

MINUTES
Psychiatric Security Review Board
Joint Administrative Meeting
Adult and Juvenile Panels
December 2, 2014
Adult Panel Approved March 17, 2015
Juvenile Panel Approved May 4, 2015

An administrative meeting was convened on December 2, 2014 at 6:35 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. and Bennett Garner, M.D. Juvenile Panel Board members present were Shelly Casteel, Eric Johnson, Ph.D., Robert McKelvey, M.D., Susana Alba, J.D. and Charmaine Roberts, J.C.C. Absent was adult panel member Judy Uherbelau. PSRB staff persons present were Executive Director, Juliet Britton, J.D., Lucy Heil, Program Manager, Shelley Banfe, Research Analyst and Executive Secretary, Jane Bigler, as note taker. Also attending was Ronelle Shankle from the Crime Victim Services Division of the Department of Justice, Michelle Lisper, PSRB Budget Analyst and Sam Kubernick, Assistant Attorney General.

The meeting was called to order by Jenna Morrison, Adult Panel Co-chair. Pursuant to agenda item 1, Chair Morrison requested a motion to approve the meeting minutes from the Joint Panel administrative meeting held on June 3, 2014. Co-Chair Dr. Garner moved that the minutes be accepted as written and Dr. Johnson seconded. The motion was carried by vote with no one opposed and one abstention.

The panels then moved to the Executive Director's update. Ms. Britton acknowledged that Dr. Johnson and Ms. Roberts' terms were ending at the end of December. She thanked them for their hard work and support of the PSRB staff and their service in the

creation of the Juvenile Panel. Ms. Britton noted that the other panel members and staff are sad to see their terms end, but wished them both great success in their future endeavors.

Ms. Britton then provided an update on the status of the new Juvenile panel appointments. Two new Board members are scheduled to be confirmed on December 9th. They are Catherine Miller, Ph.D., a professor at Pacific University and Kathryn Kuenzi, JPO, a juvenile probation officer in Marion County.

Then, for agenda item 2(b), Ms. Britton noted that the two office staff vacancies discussed at the last meeting had both been filled, but one of the new hires resigned, therefore, the office still has a vacancy she hopes to fill in the near future.

Next, Ms. Britton reported on various special projects currently being worked on, starting with a PSRB handbook, which will include a residential guide, commonly used forms and templates, and other resources. Additionally, staff is creating a packet for new Board members which will include rules, laws, a PSRB overview and additional resources. Ms. Britton also reminded Board members that there will be a statewide training held in April.

Next, Ms. Britton discussed the possibility of creating a restorative justice program for PSRB clients. She explained that this program would be victim driven and could include a facilitated dialogue between client and victim, letter writing or information sharing. Currently, it appears there are no other states doing this for forensic aquitees. However, it informally exists when family members are also the victim of their instant offense. The program would include Board approval once they vet the petitions for victim and client appropriateness. Dr. Balduzzi noted it has been in existence for over 20 years in the correctional system and that she is supportive of the program. It was suggested that it be explored to only have this program offered to clients on conditional release due to their

stability. Ultimately, Ms. Britton asked permission for an advisory committee be created to explore feasibility of such a program. The Board noted its support of creating an Advisory Committee.

Moving on to agenda item 2(d), Ms. Britton asked Board members to review the draft Governor's Recommended Budget. It is due in February. The Agency Requested Budget was submitted last August. She then introduced Michelle Lisper, the PSRB's Budget Analyst with the Legislative Fiscal Office. She further indicated that the 2015-17 forecast is better this biennium and the Board is expecting to only have an increase in funding for the cost of living adjustment (COLA) and will not be asking for any additional funding.

Additionally, Ms. Britton noted that the Board's current budget appears appropriate. Dr. Johnson asked about funding for the Gun Relief (GRU) program. Ms. Britton informed the panels that there had only been funding for the GRU through June 2014. The minimal cost of this program is now absorbed by General Funds. She also noted that there have been no additional completed petitions received since 2012. Ms. Britton asked the Board if there were any comments regarding the budget narrative and there were none.

This segued into item 2(e), an updated on the 2015 Legislative Concepts affecting PSRB clients and operations. Ms. Britton stated that the Gun Relief program has a sunset clause and will expire by law in 2016. There is a bill proposed that would remove the sunset clause. Currently there is no opposition.

