was in favor of the recommendation, and Ms. Cohen stated that it is her understanding that Dr. Dingle was in support. Dr. Klemens asked if ASH would be willing to have two staff members accompany Mr. Wells and Ms. Cohen did not know if staff was available. Dr. Klemens asked about adding a GPS monitoring device, and Mr. Cohen did not know if it was possible. At that point Dr. Walayat stated that the team believes that Mr. Wells can be safe with just the transport devices. After discussion, Dr. Walayat clarified that one cannot be affixed with both ankle devices and a GPS monitor and that a transport safety device is considered a restraint.

Dr. Clark mentioned that based on the discussion, it would be helpful to the Board if Dr. Dingle could make time to attend the PSRB meetings so he could answer questions.

Discussion was held about whether the accompanying ASH personnel would be trained in such a security matter, and Dr. Klemens and Ms. Stevens added that they felt he should be accompanied by more than one staff member.

Dr. Shankar asked Dr. Walayat what her opinion was on the possibility of Mr. Wells mentally decompensating because of the funeral, and Dr. Walayat said he would “probably” not. Dr. Walayat added that Mr. Wells has no reliance on PRNs.

A motion was made by James Clark, seconded by Chandrika Shankar, and passed 4 – 0 to recess into executive session at 1:15 p.m. to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

After discussion in executive session, the Board reconvened in open session at 1:27 p.m.

*There were technical difficulties with the teleconferencing system and the Board took a break from 1:28 p.m. to 1:44 p.m.*

In open session, Dr. Klemens asked what amount of time is being requested for the temporary leave. Dr. Walayat indicated that four hours would be enough. Dr. Klemens asked if wrist restraints would be available. Ms. Cohen informed the Board that wrist devices would constitute restraint which is not warranted.

A motion was made by James Clark, seconded by Chandrika Shankar, and passed 4 – 0 to deny the request.

Dr. Clark explained that, given the seriousness of the index crime, the bar needs to set very high regarding stability and non-dangerousness. Dr. Walayat’s report indicates that Mr. Wells is not stable, has poor insight, and lacks good judgment. She noted with several examples. Additionally, in November of 2018, a psychiatric evaluation of Mr. Wells said he was not able to be maintained safely outside of a secure facility and that he still has a propensity to re-offend.

**Adjournment:**

The Board meeting was adjourned 1:49 p.m.