



Psychiatric Security Review Board

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

**November 13, 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 ↗
Paul O'Connell, M.S., M.P.A ↗
Susan Stevens, Esq. ↗

Assistant Attorney General:

Jeanne Galvin, Esq. ↗

Staff:

Hannah N. Garcia, Executive Director

Guests Present and/or Participating

Akram Bhatti, M.D. ↗	Kennedy Klagge, Esq. ↗
Amadu Konteh, M.D. ↗	Nicol Green, Esq. ↗
Carlos Lopez	Nora Greer, Esq. ↗
Charles Holmes	Paula Hughes-Riccio ↗
Dana Owens, Esq. ↗	Philip Ronan
Diana Walayat, M.D. ↗	Richard Hollman
Erin Cohen, Esq., ASH ↗	Roberta McVickers, Esq. ↗
James Holmes, Psy.D. ↗	Ronald DeBrigida ↗
Jamie Jacobson	Stacy Kreuger, Esq. ↗
Juli Warzynski, Esq. ↗	Stephen Jaffe, M.D. ↗
Joe O'Cain	Stephen Morris, M.D. ↗
John Blischak, Esq. ↗	Summer Schneider, Psy. D.

Tammy Wray, Esq.

Zachary Sutton

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:

Zachary Stuart Sutton – PSRB No. 13-02

Zachary Sutton was present in person and through counsel, Kennedy Klagge, who participated telephonically. The statutory hearing was held from 1:11 p.m. to 1:21 p.m. pursuant to A.R.S. § 13-3994 (H). This was a two-year hearing, and there was no recommendation.

Kennedy Klagge, Esq., stated that the wrong county was listed in Dr. Stephen Jaffe’s report, and asked that it could be corrected.

Dr. Stephen Jaffe stated that Mr. Sutton is doing well with his current medication.

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

Charles Clifford Holmes – PSRB No. 01-18

Charles Holmes was present in person, and through counsel, Ronald DeBrigida, who participated telephonically. The statutory hearing was held from 1:22 p.m. to 1:25 p.m. pursuant to A.R.S. § 13-3994 (H). ASH treatment team is requesting to amend the previous CR order, to allow Mr. Holmes to have contact with his mother and step-father, who are the listed victims.

After further discussion, a motion was made by James Clark, seconded by Susan Stevens, and passed unanimously to amend the most recent conditional order for Mr. Holmes to allow him to have contact with his mother and step-father, who are the listed victims. The ASH treatment team supports this, and Mr. Homles' mother and step-father support this request as well.

Paula Kristine Hughes-Riccio-PSRB No. 11-04

Paula Hughes-Riccio was present telephonically and through counsel, Tammy Wray, who participated telephonically. The statutory hearing was held from 1:26 p.m. to 1:54 p.m. pursuant to A.R.S. §13-3994 (J). The PSRB's jurisdiction ends December 12, 2020; the outpatient treatment team is requesting discharge with no further action.

James Clark made a motion, seconded by Michael Klemens to move into executive session to discuss private health information.

James Clark made a motion, seconded by Susan Stevens, and passed 3-0, to allow the PSRB's jurisdiction over Paula Hughes-Riccio to expire with no further action based on the evidence presented by the Outpatient treatment team.

Michael Klemens was disconnected prior to the vote.

Andrew Robert Garcia– PSRB No. 11-01

Andrew Garcia was not present. His presence was waived through counsel, John Blischak, who participated telephonically. The statutory hearing was held from 1:55 p.m. to 2:00 p.m. pursuant to A.R.S. § 13-3994 (H). This is a two-year hearing, with no recommendation.

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

Jamie Lynn Jacobson– PSRB No. 19-01

Jamie Jacobson was present in person, and through counsel, Nora Greer, who participated telephonically. The statutory hearing was held from 2:01 p.m. to 2:07 p.m. pursuant to A.R.S. § 13-3994 (F). This is an initial hearing, with no recommendation.

Nora Greer, Esq. stated that Ms. Jacobson is currently on the waiting list for Resolution Group, and she is doing well in her treatment.

James Clark asked Ms. Jacobson’s treatment team to identify in her future reports her “as needed” medications, as well as any rule violations.

After further discussion, a motion was made by James Clark, seconded by Susan Stevens, and passed unanimously to deny conditional release for Jamie Jacobson based on the evidence presented by the Arizona State Hospital’s treatment team, that Ms. Jacobson 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. Ms. Jacobson shall remain committed in the Arizona State Hospital.

