



Psychiatric Security Review Board

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JAMES P. CLARK, M.D., CHAIRMAN
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ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES

January 31, 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.

🗨️ Absent

Assistant Attorney General:

Jeanne Galvin, Esq.

Staff:

Jaime L. Shapiro, Executive Director

Guests Present and/or Participating

Alicia Bylsma, ASH	Josephine Jones, Esq.
Caley Venturma, ASH	Kathleen Gallik
Catherine Clark	Katie McCleudon
Clayton Mathiesen	Madison Gardner, ASH
Clayton Smith	Margaret Aguirre, ASH
Cole Arigoni, Mercy Care	Mark Seo, ASH
Elizabeth Christoe, Valle Del Sol	Megan Woods, AHCCCS
Gabriella Reyes, ASH	Michael Sheedy, M.D., ASH
Hannah Burks, ASH	Nora Greer, Esq.
Holly Stokes	Patrick Zinicola, Esq. 🗨️

Paul Gaulocher
Paulina Avila, ASH
Robert Moriarty, AzCH
Roberta McVickers, Esq. ☎
Robyn Ward, Health Choice AZ
Ronald D. Wood, Esq.

Ryan Rogers, ASH
Shiana Simonson, ASH
Stefanie Jones-Campbell, Esq.
Steven Kwoh, M.D., ASH
Telly Rivenburgh, AzCH
Victoria Noodu, Community Bridges

☎ Participated Telephonically

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. 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:

Raymond Eugene Christopher – PSRB No. 18-05

Raymond Christopher was present in person and through counsel, Nora Greer. The statutory hearing was held from 1:05 p.m. to 1:08 p.m. pursuant to A.R.S. § 13-3994(F). This was an initial hearing and there was no recommendation at that time.

Nora Greer highlighted that Mr. Christopher is compliant with treatment recommendations and has not violated any Hospital rules.

Dr. Clark asked if a previous hospital discharge was against medical advice, but no one from the treatment team was present to respond. Dr. Clark mentioned that Mr. Christopher was a chess champion and asked if he is able to play chess in ASH. Mr. Christopher responded in the affirmative.

A motion was made by Paul O'Connell, seconded by Gwen Levitt, and passed 3 – 0 to deny conditional release for Raymond Christopher based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Christopher 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. Raymond Christopher shall remain committed to the Arizona State Hospital.

Peter Rice Sherman – PSRB No. 10-03

Peter Sherman was present in person and through counsel, Stefanie Jones-Campbell. The statutory hearing was held from 1:09 p.m. to 1:23 p.m. pursuant to A.R.S. § 13-3994(H). ASH recommended conditional release to the community.

Stefanie Jones-Campbell stated that Mr. Sherman is in support of the recommendation.

Clayton Mathiesen was sworn in and testified as to his relationship with Mr. Sherman which includes almost daily contact and 12-step program support.

Peter Sherman read from a prepared statement.

Mr. Sherman and the treatment team agreed to add that Mr. Sherman will provide a written record of his attendance at community meetings for inclusion with the conditional release monthly report.

After discussion, a motion was made by Gwen Levitt to approve Peter Sherman for conditional release to the community, and adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Sherman's mental disease or defect is in stable remission and he is not dangerous if he resides in the facility specified in the conditional release treatment plan and remains compliant with the terms of conditional release and the treatment plan presented today.

Dr. Clark asked Dr. Levitt if she would accept an amendment to her motion to require submission of a written record of attendance to community meetings with the monthly report.

Dr. Levitt accepted the amendment, Paul O'Connell seconded the amended motion, and it passed 3 – 0.

LeRaymond Cheatam Hollins – PSRB No. 13-04

LeRaymond Hollins was present in person and through counsel, Ronald Wood. The statutory hearing was held from 1:24 p.m. to 1:35 p.m. pursuant to A.R.S. § 13-3994(H). ASH recommended level one of conditional release.

Patrick Zinicola from the Navajo County Attorney's Office was teleconferenced into the hearing.

Ronald Wood stated that Mr. Hollins struggled with his illness and the nature of the offense he committed. He has worked extremely hard to begin his journey to recovery. Mr. Zinicola stated that the victim's family has no objection to the recommendation.

A motion was made by Gwen Levitt, seconded by Paul O'Connell, and passed 3 – 0 to recess into executive session at 1:28 p.m. to discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2).

After discussion in executive session, the Board reconvened in open session at 1:34 p.m.

