

MINUTES
Psychiatric Security Review Board
Administrative Meeting
Adult Panel
February 19, 2013
Approved June 18, 2013

An administrative meeting was convened on February 19, 2013 at 6:16 p.m. in the Board's Conference Room at 610 S.W. Alder St., Portland, OR 97205. Board members present were Elena Balduzzi, Psy.D., Bennett Garner, M.D., Kate Lieber, J.D., Chair, Judy Uherbelau (via phone) and Jenna Morrison, P.P.O. Also present were the PSRB's Executive Director, Mary Claire Buckley, J.D., Program Manager, Juliet Follansbee, as minute taker as well as Harris Matarazzo, J.D., indigent defense counsel.

The meeting was called to order by Kate Lieber, Chair. She began with a review of the minutes from the Board's July 19, 2012 meeting. Ms. Uherbelau noted that since she was not a Board member at the time of the last administrative meeting, she would abstain from voting. Ms. Morrison moved to accept the minutes as drafted. Dr. Balduzzi seconded the motion and it passed unanimously.

Chair Lieber then formally introduced Judy Uherbelau, public member as the Board's newest member. She then opened the meeting to any public comment. No public comment was taken.

Ms. Buckley next addressed the fourth agenda item, the 2013-15 Governor Recommended Budget. She began by summarizing the current service-level and status of personnel vacancies. She then reported on the "Public Safety" funding team. She reminded the Board that the PSRB had been placed under the "Public Safety" sector but that Addictions and Mental Health as well as the Oregon Health Authority as a whole are in the "Healthy People" category. Finally, she noted that the Ways and Means budget hearing will likely be held in the next two weeks.

This segued into the second portion of this agenda item regarding the pending 2013 legislation that may affect the Board's operations. Dr. Balduzzi summarized HB 2549 which would require the

PSRB and the Board of Parole to conduct a uniform sex offender assessment that the Department of Corrections has implemented. She further noted that the Board of Parole has submitted a large fiscal impact associated with the bill. Dr. Garner asked how the proposed statutory language would affect PSRB's operations. Both Ms. Buckley and Dr. Balduzzi responded that more staff resources would be needed to screen each offender for an initial level or risk. Approximately one-sixth of the Board clients are sex offenders. Depending on the level of risk, an independent contractor would have to be hired to finalize the risk. Ms. Buckley shared concerns regarding the notification requirement of the currently drafted bill in that not all of the qualifying individuals are placed under the Board's jurisdiction. Therefore, the Board would have no way to notify the community members if it never received information about a sex offender who was never placed under the Board's jurisdiction. Finally, the Board agreed to have Ms. Buckley and Dr. Balduzzi attend the bill's public hearings and educate committee members on how the bill would affect PSRB operations.

Ms. Buckley then directed the Board to the proposed legislative changes found in HB 2103 and 2586, referring to the LINUS report that staff prepared which summarizes all proposed legislation affecting PSRB operations.

She then moved to the seventh agenda topic, the proposed amendment to the Board's Oregon Administrative Rules regarding conditional release of clients to the Department of Corrections (DOC). Referring to the current Oregon Revised Statutes and Oregon Administrative Rules Chapter 859, Division 90, Conditional Release of Adults, Ms. Buckley summarized the current process the Board uses when a client with a "DOC hold" no longer needs hospital level of care. At the urging of general counsel advice, the Board was then asked whether they want to clarify the existing conditional release administrative rules to set forth the processing of these cases. Ms. Buckley referred to the proposed amendments to the conditional release rules prepared by staff that was included in the Board packet. After a brief discussion about why the amendments are necessary given several previous hearings, Dr.

Garner moved to initiate rulemaking to amend OAR 859-70-0010 and 15. He also proposed to adopt the proposed rule immediately as a temporary rule. Ms. Morrison seconded the motion. All members voted and the motion carried unanimously.

Harris Matarazzo then requested a copy of the entire Board packet, including the memorandum prepared by staff to the Board regarding the proposed rulemaking changes as previously discussed. Chair Lieber denied his request, pending advice from general counsel on what is releasable under public records law.

Next, Chair Lieber suggested that her continuing Board education presentation be postponed until the next meeting due to the time of the evening. She then moved on to scheduling the remaining quarterly administrative meetings for the calendar year. After some discussion on Board member scheduling preferences, May 28, 2013, September 17, 2013 and December 17, 2013 were set as the dates for the next three administrative meetings.

Finally, the Board moved on to “Other items”:

- a) Update on staffing – Ms. Buckley very briefly informed the Board that a new case summary employee was recently hired and that based on discussions with the Legislative Fiscal Office, she did not intend to fill the remaining vacant position.
- b) The remaining “other items” were not discussed due to the late hour.

The meeting was adjourned to Executive session at 8:05 p.m.