

Approved PSRB Joint Panel Administrative Meeting Minutes
Psychiatric Security Review Board
March 10, 2025

An administrative meeting of the Psychiatric Review Board Joint Panel was convened on Monday, March 10, 2025, at 12:03pm via Microsoft Teams and teleconference. The meeting was recorded and posted on the Board's agency [website](#). The following provides a brief summary of the meeting minutes.

Board Members, PSRB staff and members of the public via Teams and phone were:

Adult Panel: Anne Nichol, J.D. (Chair, attorney member), Scott Reichlin, M.D. (psychiatrist member), Wilson Kenney (psychologist member), Khara Kerns (probation member) and Julie Duke (public member).

Juvenile Panel: Stuart Newman, M.D. (Chair, psychiatrist member), Karey Casebier (probation member), Marisha Childs, J.D. (attorney member.) Not Present: Cari Boyd (public member.)

PSRB Staff: Alison Bort, Executive Director, Katrina Elison, Deputy Director, Maria McCormack, Hearings Officer, Priya Tripathi, ISS4, and Laura O'Meara, ESS2

Public Present: Aaron James, DOJ, Elisabeth Waner, DOJ, Patrick Rosario ODHS, Jessica Stout, OHA

Chair Nichol called the meeting to order at 12:03pm. There was quorum and Chair Nichol called for public comments. There were none and she turned it over to Dr. Bort.

Dr. Bort announced several board member and staff changes. Khara Kerns was appointed to replace Trish Elmer. The terms of Dr. Reichlin and Chair Nichol end this summer, and two new members have been recommended. Dr. McKelvey is the appointee for the Psychiatrist position. He is a Professor Emeritus at OHSU and has previously served on the Juvenile panel. Judge Michelle DesBrisay was introduced as the new appointee to take over the attorney position from Chair Nichol. She brings 30 years of experience as a judge and prosecutor.

Dr. Bort introduced Megan Morara, who has taken over the AS2 role from Bethany Quist. She also noted that another AS2, Karen Hoeschler, has left for a new position. Chardonay Dunbar will start next week as the new OS2.

The meeting minutes from July 24, 2024, and February 12, 2025, were presented for approval. The July minutes had been scheduled for approval at the December 2024 meeting, which was cancelled. The minutes were unanimously approved by all board members present at this meeting and will be posted on the website.

Dr. Bort then provided a budget update. She presented to the Legislature on February 27, 2025, where the committee asked questions regarding demographic data and the anticipated impact of Board centralization. As part of the process, Key Performance Measures (KPMs) that the Board had reviewed were submitted to the committee.

Dr. Bort then acknowledged that the previous meeting had been set over to finish drafting a temporary rule. This emergency rule is based on recent case law, particularly the *Rene* and *Miser* decisions. In *Rene III*, the court interpreted “because of” to mean a qualifying mental disorder must be the sole cause of dangerousness—a narrower view than the board’s past interpretation, which allowed for a broader connection.

Earlier *Rene* rulings suggested that both qualifying and non-qualifying conditions could jointly contribute to dangerousness, a perspective the board found more consistent with its approach. The *Miser* case, from the Oregon Supreme Court, further supported this broader interpretation, particularly in the context of initial jurisdiction when the insanity defense is asserted.

In response, the board has reviewed relevant rules, past decisions, and case interpretations, and consulted stakeholders to ensure the new rule reflects both legal guidance and longstanding practice.

Dr. Bort invited Chair Nichol to speak, and she highlighted the board’s thoughtful work on the rule, emphasizing its simplicity masks significant effort and commitment to transparency and legal compliance. After opening the floor to comments, Dr. Bort read the draft rule, noting that Subsection 2 is based on the *Miser* decision and uses language from the Board’s statute. The rule was unanimously approved. Dr. Bort explained the temporary rule will be filed with the Secretary of State and remain in effect for 180 days, with urgency driven by the *Miser* case and a pending lawsuit.

Dr. Bort reviewed the board’s four proposed bills, with HB 2804 being the most significant. It outlines a restructuring to a five-member board with an additional senior member who provides institutional support, including for juvenile matters. Work sessions were held on February 10 and March 17, 2025.

