

MINUTES
Psychiatric Security Review Board
Joint Administrative Meeting
Adult and Juvenile Panels
September 24, 2013
Approved November 12, 2013

An administrative meeting was convened on September 24, 2013 at 6:30 p.m. in the fourth floor conference room of the Psychiatric Security Review Board offices, 610 S.W. Alder, Suite 420, Portland, Oregon. Adult Panel Board members present were Elena Balduzzi, Psy.D., Kate Lieber, J.D., Jenna Morrison, P.P.O., Bennett Garner, M.D. and Judy Uherbelau, J.D. Juvenile Panel Board members present were Ray Burleigh, M.Ed., Eric Johnson, Ph.D., Charmaine Roberts, J.C.C., Robert McKelvey, M.D. and Susana Alba, J.D. PSRB staff present were Interim Executive Director, Juliet Follansbee, J.D. and Executive Secretary, Jane Bigler, as note taker. Guests at the meeting included Twyla Lawson, Sr. Human Resource Consultant, from the State of Oregon, Department of Administrative Services and Pam Martin, Director of the Addictions and Mental Health Division. Also attending was Ronelle Shankle from the Crime Victim Services Division of the Department of Justice.

The meeting was called to order by Kate Lieber, Adult Panel Chair. Pursuant to the first agenda item, Chair Lieber requested a motion from one of the adult or juvenile panel members to approve the joint panel minutes from September 5, 2013. Typographical errors on page 6, as well as the lack of a footer showing a page number were noted. Chair Lieber again requested a motion to approve the minutes with the noted changes and Ms. Morrison so moved; Ray Burleigh seconded. The motion was carried by vote with no one opposed and no abstentions.

Chair Lieber then moved to the second agenda item and introduced Pam Martin, Director of the Addictions and Mental Health Division.

Next, Ms. Lawson began with a conversation regarding the job description for the Executive Director position, which she had updated based on some of the stakeholder survey results. Ms. Lawson indicated that she had made the following changes to the description:

- a) Experience with law enforcement;
- b) The 6 years of experience in the mental health field was reduced to two.
- c) Pay line extension, there was an increase in pay.

Discussion continued regarding the requirement that the candidate have a Juris Doctor degree (J.D.) or, in the alternative, Ms. Lawson noted that she could replace it with “no education required” or maybe instead of a J.D. being required, to make it that a J.D. is “preferred.” Ms. Morrison and Dr. Garner indicated that they believed the position description should continue to require a J.D. Ms. Lawson reminded the members that the director would still not be representing the Board in any legal matter, therefore a candidate could be a non-practicing J.D. Ms. Lieber and Ms. Follansbee noted that that the position has historically always been held by a J.D. Dr. McKelvey opined that a J.D. should be required along with 4 years of law experience.

Additionally, Ms. Lawson noted that in regards to the other descriptions of duties outlined in the proposed position description and announcement, the budget preparation section may be narrowed and adjustments made to the other minimum requirements and desired attributes sections. Ms. Uherbelau then asked when the position will be published and Ms. Lawson indicated that it should be posted on September 25th.

Dr. Johnson noted that in the job announcement, within the supplemental questionnaire, instead of using the phrase “experience working with” maybe it should be “familiarity with.” Ms. Alba seconded this suggestion.

Ms. Lawson indicated that the application is fairly short and asked if there were any other suggested changes. Ms. Lawson will ensure that the terminology matches such as changing “experience working with,” to “familiarity with.”

Chair Lieber requested a motion to approve the position announcement with the discussed changes and Dr. Garner so moved; Mr. Burleigh seconded. The motion was carried by vote with no one opposed and no abstentions. Ms. Lawson further noted that the application close date will be October 15, 2013.

Next, discussion continued with additional suggestions for changes to the job description. Ms. Lawson noted that for section 10, she will re-write it to have it match the same titled section on the job announcement. Additionally, it was noted that the number of clients varied in two different locations, one said “570” and the other “590.” Ms. Follansbee will check with the research analyst to verify the numbers and let Ms. Lawson know. There were no other comments or suggestions made.

Chair Lieber made a motion to approve the position description with the noted changes and Ms. Morrison so moved; Dr. Johnson seconded. The motion was carried by vote with no one opposed and no abstentions.

The Board then moved on to a discussion on the remaining recruitment plan/process for hiring such as:

- 1) Selection of the candidates for the first interview should occur by the PSRB Screening Panel with facilitation by the Executive Recruitment Team on October 17 or 18th by telephone.

