

MINUTES
Psychiatric Security Review Panel
Administrative Meeting
Adult Panel
December 6, 2017
Approved March 7, 2018

An administrative meeting of the Psychiatric Security Review Board was scheduled to convene on December 6, 2017 at 10:00 a.m. in the fourth floor conference room of 610 SW Alder Street, Portland, Oregon 97205. Board members present in person were: Elena Balduzzi, Psy.D., Chair; Trisha Elmer, P.P.O.; Anne Nichol, J.D.; Scott Reichlin, M.D.; and John Swetnam. PSRB staff present in person included Juliet Britton, J.D., Executive Director; Sid Moore, J.D., Deputy Director; and Jane Bigler, Executive Secretary, as note taker. Also present was Harris Matarazzo, Attorney at Law.

Chair Balduzzi called the meeting to order at 11:18 a.m. and asked if there were any public comments. There were none. She then asked the Board to review the minutes from the Adult Panel administrative meeting on September 20, 2017. Dr. Reichlin moved to accept the minutes as written and Mr. Swetnam seconded the motion. The motion passed unanimously. But later, Dr. Reichlin pointed out an error on page 3, first bullet point, the “Board’s General Counsel” should be changed to “Oregon Attorney General.” Dr. Reichlin then moved for the minutes to be accepted with this change and Ms. Nichol seconded the motion. The motion passed unanimously.

Next Mr. Moore provided an update to the Board regarding the draft changes to the Oregon Administrative Rules (OARs) which includes public feedback which the Board received on or before November 21, 2017. Specifically the following was noted:

- OARs 859-510-0005 – in definitions, renames “mental disease or defect (MD/D)” as “qualifying mental disorder.” As a result, any statute that

references MD/D needs to be updated, this includes - OARs 859-510-0055, 589-560-0010, 589-560-0015, 589-570-0025.

- OAR 859-510-0100 – regarding teleconferences, is listed in the wrong place in the rules. A hearing will be held on December 21, 2017. The only comments received have been from Harris Matarazzo, J.D., and Bob Joondeph, Executive Director, Disability Rights Oregon.
- Dr. Rechlin pointed out that 859-550-0100 (2)(b) on the draft seems to drop off mid-sentence. Mr. Moore will work on determining what is missing.
- 859-550-0100 (3)(c) – Mr. Moore provided additional clarification regarding the need to utilize teleconferencing and video teleconferencing, is due to holding hearings more often at the PSRB Office as OSH has asked the Board to refrain from scheduling outpatient hearings for hearing days at OSH. This, as well as OSH's inability to guarantee their ability to transport patients to Portland if an in-patient hearing is set for a Portland hearing day. He further indicated that many other entities and agencies already use video teleconference.
- Mr. Swetnam moved to accept OARs 859-510-0005; 859-550-0055; 859-560-0010; 859-560-0015; and 859-570-0025 as written; and 859-550-0100 and 859-550-0110 once clarifications are made regarding the incomplete sentence and whether exhibit will be removed.

Next topic was an update on the status of Restorative Justice. Ms. Britton indicated that there is movement and a group is being put together, but that is all there is to report at this time.

Mr. Moore handed a packet of handouts from a PowerPoint presentation to Board members on the topic of Government Ethics Training, for members to review. Mr. Moore

reminded Board members that when working on anything related to an election, please refrain from noting you are a Board member, it should not look like a Board member is representing the Board for any political discussions. Mr. Moore asks that Board members email him once the ethics document and PowerPoint handouts have been reviewed, so there is record that all Board members have completed it.

Ms. Britton then proceeded with the Executive Director Update:

- 2018 Legislative Session – it is a short session, only 35 days. The Board submitted no legislative concepts, but has asked for a modification of the statute to clarify the language regarding police transport when someone’s conditional release is revoked and they are sent back to the state hospital. In addition, due to new rules at OSH, language needs to change to allow OSH to share PSRB client documents with the Board.
- Staff updates – Laura Moeller, the Board’s Hearings Coordinator has passed the Oregon State Bar.
- Inclement Weather Information – Be sure to stay in communication with Ms. Britton and let her know if you are either able to make it to hearings, or not. Further information can be obtained from the Department of Administrative Services’ (DAS) website, if DAS closes offices in Salem or Portland, hearings will be cancelled. However, if there is a conditional release hearing, meaning someone’s release from OSH is contingent on the hearing being held, the Board may opt to hold the hearing via telephone.

Next, was a discussion regarding OSH Psychiatric Nurse Practitioners testifying at a PSRB hearing. The average age of psychiatrists is increasing, meaning there are fewer available.

Psychiatric Nurse Practitioners at OSH are willing and able to testify. Dr. Reichlin indicated that his preference is that they do testify as they tend to have more day to day contact with the patient, and usually knows more details of the case, Ms. Nichol agreed with Dr. Reichlin. Dr. Balduzzi noted this topic has been discussed previously, with a different psychiatrist member of the Board. That member's concern had been that vast difference in training between the two credentials. Dr. Reichlin further indicated that the nurse practitioners are the ones that usually provide the day to day treatment and the psychiatrists are their supervisors. Finally, it was determined that the Board would allow psychiatric nurse practitioners to testify on a trial basis, but if it is found that they don't provide sufficient testimony, the Board will ask for additional testimony.

Board members ended the meeting with the determination of administrative meeting dates for 2018. Discussion included that if an administrative meeting is on a hearings day, that the start of the meeting be later than 8:30 a.m. Ultimately, it was decided that Administrative Meetings would start at 9:30 a.m., in Portland, on the following dates: March 7, 2018; June 13, 2018 (a joint meeting with the Juvenile Panel); September 26, 2018; and December 12, 2018.

The meeting adjourned at 1:25 p.m.