



Psychiatric Security Review Board

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ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES

**January 29, 2021
PSRB Hearing Room
2500 E. Van Buren St.
Phoenix, AZ 85008**

Members:

James P. Clark, M.D., Chairperson
Michael J. Klemens, Ph.D., Vice-Chairperson ✓
Paul O'Connell, M.S., M.P.A. ✓
Susan Stevens, Esq.

Absent

Assistant Attorney General:

Jeanne Galvin, Esq.

Staff:

Hannah N. Garcia, Executive Director

Guests Present and/or Participating

Ashley Blum, Esq. ✓
Courtney Bradford ✓
Erin Cohen, Esq., ASH ✓
Holly Gieszel, Esq.
James Holmes, Psy.D. ✓
Juli Warzynski, Esq. ✓
John Blischak, Esq. ✓
Kennedy Klagge, Esq. ✓
Nicol Green, Esq. ✓
Robert Bible ✓
Shawne Wood ✓
Stephen Morris, M.D. ✓
Tammy Wray, Esq. ✓

↙ 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:

Robert Earl Bible – PSRB No. 13-07

Robert Bible was present telephonically and through counsel, John Blischak, who participated telephonically. The statutory hearing was held from 1:02 p.m. to 1:41 p.m. pursuant to A.R.S. § 13-3994 (A)(5) and (B)(4). The outpatient treatment team is requesting independent living.

John Blischak, Esq., stated that he supports the request the outpatient treatment team is making.

Dr. Burkholder stated that Mr. Bible has done remarkable with his care.

Michael Klemens made a motion, seconded by Paul O’Connell to move into executive session to discuss private clinical information.

Executive session was not possible due to technical difficulties. Open session reconvened.

Michael Klemens questioned if the outpatient treatment team has looked into an 8-hour step down or 15-hour step down place setting for Mr. Bible.

Dr. Burkholder stated that due to COVID-19, the possibility of him transferring to one of these residential settings would not be possible.

The treatment stated that ACT supports would be provided to Mr. Bible if he were to be approved for independent living.

Dr. Clark stated that records has shown that Mr. Bible has shown that he has done well in structured settings and questioned what the benefit would be to transfer him to independent living, if he is doing so well at the moment.

Dr. Burkholder stated that Mr. Bible has done exceptional in all of his place settings, and believes that a step down to independent living is the next step for him and believes that he will succeed.

Robert Wood, who has been an AA sponsor for Mr. Bible for years and testified that Mr. Bible has been very committed to his treatment and continues to do exceedingly well and has made numerous changes to ensure he can live a balanced life.

After further discussion, a motion was made by Michael Klemens, seconded by Paul O'Connell, and passed unanimously, to approve Mr. Bible for independent living with ACT team supports. Mr. Bible has proven by clear and convincing evidence that he is in stable remission and is no longer dangerous if he complies with the terms of conditional release with the following modifications; ACT supports. All other terms of conditional release under the treatment plan previously ordered by the PSRV shall remain the same.

King Justice Allah – PSRB No. 17-12

King Allah was present telephonically, and through counsel, Holly Gieszel, who participated in person. The statutory hearing was held from 1:42 p.m. to 2:04 p.m. pursuant to A.R.S. § 13-3994 (H). ASH is recommending Phase 1, Levels 1 and 2.

Holly Gieszel stated that she objected to the letter in Mr. Allah's file, and stated that it is not relevant to what would be discussed at this time.

Dr. Clark stated that he would sustain the objection by Ms. Gieszel.

Juli Warzynski stated that the individual who wrote the letter is still able to make a statement and to not take it into consideration would be inappropriate.

Dr. Morris stated that Mr. Allah has been making great progress in his treatment and has been complying with all medication.

Juli Warzynski, Esq., stated that Mr. Allah has only been doing better in his treatment for less than a year. She expressed that the State has concerns about these privileges being presented far too early.

Dr. Morris stated that Mr. Allah is in stable remission and is not dangerous.

King Allah stated that he has been stable while he has been complying with his medication. He also looks forward to progressing in his treatment and has made changes in his behavior in attitude in order to make progress.

