

AMENDED MINUTES
Psychiatric Security Review Board
Administrative Meeting
Adult Panel
April 10, 2012
Approved July 19, 2012

An administrative meeting was convened on April 10, 2012 at 6:15 p.m. in the fourth floor conference room of 620 S.W. 5th Avenue, Portland, OR 97204. Board members present were Elena Balduzzi, Psy.D., Bennett Garner, M.D., Kate Lieber, J.D., Barry Kast and Jenna Morrison, P.P.O. Also present were the PSRB's Executive Director, Mary Claire Buckley, J.D. and secretary, Jane Bigler as minute taker.

The meeting was called to order by Kate Lieber, Chair. She then introduced and welcomed the newest Board appointee, Bennett Garner, M.D., as the psychiatrist member.

Chair Lieber then addressed the second item on the agenda, a review of the minutes from the Board's December 8, 2011 meeting. Ms. Morrison moved to accept the minutes as written. Dr. Balduzzi seconded the motion and it passed unanimously.

Next, Ms. Buckley provided the Board with an update regarding the Action Items from the meeting in December:

- a) The Gun Relief Unit's permanent rule which was voted on at the last meeting has been filed and is effect. Regarding the training of Board members, Micky Logan, J.D., has volunteered to train the Adult Panel members as she did the Juvenile panel and Ms. Buckley has the training materials. Ms. Buckley provided a quick overview of the Gun Relief Unit's duties as Dr. Garner was unaware of that portion of the Board's responsibilities. Following a discussion, the Board agreed to wait to have the Adult Panel members trained until there is a replacement for Mr. Kast, the Public Member, he is resigning from the Board at the end of June.

b) The members then discussed the process for reviewing the conditional release of Tier Two clients. At the last meeting, the Board declared it would hold full hearings. The Attorney General then opined that the Board has no authority to hold hearings for Tier Two clients, so the only option is for the Board to review the conditional release plan and suggest advisable conditions to the Oregon Health Authority.

While on the topic, Mr. Kast asked how the loss of Tier Two clients has affected the office dynamics along with docket issues. Ms. Buckley indicated that it would be some months before the PSRB feels any effect from the transfer of those 120 clients. She explained that the Board was not meeting its statutory mandates prior to the loss of Tier Two clients. In particular, five-year hearings and outpatient hearings had been delayed in the past in favor of prioritizing in-patient hearings for continuous movement in the system. It will take a while to dig out of the hole of “late” full outpatient hearings. But Ms. Buckley predicts that the Board will be able to show the Legislature in the next Session a significant improvement in that performance measure. More hearings are now being held in a timely fashion which in turn should justify and support the increase in F.T.E. that the 2011 Legislature authorized.

c) With regard to the use of the VINE system, Ms. Buckley reported that when she met with the people from the VINE notification system, they had indicated that it would cost approximately \$25,000 to implement the system. Thereafter, a significant annual fee would be charged. Initially Oregon State Hospital (OSH) said it would pay, but has changed its mind and is no longer willing because, as a hospital, it has concerns regarding confidentiality issues. As a result, Ms. Buckley does not believe the Board will implement use of the VINE system at this point.

d) The training of forensic evaluators will be covered in the update on HB 3100.

e) A possible office move will be discussed within context of the current budget item.

Ms. Buckley then moved to the fourth agenda topic, an update on the PSRB's 2011-13 budget. One position is still vacant in order to cover the 3.5% budget reduction. This will allow for maintaining the current full-time staffing level of the office. Continued savings will be used to move the office once suitable space has been found, especially if that space is outside the current building. Ms. Buckley noted that she had looked at another office on Stark and 6th Avenue. The space would need to be remodelled to fit our needs. Mr. Kast inquired when a decision would be made. Ms. Buckley felt that it would be soon. The Facilities Division is still exploring how the agency can get out of the current lease and would be coordinating the timing of giving notice to move from the current location and the availability of the new space.

