

FINAL – MINUTES
Psychiatric Security Review Board
Administrative Meeting
Joint Panel
Wednesday, September 18, 2019

An administrative meeting of the Psychiatric Security Review Board was convened on Wednesday, September 18, 2019 at 8:30 a.m. in the Psychiatric Security Review Board's conference room at 610 SW Alder Street, Portland, Oregon, 97205. Board members present were (in person unless otherwise indicated):

- Adult Panel – Scott Reichlin, M.D. (by phone), Chair; Trisha Elmer, P.P.O.; Anne Nichol, J.D.; and John Swetnam; and Pamela Buchanan, Psy.D.
- Juvenile Panel –; Bennett Garner, M.D.; Kathryn Kuenzi, P.P.O. (by phone); and Catherine Miller, Ph.D (by phone).
 - Juvenile Panel member Charles Kochlachs, J.D. and Shelly Casteel, Chair were excused.

PSRB staff present in person included Alison Bort, J.D., Ph.D., Executive Director; Sid Moore, Deputy Director; and Megan Carpenter, Administrative Specialist, as note taker.

Because Dr. Reichlin was appearing by phone, Mr. Swetnam volunteered to chair this Board meeting. Mr. Swetnam called the meeting to order at 8:30 a.m. As there were no public members in attendance, Mr. Swetnam moved to the second agenda item, the review and possible adoption of the following Administrative Meeting Minutes:

- Joint Panel – June 4, 2019-- no corrections recommended. Dr. Garner moved to accept these minutes and Ms. Elmer seconded the motion. The motion passed unanimously from the members of both panels

Dr. Garner provided feedback that he was only available until 9:30 a.m. and requested that agenda items that pertain to both panels be prioritized. No one objected to this request.

Mr. Swetnam skipped to the topic of the strategic plan. Dr. Bort presented the final draft of the strategic plan and requested any additional feedback from members before formally adopting it and sending it to print. Dr. Bort provided clarifications as needed including:

- Board's plan to examine Key Performance Measures and modify as needed. Dr. Bort will be presenting this to the legislature in February 2020.
- Customer service survey does not reach our clients. Currently clients only receive an opportunity to complete the survey if they happen to have a hearing scheduled during one of the two months the agency currently sends these out. Mr. Swetnam wondered about the effectiveness and response rate of developing a random and possibly stratified sample size to obtain feedback from clients who are at a variety of levels of care throughout the system. Dr. Bort agreed this was a possibility for further examination. Key Performance Measures will be a focus of the next Board meeting.
- Ms. Nichol was enthusiastic about the agency's focus on training, in particular developing webinars. She highly encouraged this developing area of training.

All other Board members provided general feedback that the final draft strategic plan effectively mirrored the challenges and goals we have been discussing as a Board over the past year. Dr. Bort explained that the strategic plan is an evolving document and that we will continue to review it on an annual basis, with opportunities to modify it each year. As a result of the positive feedback and no requests for modifications, Ms. Elmer moved that the members adopt the strategic plan. Dr. Garner seconded the motion. The Board adopted the strategic plan unanimously.

Next, Mr. Swetnam moved to the topic of the PSRB legislative workgroup. Dr. Bort provided an update of the PSRB legislative workgroup, which was launching the next day. Dr. Bort provided information that the legislative counsel liaising the workgroup was Addie Smith from Senator Lloyd Prozanski's office, and that she was very familiar with agency-related challenges given her prior role as defense counsel for the Juvenile PSRB. Dr. Bort explained that the goals of the workgroup will closely align with 1.1 of the strategic plan. Although active Board members will not be on the workgroup, they may provide Dr. Bort with feedback about specific topics. Dr. Bort believed active Board members could observe sessions of particular interest. (Dr. Bort contacted Ms. Smith following this meeting and confirmed that a Board member could observe a workgroup, but to provide Dr. Bort and the workgroup with notice of planned attendance). Dr. Bort shared that the first workgroup would focus on identifying the scope and expectations of the workgroup and ensuring that all systems are represented. Dr. Bort explained the ultimate goal would be to develop legislative concepts for the 2021 legislative session. Mr. Moore explained that these would be due in April 2020, providing the workgroup with approximately 6 months to develop the concepts.