Tammy Lee Brown– PSRB No. 17-02

Tammy Brown was not present. Defense counsel was not present. The statutory hearing was held from 2:08 p.m. to 2:11 p.m. pursuant to A.R.S. §13-3994 (H). This is a two-year hearing; there is no recommendation.

After discussion, a motion was made by James Clark, seconded by James Susan Stevens, and passed unanimously to table Ms. Brown’s hearing in order for defense counsel to be present.

Richard Arnold Hollman– PSRB No. 18-15

Richard Hollman was present in person and through counsel, Roberta McVickers, who participated telephonically. The statutory hearing was held from 2:12 p.m. to 2:15 p.m. pursuant to A.R.S. § 13-3994 (F). This is an initial hearing, and there is no recommendation.

After further discussion, a motion was made by Susan Stevens, seconded by James Clark, and passed unanimously to deny conditional release for Richard Hollman based on the evidence presented by the Arizona State Hospital’s treatment team, that Mr. Hollman 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. Hollman shall remain committed in the Arizona State Hospital.

Carlos Sonny Lopez IV– PSRB No. 19-02

Carlos Lopez was present in person and through counsel, Roberta McVickers, who participated telephonically. The statutory hearing was held from 2:16 p.m. to 2:21 p.m. pursuant to A.R.S. § 13-3994 (F). This is an initial hearing, and there is no recommendation.

Roberta McVickers, Esq., stated that the report for Mr. Lopez has the incorrect admission and discharge date.

James Clark stated that Mr. Lopez was determined to be designated as SMI in previous records.

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

Philip John Ronan– PSRB No. 08-09

Philip Ronan was present in person and through counsel, Tammy Wray, who participated telephonically. The statutory hearing was held from 2:22 p.m. to 2:53 p.m. pursuant to A.R.S. § 13-3994 (H). ASH is recommending Phase 2, Level 3.

Tammy Wray stated that Mr. Ronan has used his Phase 1 privileges very wisely, and has developed a support system. Mr. Ronan has been participating in his groups at ASH and in the community and has learned to interact more. He has made tremendous progress, and is ready for Phase 2.

Mr. Ronan shared a Thanksgiving poem he had written.

Michael Klemens asked if the sponsor that is listed on the most recent report, is a different sponsor than the one Mr. Ronan had separated from recently.

Michael Klemens asked Dr. James Holmes if there had been any progress in looking into additional options to still grant privileges within the COVID-19 restrictions.

Dr. James Holmes stated that he has been in contact with ASH staff, and they are still discussing this topic.

After further discussion, a motion was made by James Clark, seconded by Susan Stevens, and passed unanimously, to approve Mr. Ronan for conditional release to the Arizona State Hospital, phase two, level three , and adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Ronan'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.

Joe Curtis O'Cain– PSRB No. 12-01

Joe O'Cain was present in person and through counsel, John Blischak, who participated telephonically. The statutory hearing was held from 2:55 p.m. to 3:07 p.m. pursuant to A.R.S. §13-3994 (J). The PSRB's jurisdiction ends December 19, 2020; ASH is requesting discharge with no further action.

John Blischak, Esq., stated that Mr. O'Cain has done a great job completing his treatment, and wishes him well.

James Clark stated that Mr. O'Cain has built a very impressive record at ASH.

Mr. O'Cain's treatment team at ASH stated that they have been in contact with his outpatient treatment team who will continue to work with him after discharge. Mr. O'Cain will leave ASH with appointments already scheduled in the community for follow-up with his outpatient treatment team.

James Clark asked Dr. Summer Schneider if she felt like Mr. O'Cain's current stability is from his hospitalization and the structure that is provided on the inpatient unit.

Dr. Summer Schneider stated that she is confident that Mr. O'Cain's success will carry outside into the community as well.

After further discussion, a motion was made by James Clark, seconded by Paul O'Connell, and passed unanimously to allow the PSRB's jurisdiction over Joe O'Cain to expire with no further action based on the evidence presented by the ASH treatment team, and to allow the Arizona State Hospital's treatment team to conditionally release Joe O'Cain to a residential setting in the community up to five business days prior to the PSRB's jurisdiction expiration date.

Discussion, Amendment, and Approval of Minutes:

Open session minutes from the October 30, 2020, meeting:

Arizona State Psychiatric Security Review Board
Open Session Minutes
November 13, 2020
Page 7 of 7

A motion was made by James Clark, seconded by Michael Klemens, to adopt the October 30, 2020 open session minutes as amended.

Identification of Future Agenda Items:

Adjournment:

The Board meeting adjourned 3:13 p.m.