Next, Ms. Buckley discussed Legislative Concepts which are due on April 30th. Ms. Buckley noted that she had asked the Board's partner at the Addictions and Mental Health Division (AMHD) if it would be pursuing any affecting the Board or this system? It responded that the only concept it will be presenting that would have an effect on PSRB clients would be to allow youth under 18 years old to be admitted to OSH for Juvenile Aid and Assist evaluations. Ms. Buckley also indicated that there would be no requests to amend SB 420 or HB 3100 this Session. After much discussion, Chair Lieber opined that the Board should not submit any concepts at this time. Dr. Garner then asked for the amount of the Board stipend to be visited. Discussions followed regarding the various mechanisms for raising this i.e. a Legislative Concept versus a Policy Option Package (POP). Last Session the Board asked for two stipends per hearing day via POP but it was not supported in the Governor's Recommended budget. Ms. Buckley will ask Mickey Logan, J.D. of the OSH's Legal Affairs Department if the State Hospital Review Panel (SHRP) is planning to submit a Legislative Concept or POP and if it is, the Board could join in the endeavor for a stipend increase for all similarly-situated Board members. Chair Lieber inquired if the Board decided on a Legislative Concept, would it be for an extra day (two stipends) or an

increase of the current amount? Ms. Buckley indicated that would be up to the Board. Members noted that they would prefer a stipend for two days.

The 6th item on the agenda was a report on the Budget Process for the 2013 Session. Ms. Buckley explained the Governor's totally new approach to the 2013-15 budget development. The Board has been placed with the "Public Safety" agencies. Interestingly, Oregon Health Authority/Additions and Mental Health Division (OHA/AMH) is in the "Healthy People" group. The Governor's plan is to utilize "funding teams" which will be comprised of 5 public individuals not associated with state government per area. The Board will make a presentation to the buying team to explain how its work ties in with the Governor's 10 year plan and to show its value to the State. The team will then give the Governor its opinion on how much money each agency should be allotted next biennium. Ms. Buckley noted that she would be attending the kick-off meeting the following day and will find out which agencies are assigned to the "Public Safety" team. However, the Legislative Fiscal Office (LFO) will still require the submission of the traditional budget documents and binder. So staff will have to develop both simultaneously.

Next, Ms. Buckley moved for final approval of the Oregon Administrative Rule regarding Tier Two Proposed Conditional Release Reviews. Mr. Kast noted a problem with the definitions in Division 10-25 but agreed to proceed with a motion. Chair Lieber moved to accept OAR 859-030-005 through 859-070-0040 as written. Ms. Morrison seconded the motion and it passed unanimously.

Ms. Buckley then informed the Board that Dr. Balduzzi had brought up some concerns regarding the documentation for treatment provided to PSRB clients on conditional release, particularly sex offender treatment. As a result, Dr. Balduzzi created a "Required Sex Offender Treatment Report." If approved by the Board, the report will be placed on letterhead and sent to all case managers for them to distribute to their sex offender treatment providers. AMHD has agreed that this form will be a new requirement for all agencies upon the renewal of their contracts. Chair Lieber moved to accept the form. Ms. Morrison seconded the motion and it passed unanimously.

The Board continued with a review of agenda item 9, an update on implementation of SB 420 and HB 3100. Ms. Buckley reiterated that at this point, SB 420 has not resulted in a reduction in workload and as far as HB 3100 is concerned, the Board's office has referred three Class C Felonies to be evaluated for possible conditional release. She reminded members that as a result of HB 3100, defendants who are found GEI of a misdemeanor will no longer be placed under the Board's jurisdiction. The final element of that bill, certification training for Forensic evaluators, is scheduled for July and August and all evaluators must be certified by August 31st. Ms. Buckley further noted that she and Mickey Logan, J.D., have began conducting CLE trainings to the various stakeholders including judges, District Attorneys and defense attorneys regarding both SB 420 and HB 3100.

Finally, the Board moved through the "Other items":

- a) Office Space – Ms. Buckley covered this topic earlier in the evening.
- b) Staffing – As previously noted, Ms. Buckley has not hired the final additional authorized F.T.E. She related that the Board's LFO Analyst suggests leaving the position vacant in order to cover the required reduction and to show that the GRU staff is being utilized.
- c) Board Membership – Mr. Kast has submitted his resignation effective June 30th. He will be available to sit at hearings until October. Ms. Buckley asked the members to let her know if they have any names to suggest in order to fill the open position.

The meeting was adjourned to Executive session at 8:35 p.m.