Mr. Swetnam moved us to the topic of the state-issued computers and emails that the Board would be getting in the coming months and email policies in general (document distributed to Board members in preparation for this meeting). Mr. Moore provided an update regarding the significant delay, specifically that the process is currently with procurement. Procurement department is responsible for signing the document to issue the licenses required for the emails. The emails are required as part of configuring the new computers. Dr. Reichlin requested additional details about this delay. Mr. Moore explained that procurement is through the Department of Administrative Services, the agency responsible for vetting contracts between the

State and private contractors. Essentially, it comes down to going through the appropriate channels and the proper bidding office. Larger agencies do this internally; however, smaller agencies partner with DAS. DAS informed Mr. Moore that employee absences were also playing a small role in the delay. Mr. Moore elaborated that there was a possibility to disseminate the computers now, but that then Board members would need to complete some additional processes on their own.

The Board noted at this time, Harris Matarazzo, JD, public defender, public member, entered the meeting.

Mr. Moore summarized the agency's plan to have Shelley (PSRB's IT employee) complete the process in full before distributing the computers. Dr. Garner asked whether the state-issued email would be available on devices other than the state-issued laptop. Mr. Moore state yes, and further elaborated on the email policy. Mr. Moore reminded the Board members that the reason we are switching to state-issued emails is because this is best practice and that it protects Board members from having their personal computers and emails searched in response to a public records request. Mr. Moore explained the agency's plan to incorporate more information on this topic into an ethics training next summer; however, the distributed policy had sufficient information for now. Dr. Bort added to assist with the transition to the new email addresses, agency staff may send an email to their personal email or a text informing them to check their state-issued email. Due to the limited and administrative nature of this contact, this approach would not subject their personal devices to a public records request. Further questions related to state-issued emails and devices could be directed to Dr. Bort or Mr. Moore.

Mr. Swetnam introduced the agenda item of Adopting of Proposed Rules. Dr. Bort proposed returning to this topic after a discussion about trainings since the rule only pertained to the Adult

Panel. Mr. Swetnam agreed and turned to the topic of trainings. Dr. Bort highly encouraged all Board members to complete their online trainings related to sexual harassment and professional workplace as well as cybersecurity by the end of September. Board members who had not completed these trainings had been notified through a separate email prior to this meeting. Dr. Bort agreed to send out a link to I-Learn to all Board members following the meeting. Board members who were not familiar with their State Identification number were instructed to contact Jane, Executive Support Specialist.

Mr. Swetnam returned to the topic of adopting the proposed administrative rule. Mr. Moore identified OAR 859-550-0080(1). Mr. Moore explained that the impetus of the new rule was to provide clarification on the amount of time the Board has to make a decision. Mr. Moore explained that the Board currently provides their decision at the end of the hearing. Other Boards and administrative bodies have authority to delay those decisions. Mr. Moore clarified that the adoption of this rule would not result in any significant change to the Board's current practice of providing their decision at the end of each hearing. However, it provides clarification that the Board could delay a decision as they deem necessary.

The Board noted at this time, Sam Kubernick, JD, Assistant Attorney General, public member, entered the meeting.

Mr. Matarazzo requested clarification regarding why the Board was proposing to adopt this rule at this time. Mr. Moore explained this was to clarify the Board's authority to delay a decision. Dr. Bort added that someone had asked for clarification about this. Dr. Garner moved to adopt the administrative rule as proposed. Ms. Nichol seconded this motion. The administrative rule passed unanimously.

Dr. Garner was excused from the Board meeting at this time.

Mr. Moore then turned to the next proposed administrative rule for the Board's consideration, OAR 859-080-0005(3). Mr. Moore explained that this rule would provide authority for the deputy director to issue a revocation order when the executive director is out of the office due to vacation or sick leave. Upon receiving no questions, Mr. Moore next presented the proposed changes to 859-080-0015. Mr. Moore explained that these changes would provide clarification of the procedures related to clients who have absconded and have contact with law enforcement. These additions provide further support for law enforcement to take a client into custody at the direction of the community authority when the client has absconded. Ms. Nichol moved to adopt all of the proposed changes associated with these two administrative rules. Ms. Elmer seconded this motion. The proposed changes passed unanimously.

Mr. Swetnam turned to the final agenda item, New Board Member packets. Dr. Bort emphasized the importance of Board training in general, pointing to the initiatives set forth in the strategic plan. Dr. Bort encouraged members to provide feedback about the types of trainings they believe would enhance their skills set related to their positions on the Board. Dr. Bort briefly referred to the New Board Member packets, a packet that was initially drafted in 2017, but that may not have been available to Board members who began their first term prior to that date. Board members were encouraged to review that packet and provide additional feedback if they were so inclined.

Mr. Swetnam invited the public members attending today's meeting an opportunity for public comment. Mr. Kubernick stated he had no comments. Mr. Matarazzo stated he was interested in hearing more about the PSRB legislative workgroup, but stated he would follow up with the executive director at a later time.

The meeting adjourned to Executive Session at 9:30 a.m.