Next, Ms. Britton moved to a discussion regarding the Sex Offender Designation/Relief program. Currently there are three ratings, 1, 2 and 3. A rating of "3" means the offender is a high risk and will be added to the public website. Offenders with a rating of "2 or 1" will not be on the public website and will be allowed to request relief or reclassification. This program does not apply to clients who are sex offenders under the

Juvenile Panel. Adult panel statistics show that there is currently only one former “predatory offender” under Board jurisdiction from a pre-GEI conviction. This client will be rated under the new designation schedule. It is expected that the Legislature will amend the law to allow PSRB staff to conduct the designations for its clients. Ms. Britton has drafted a letter to Heidi Moawad, the Governor’s Public Safety Policy Advisor. Dr. Balduzzi suggests adding a conveyance of national statistics and that it appears this will not work for juvenile offenders.

Chair Morrison then recommended skipping to Agenda Item 5, a review and possible adoption of a policy regarding Major Changes in a PSRB Client’s Psychiatric Stability, Medication Regimen and Serious Incidents. The members were presented with the first draft and asked to send Ms. Britton their feedback. The Board approved to policy but would like to modify some wording. Staff will wait approximately one month for feedback before they publish the new policy. The policy is based on best practices in regards to communication. Discussion continued and there were concerns about using the language of “notification” versus “consult” in regards to informing PSRB when a client is having a medication adjustment. It was noted that only a licensed professional can “consult,” therefore, the wording should be notification.

Next, Ms. Britton talked about the recent security breach that occurred when a Board member’s laptop computer was stolen from a locked hotel room. Ms. Britton and Ms. Banfe reminded members that the protocol for downloaded client files is that they are to be deleted immediately following the hearing, which includes the copy in the trash/recycle bin. Ms. Britton stated that notification was sent out immediately to the client and the affected parties once staff was notified and that staff are currently working on the redaction of files that are uploaded. In addition, she would propose that each member have a PSRB-only computer and

cease the use of personal computers. Having a designated computer would lessen the chances of obtaining viruses and theft of the device, as well as add continuity between users/devices when developing or using various software. Ms. Lieber asked if it was possible to use iPads, to which Ms. Banfe responded that there were too many limitations in using an iPad or other tablet type device at this time. Discussion continued and the consensus was that all members were in agreement with using a PSRB issued computer for hearings and hearing preparation. It was noted it will take several months to secure laptops and implement PSRB-only laptops.

Chair Morrison then returned to agenda item 3, the overview of the Executive Director performance evaluation process. She noted that the process included sending out a survey to 22 individuals, including Board members, staff, community providers, OSH staff and other various stakeholders. She received 19 responses. Now both panels will discuss the results of the survey.

Chair Morrison moved the meeting into an Executive Session to discuss the Executive Director's evaluation at 8:00 p.m. The Juvenile Panel adjourned following the Executive Session.

The Adult Panel reconvened at 8:15 p.m. to discuss the remainder of the agenda items beginning with the review and possible amendment of OARs 859-001-0005, 859-001-0010 and 859-010-0005, as well as the adoption of OARs 859-050-0100 and 859-050-0105. Ms. Heil noted that staff had conducted a Rules Advisory Committee (RAC) meeting regarding the OARs addressing policies around the attendance of media representatives at hearings and the use of video teleconferencing and conference phones during hearings. She further noted that there were no comments regarding either issue. However, there were comments about the definitions. The Board Chair ultimately decided to allow additional time for

consideration of the proposed changes to the definitions contained in its Adult OARS and to ensure adequate time for the public comment period. The Board specifically wanted to make sure it understood the changes proposed from the old definitions to the newly amended definitions regarding mental disease or defect and danger. The Board decided to delay final approval and vote of the rule regarding definitions until it reconvened on December 17, 2014. The Board unanimously voted to approve the new administrative rules for media protocol and video teleconferencing as well as the proposed amendments to the notice and cost rules. The plan going forward, Ms. Britton explained, is to do an emergency rule change when DSM-V is adopted by the Addictions and Mental Health Division and OSH. Members further noted they would like to add a more specific discharge rule with certain requirements.

Last, a follow-up to previous discussions regarding allowing Psychiatric Nurse Practitioner (PNP) prescribers at secure residential treatment facilities (SRTFs). Ms. Lieber inquired about adding “unless pre-approved by PSRB.” But others indicated that could be confusing. The Board has previously mandated that prescribers cannot be a PNP and now it must be enforced. Therefore, if an SRTF does not comply, then there will be no new clients referred to that facility until such time as they do comply.

Chair Morrison opened the meeting for public comment and there was none.

Meeting adjourned at 9:00 p.m.