



Psychiatric Security Review Board

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ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES

March 26, 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. ✓

Assistant Attorney General:

Jeanne Galvin, Esq.

Staff:

Hannah N. Garcia, Executive Director

Guests Present and/or Participating

Akram Bhatti, M.D. ✓
Andrew Blischak, Esq. ✓
Ashley Blum, Esq., ✓
Billie Peters
Charles Slack-Mendez, Esq. ✓
Clifford Gant
Diana Walayat, M.D. ✓
Erin Cohen, Esq., ASH ✓
Holly Gieszal, Esq. ✓
Isaac Contreras
Jamarall Jordan ✓
Josh Cheek, Tucson PD
Juli Warzynski, Esq. ✓
Kennedy Klagge, Esq. ✓

Louis Tapia ✓
Nicol Green, Esq. ✓
Nora Greer, Esq. ✓
Stacey Heard, Esq. ✓
Stefanie Jones-Campbell, Esq. ✓
Stephen Morris, M.D. ✓
Steven Kwoh, M.D. ✓
Tammy Wray, Esq. ✓
Tracy Linkes ✓

↷ 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:

Jamarall Jordan – PSRB No. 04-01

Jamarall Jordan was present telephonically and through counsel, Andrew Blischak, participating on behalf of John Blischak, who participated telephonically. The statutory hearing was held from 1:03 p.m. to 1:16 p.m. pursuant to A.R.S. § 13-3994 (A)(5) and (B)(4). The outpatient treatment team is requesting out of state travel.

Andrew Blischak stated that he supports the request and Mr. Jordan has successfully been in the community and is eager to visit his family.

Nicol Green stated that Mr. Jordan has been granted out of state travel several times and does not have a concern regarding travel.

Dr. Clark noted that Mr. Jordan has done well in his treatment and the out of state travel request that is being presented should be granted, but that he also had concerns with potentially doing away with AA and NA requirements because it has been a part of Mr. Jordan’s treatment plan for a long time.

Mr. Jordan stated that at the Arizona State Hospital, they require everyone to participate in AA and NA meetings, but he has not had a problem with addiction and continues to do well in the community for himself and his family.

Paul O'Connell stated that the only topic on the agenda for Mr. Jordan is the request for out of state travel and it does not include AA or NA step-down.

Dr. Clark stated that the Board will stick to the agenda and not discuss any other possible recommendations.

Paul O'Connell made a motion, seconded by Susan Stevens, and passed unanimously to approve out of state travel for Jamarall Jordan to visit his mother from Saturday April 17, 2021 to April 26, 2021. He will also complete and UDS within 24 hours of his return on April 26, 2021. Mr. Jordan 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 order.

Billie Jo Peters – PSRB No. 03-09

Billie Peters was present in-person, and through counsel, Ashley Blum, who participated in person. The statutory hearing was held from 1:17 p.m. to 1:37 p.m. pursuant to A.R.S. § 13-3994 (H). ASH treatment team is recommending for Conditional Release to the Community privileges be revoked.

Ashley Blum stated she would like to make a request to modify Ms. Peters' conditional release plan by placing her in a 24-hour supervised facility that would include medication monitoring and supervision. There is no evidence to show that she failed to comply with her treatment plan when she was returned to ASH. Ms. Peters continues to be engaged in treatment, and her expiration is in two years. Ashley Blum stated that she would like to ensure that Ms. Peters has a strong foothold when Ms. Peters is released.

Billie Peters read multiple letters entailing the details of her experience living in the community, returning to ASH, and why she hopes to return to the community.

Tracy Linkes stated that she would like to acknowledge the strength of Ms. Peters and that she supports the 24-hour supervised facility recommendation.

Dr. Steven Kwoh stated that Ms. Peters did refuse to take her medication prior to returning to ASH. Her insight seems to be improving but she continues to struggle to meet the goals of the treatment plan. Dr. Kwoh stated he was worked with Ms. Peters multiple times before and noted that he has seen a distinct difference in her mental health from this year to last year. Dr. Kwoh stated that there are certain stressors might affect Ms. Peters negatively in numerous ways.

Dr. Clark made a motion, seconded by Michael Klemens and passed unanimously to revoke the Conditional Release for Billie Peters based on the evidence presented by the Arizona State Hospital's treatment team that Billie Peters failed to comply the terms of her conditional release, by refusing medication and is ordered to remain at the Arizona State Hospital for further evaluation and treatment.

Louis Hurtado Tapia No. 10-11

Louis Tapia was present telephonically and through counsel, Nora Greer, who participated telephonically. The statutory hearing was held from 1:38 p.m. to 1:39 p.m. pursuant to A.R.S. § 13-3994 (J). The PSRB's jurisdiction expires on April 23, 2021. The outpatient treatment team is recommending expiration without further action.

Nora Greer, Esq., stated that she has represented Mr. Tapia the last 7 years and she has seen how well he has done on his treatment plan. She stated that Mr. Tapia has been living on his own for a while now and supports the recommendation.

Louis Tapia thanked the Board members and ASH treatment team members for everything that they have done for him. He stated that his life is very good now.

Dr. Clark asked Mr. Tapia if he would continue to take his medication and meet with his current treatment team.

Mr. Tapia stated that he would continue with his mental health treatment at COPE.

After further discussion, a motion was made by Michael Klemens, seconded by Susan Stevens and passed unanimously to allow the PSRB's jurisdiction over Louis Tapia to expire with no further action based on the evidence presented by the Outpatient treatment team.

Clifford Frederick Gant No. 17-06

Clifford Gant was present in person and through counsel, Nora Greer, who participated telephonically. The statutory hearing was held from 1:46 p.m. to 1:55 p.m. pursuant to A.R.S. § 13-3994 (H). This is a two-year hearing and there is no recommendation.