Michael Klemens asked if the treatment team would be open to the modification of Phase 1, Level 1 privileges for Mr. Allah.

After further discussion, a motion was made by Michael Klemens, seconded by Paul O'Connell, and passed unanimously to approve Mr. Allah for conditional release to the Arizona State Hospital, phase 1, level 1, with the addition of 180 days before advancement, and to adopt the conditional release plan based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Allah 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.

Leon Milton Canty No. 00-10

Leon Canty was present telephonically and through counsel, Tammy Wray, who participated telephonically. The statutory hearing was held from 2:05 p.m. to 2:10 p.m. pursuant to A.R.S. §13-3994 (H). The PSRB's jurisdiction is set to expire on February 24, 2021., the outpatient treatment team is recommending discharge with no further action.

Tammy Wray, Esq., stated that Mr. Canty has continued down a straight and narrow path with his treatment, and has embraced every opportunity given to him. She stated that she supports the recommendation of no further action.

After further discussion, a motion was made by Paul O'Connell, seconded by Michael Klemens, and passed unanimously to allow Leon Canty to expire with no further action based on the evidence presented by the outpatient treatment team on February 24, 2021.

Gerald Arthur Venhaus– PSRB No. 17-02

Gerald Venhaus was present telephonically and through counsel, Ashley Blum, who participated telephonically. The statutory hearing was held from 2:11 p.m. to 2:16 p.m. pursuant to A.R.S. § 13-3994 (H). This is a two-year hearing, there is no recommendation. Ashley Blum, Esq., stated that she did have the opportunity to speak with Mr. Venhaus regarding his most recent psychiatric reports. Mr. Venhaus does not agree with no recommendation, and stated to her that he would like to continue to advance in his treatment.

Dr. Morris stated that he would like have Mr. Venhaus on correct medication before he was to get him to participate in Resolution Group.

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

Discussion and Possible Action Related to:

Vote for Board Chair and Vice Chair

A motion was made by Michael Klemens, seconded by Paul O'Connell to nominate Dr. James Clark for Board Chair.

A motion was made by Dr. Clark, seconded by Paul O'Connell to nominate Michael Klemens for Vice-Chair.

Annual Report

Executive Director will verify a few sections of the report before it is sent out.

Dr. Clark stated a list of audiences that would potentially receive the Annual Report.

Hearing Continuations Policy

This policy is an internal policy document and will be reviewed at the February meeting.

Victim Contact

The victim contact language will be amend language to ensure that victims would need to initiate or request contact.

PSRB Process Document

Michael Klemens stated that on #14 of the document, it would be beneficial to include and specify levels of conditional release.

Psychiatrist Board Vacancy

Areas of Concern

Dr. Clark expressed if the Board has any concerns with himself and possibly Dr. Klemens to communicate with a lobbyist regarding SB1029 and SB1030. Dr. Klemens stated that he would potentially be open to that idea.

Holly Geiszel, Esq., stated to the Board that she had made efforts to incorporate the PSRB's Areas of Concerns regarding SB1029 and SB1030 at the Legislative Study Group.

Discussion, Amendment, and Approval of Minutes:

Executive session minutes from the November 13, 2020, meeting:

A motion was made by James Clark, seconded by Paul O'Connell, to adopt the November 13, 2020 executive session minutes as amended.

Open session minutes from the November 30, 2020, Meeting:

A motion was made by James Clark, seconded by Paul O'Connell, to adopt the November 30, 2020 open session minutes as amended.

Open session minutes from the December 11, 2020 meeting:

A motion was made by James Clark, seconded by Michael Klemens, to adopt the December 11, 2020 open session minutes as amended.

Executive session minutes from the December 11, 2020 meeting:

A motion was made by James Clark, seconded by Michael Klemens, to adopt the December 11, 2020 executive session minutes as amended.

Identification of Future Agenda Items:

Paul O'Connell requested to be sent the updates on SB1029 and SB1030 as it passes through the legislature.

Adjournment:

The Board meeting adjourned 3:35 p.m.