In open session, a motion was made by Paul O'Connell, seconded by Gwen Levitt, and passed 3 – 0 to approve LeRaymond Hollins for conditional release to Arizona State Hospital, phase one, level one, and adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Hollins' 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.

Garrett Taylor Sanders – PSRB No. 18-06

Garrett Sanders was present in person and through counsel, Tammy Wray. The statutory hearing was held from 1:36 p.m. to 1:45 p.m. pursuant to A.R.S. § 13-3994(F). This was an initial hearing and ASH recommended levels one and two of conditional release.

Tammy Wray stated that Mr. Sanders pleaded as GEI because he recognized his need for treatment, even though a Guilty plea would have resulted in less time in confinement. She added that his mother visits him weekly and is supportive.

Josephine Jones from the Maricopa County Attorney's Office stated the victim in this matter is his sister and has had contact with Mr. Sanders at the request of their mother; however, she does not care to have contact with Mr. Sanders beyond that.

A motion was made by Gwen Levitt, seconded by Paul O'Connell, and passed 3 – 0 to approve Garrett Sanders for conditional release to Arizona State Hospital, phase one, level(s) one and

two, and adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Sanders' 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.

Ricky Allen Yazzie – PSRB No. 13-07

Ricky Yazzie was present in person and through counsel, Roberta McVickers, who appeared telephonically. The statutory hearing was held from 1:48 p.m. to 1:56 p.m. pursuant to A.R.S. § 13-3994(H). ASH recommended a modification to the current terms of conditional release: phase three, level six.

Roberta McVickers was teleconferenced into the hearing. Dr. Clark noted that Mr. Yazzie completed his first semester of college.

Paul Gaulocher testified that he is an AA sponsor to Mr. Yazzie and has known him for over five years. Mr. Yazzie has worked hard, exceeds his goals, and is looking forward to independent leisure time in the community.

A motion was made by Paul O'Connell, seconded by Gwen Levitt, and passed 3 – 0 to approve Ricky Yazzie for conditional release to Arizona State Hospital, phase three, level six, and adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Yazzie's mental disease or defect remains 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:

Consideration to adding conditional release monthly report review as a recurring agenda item:
Discussion was held about the Board Chairman's review of the monthly reports, and Board members agreed that the current process is working well and took no action.

Review and approval of the 2019 Annual Report:
Board members deferred action to February.

Senate Bill 1053 and a verbal update from the Chair regarding the Committee of Reference hearing on January 15, 2020:
Dr. Clark explained that the Committee of Reference deals with the audit and the continuation, termination, or modification of the PSRB. The Committee voted 7 – 0 – 1 – 0 to continue the PSRB for another eight years.

House Bill 2320; Reference Title: psychiatric security review board; hearings:

Dr. Clark commented that this proposed re-write of the GEI statutes comes from a study group that has met about seven or eight times. The study group is made up of Representative Nancy Barto, Donna Robinson, Ph.D., Tammy Wray, Holly Gieszl, and Legislative Counsel Steve Primack.

Dr. Clark's belief is that the GEI statutory construct is good but needs some tweaking focused on the audit and HB2320 is a major re-write that goes beyond the audit. Dr. Clark detailed significant parts of the bill which included adding Board member training and changes to compensation, quorum voting, decisional options, staff employment, and orders.

Board members and staff participated in an extensive discussion noting several areas of concern. Ultimately, Board members directed staff to compose a document containing the Board's concerns and re-agendize the matter.

Nomination and election of a Board Chairperson and Vice-Chairperson:

Dr. Clark informed the Board that staff asked Dr. Klemens if he would accept a nomination *in absentia* for Vice-Chair today, and he affirmed.

A motion was made Gwen Levitt, seconded by Paul O'Connell, and passed 3 – 0 to nominate James Clark, M.D. as Chair of the PSRB.

A motion was made by Gwen Levitt, seconded by Paul O'Connell, and passed 3 – 0 to nominate Michael Klemens, Ph.D. as Vice-Chair of the PSRB.

Discussion, Amendment, and Approval of Minutes:

Open and executive session minutes from the December 13, 2019, meeting:

After discussion, a motion was made by James Clark, seconded by Gwen Levitt, and passed 3 – 0 to approve the December 13, 2019, open and executive session minutes, as amended.

Identification of Future Agenda Items:

- Legislative Update.
- Approval of the Annual Report.

Adjournment:

The Board meeting adjourned 3:04 p.m.