- 2) The first round of interviews to to be conducted by the Screening Panel with facilitation by the Executive Recruitment Team is set for October 29 and/or 30. These will be “in person” interviews. So the Screening Panel needs to be available these days.
- 3) Final interviews will be held on November 14th, by all Board members. Discussion followed to determine a time to start as each interview will be at least 45 minutes. It was agreed that if there are 2-3 interviews, starting at 6 p.m. would be too late. Therefore, it was agreed that a quorum of members would meet at the PSRB office from 1 p.m. to 5 p.m. on November 14th.

Dr. Garner inquired about stakeholders input and Ms. Morrison noted that the survey that was distributed to stakeholders was their opportunity for involvement in the process. Chair Lieber noted that it was decided at the last meeting that stakeholders would not be included in the screening interview. Dr. Balduzzi also noted that they were offered a survey as having stakeholders present could cause the Panel to be too large and unmanageable. Ms. Uherbelau stated that having stakeholders present could also cause a negative situation if the Board were to pick one stakeholder over another to be a part of the panel.

Ms. Lieber asked about the notation on the recruitment plan that the final candidates would have an interview with the Governor or Governor’s Representative. Ms. Lawson noted that most Boards like having a Governor Representative’s input. Ms. Alba noted her objection and Chair Lieber stated that it would be prudent to follow normal procedure of including this input. It was further noted that the Governor’s Representative would simply submit any comments they had, but ultimately couldn’t trump the Board’s decision. Ms. Lieber asked if members thought representatives from anywhere else should be included.

The majority of members expressed that it would be too difficult to decide who to include. Chair Lieber requested a motion to approve the Recruitment Plan with the noted changes and with the exception of the Screening Panel and Ms. Morrison so moved; Dr. Balduzzi seconded. The motion was carried by vote with no one opposed and no abstentions.

Ms. Lawson noted that the Recruitment Team should consist of two members from each panel and discussion regarding what had been decided at the last meeting ensued. Ultimately, the members agreed that it had been discussed but a final decision regarding who the members of the team would be was not decided. Those that will be on the panel will need to be available for a phone discussion on October 18 and November 6th, as well as the interview date. In between times, Ms. Lawson and the panel can email back and forth. The following Board members volunteered to be on the panel: Mr. Burleigh, Ms. Roberts, Dr. Balduzzi and Dr. Bennett. Chair Lieber asked if there was any public comment and there was none. Chair Lieber motioned to accept the entire Recruitment Packet with noted changes and Mr. Burleigh moved; Ms. Alba seconded. The motion was carried by vote with no one opposed and no abstentions.

The Board thanked Ms. Lawson for her assistance in this matter and excused her from attending the remainder of the meeting. At 7:30 p.m. the Board moved into an Executive Session. Once the Executive Session was complete, the Juvenile Panel members were also excused.

Chair Lieber called the meeting back to order following the Executive Session at 7:45 p.m. with only the Adult Panel members present.

Interim Executive Director Follansbee gave a legislative update, first regarding Senate Bill 421 civil commitment. Basically, SB 421 allows the district attorney to petition for a new civil commitment, the Board to supervise and monitor and ultimately a judge

makes the final decisions on commitment and re-commitment. These clients will likely be found unable to aid and assist. Therefore, this is a civil commitment of a person who has committed a very serious crime and has been found to likely never be able to aid and assist. An initial hearing would be held 6 months following the order for commitment and the hospital can request a conditional release or discharge at any time. Ms. Follansbee asked the Board to decide if staff can move forward with drafting the rules and Ms. Morrison so moved; Chair Lieber seconded. The motion was carried by vote with no one opposed and no abstentions.

Next Ms. Follansbee reported on House Bill 2549, the sex offender bill. Again, Ms. Follansbee requested that the Board approve staff to move forward with the rule-making process and Ms. Morrison so moved; Ms. Uherbelau seconded. The motion was carried by vote with no one opposed and no abstentions.

Finally, discussion ensued regarding the hospital request for conditional release hearing process. Discussion included guidelines around the minimal number of professionals expected to testify. First to be included would be the author of the most recent Risk Assessment and secondly, the Ward Psychologist. Dr. Balduzzi opined that the person testifying needs to be competent to answer the questions regarding risk. An issue was raised that some testifiers simply stick with what is written in the file. Dr. Balduzzi further noted that the policy has to look beyond that type of testimony. Members discussed specific doctors that know very well how to talk about risk, as well as others who do not seem aware or thoughtful to the matter. Ms. Morrison noted that her preference is that the Board receives the information, she isn't particular who it comes from. Ms. Follansbee noted she would share parts of this discussion with the hospital and Dr. Garner asked that the decision be deferred to the meeting in December.

The meeting was adjourned at 8:20 p.m.