A key concern is preserving juvenile expertise post-centralization. Current and incoming board members bring relevant experience, including backgrounds in youth speech pathology, child psychiatry, and juvenile prosecution. While suggestions were made to require juvenile specialization or statutory training, the board instead plans to include language allowing the appointment of a psychologist or psychiatrist for case reviews when needed. The board is familiar with jurisdiction transfers and training needs and the juvenile hearings are well-structured, so no major transition issues are anticipated. No board members expressed concerns.

Dr. Bort acknowledged feedback from Lisa Kay at YRJ about the low use of REI defenses by youth, citing limited community resources and a small caseload. Although the JPSRB was created to help address these issues, it hasn’t fulfilled that role as intended.

The remaining three proposed bills are currently in the House Judiciary Subcommittee. One addresses quasi-judicial immunity, aiming to codify a court opinion from the *Harman* case involving a wrongful death lawsuit; this bill has faced opposition from Disability Rights Oregon (DRO).

HB 2812 seeks to enhance protections for clients' personal health information, which is currently subject to disclosure under a complex privacy-balancing test. The Oregon Association of Newspapers has expressed opposition to this bill.

HB 2915, developed with the Department of Corrections (DOC), would allow DOC to share confidential health information with the board without needing a signed release—particularly important when clients under board jurisdiction are unable to provide one. This bill is expected to pass with no known opposition.

Dr. Bort is monitoring several legislative bills affecting SO classifications and Level 2 ROI expansions under the PSRB's classification system. The PSRB can't take a stance on these bills without special permission but provides relevant statistics to the legislature. HB 2470 broadens civil commitments by recognizing IDD as a qualifying mental disorder and includes "attempted" offenses, which could increase cases and fiscal impact. HB 2296 restructures the PSRB's public defense contracts and adds a new one with Allison Knight and a backup in Marion County. SB 617 revises insanity defense language by widening eligibility for GEI. SB 1114 was introduced by a current PSRB client and seeks to revive prior proposals and clarify the courts' discretion in sentencing under PSRB. The data shows only a few cases where judges have reduced sentences although they have that discretion. Also Representative Kopf, who is involved in a legislative work group on civil commitments and aid & assist, continues tracking potential PSRB impacts and will provide updates.

Dr. Bort moved on to board business and advised that Chair Nichol's term ends July 31st. Dr. Reichlin nominated Dr. Kenney for Chair and he was unanimously approved as the next Chair.

New board members begin on July 1st and August 1st, with a potential senior member position if HB 2804 passes. Applications are open via Workday, and past board members are encouraged to apply. Chair Nichol and Dr. Reichlin will provide additional training post-departure. The board has transitioned to a paperless system, improving file-sharing and meeting higher expectations from Governor Kotek. Strategic efforts include succession planning, rulemaking, and developing an IT strategy. The vacant AS2 role is evolving into an OPA, requiring funding before it can open as a limited duration position, with hopes of making it permanent.

The board is working on utilizing TEAMS to improve access to materials and streamline communication, as board members do not have intranet access. TEAMS will provide availability to important items without the need for emails. The Board channel already includes the board schedule and public meeting folders with past and current board packets. A new Board Resources channel is being developed, containing various categorized files, including courtroom management resources, hearing preparation materials, IT support, onboarding content, and training archives. Orders for Review are currently locked but will soon be accessible for real-

time edits, allowing for faster processing and publication. The expected launch is within the next month. Dr. Bort reminded the board that the **Posts** application should not be used due to public records law and that existing communication methods remain the best approach.

Dr. Bort advised that the next Board Meeting date is TBA and depends on the timeline for voting on the new Rule.

Chair Nichol called for public comments. Harris Matarazzo expressed his concern that the board's emergency rule on dangerousness could limit discharges for individuals with a qualifying mental disorder who also have a substance abuse condition. Historically, substance use and sexual disorders were excluded from statutory consideration, but the new rule may make it harder for individuals to prove they are no longer a substantial danger, leading to fewer discharges. Mr. Matarazzo recalled similar past challenges at OSH and expressed that House Bill 2915 raises concerns about communication gaps in conditional releases.

Dr. Bort expressed thanks and gratitude to those members of the public who attended.

Chair Nichol adjourned the meeting at 1:30pm.