Nora Greer stated that she has spoken with Mr. Gant and they understand that there is no recommendation and that Mr. Gant needs to continue to work on his treatment.

Detective Josh Cheek made a statement to the Board that entailed the history of Mr. Gant and supported the recommendation for no recommendation.

Michael Klemens asked Dr. Morris if there is still a COT in place for Mr. Gant.

Dr. Stephen Morris stated that at this time there is not.

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

Nora Greer stated that she should be aware if court ordered treatment is being ordered for her client.

Clifford Gant made a statement that included that he agrees with the Board's decision and he recognizes where he needed help. He stated that he wants to share his life story and advocate for people with mental health.

Jerry Lee Carter Wells No. 16-11

Jerry Wells was not present. His counsel, Kennedy Klagge, participated telephonically. The statutory hearing was held from 1:55 p.m. to 2:05 p.m. pursuant to A.R.S. § 13-3994 (H). This is a two-year hearing and there is no recommendation.

Kennedy Klagge requested to continue Mr. Wells' hearing for 30 days.

A motion was made by Dr. Clark, seconded by Paul O'Connell and passed unanimously to continue the hearing for Mr. Wells for 30 days.

Robert Lee Dunn No. 17-04

Jerry Wells was not present. His presence was waived through counsel, Stefanie Jones-Campbell, who participated telephonically. The statutory hearing was held from 2:06 p.m. to 2:10 p.m. pursuant to A.R.S. § 13-3994 (H). This is a two-year hearing and there is no recommendation.

Stefanie Jones-Campbell stated that she spoke with Mr. Dunn and understood he would not be present. She also stated that she has no objection to the recommendation.

Dr. Clark asked Dr. Bhatti if Mr. Dunn is involved in any substance abuse treatment.

Dr. Bhatti stated that Mr. Dunn is involved in that treatment.

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

Timothy James Bribriesco No. 16-12

Timothy Bribriesco was present in person and through counsel, Charles Slack-Mendez, who participated telephonically. The statutory hearing was held from 2:11 p.m. to 2:20 p.m. pursuant to A.R.S. § 13-3994 (H). This is a two-year hearing and there is no recommendation.

Charles Slack-Mendez stated that Mr. Bribriesco is appropriately placed at the Arizona State Hospital and has no objections to the recommendation.

After further discussion, a motion was made by Dr. Clark, seconded by Michael Klemens, and passed unanimously to deny conditional release for Timothy Bribriesco based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Brirbriesco 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. Brirbriesco shall remain committed in the Arizona State Hospital.

Isaac Manuel Contreras No. 17-05

Isaac Contreras was present in person and through counsel, Holly Giesel, who participated in person. The statutory hearing was held from 2:26 p.m. to 3:08 p.m. pursuant to A.R.S. § 13-3994 (H). This is a two-year hearing and there is no recommendation.

Isaac Contreras made a statement detailing his experience at ASH and explained how they see him as a threat. He stated that he is not being treated humanely.

Holly Giesel stated that 24 hours and 7 days a week isolation for an individual is not right. She stated that Mr. Contreras has filed multiple grievances against the State Hospital.

Dr. Steven Kwoh stated that Mr. Contreras has had numerous rule violations and has been dangerous. He stated him along with other psychiatrists are looking at potential alternative treatment plans.

Erin Cohen stated that there needs to be administrative separation between the patient and employees and the PSRB does not have jurisdiction over the matter.

Holly Gieszal objected to any mention of incident reports because it was not in the record.

Dr. Clark made a motion, seconded by Michael Klemens and passed unanimously to move into executive session to discuss private health information.

Open session was reconvened at 3:03 p.m.

After further discussion, a motion was made by Paul O'Connell, seconded by Michael Klemens, and passed 3-0 to deny conditional release for Isaac Contreras based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Contreras 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. Contreras shall remain committed in the Arizona State Hospital.

Susan Stevens was disconnected prior to voting.

Discussion and Possible Action Related to:

Presentation to House Criminal Justice Reform Committee regarding SB1029/SB1030.

Dr. Clark stated that during his presentation, he was held to a 2-minute time limit and did not have the opportunity to relay all of the points he wished to have made.

Dr. Clark noted that he was asked if he was a lobbyist or if he was speaking on behalf of the Board. He stated that he was speaking on behalf of the Board.

Dr. Clark stated that the Committee was very critical of ASH and how they ignore Board orders and submits sub-standard reports.

Future Issues Regarding SB1029/SB1030

Dr. Clark stated that with both SB1029 and SB1030 going forward, he has concerns with not obtaining a Board approval in the situation of needing to communicate the concerns of SB1029 and SB1030 to the House floor before the next Board meeting.

Dr. Clark made a motion, seconded by Paul O'Connell and passed 3-0 to allow Dr. Clark and Michael Klemens to convey the Board's opposition on the bills as they are written.

Susan Stevens abstained.

Discussion, Amendment, and Approval of Minutes:

Executive session minutes from the January 29, 2021, meeting:

Dr. Clark made a motion, seconded by Michael Klemens and passed 3-0 to accept the minutes as amended.

Open session minutes from the January 29, 2020, Meeting:

Dr. Clark made a motion, seconded by Paul O'Connell and passed 3-0 to accept the minutes as amended.

Open session minutes from the February 26, 2020, Meeting:

Dr. Clark made a motion, seconded by Michael Klemens and passed unanimously to accept the minutes as amended.

Identification of Future Agenda Items:

Michael Klemens requested that the Board vacancy topic be on the next PSRB agenda.

Adjournment:

The Board meeting adjourned 3:30 p.m.