

MINUTES  
Psychiatric Security Review Board  
Administrative Meeting  
Adult Panel  
December 1, 2015  
*Approved March 3, 2016*

An administrative meeting of the Psychiatric Security Review Board was convened via teleconference on December 1, 2015 at 6:03 p.m. in the fourth floor conference room of 620 S.W. 5<sup>th</sup> Avenue, Portland, Oregon 97204. Board members present by phone were Elena Balduzzi, Psy.D., Acting Chair, Scott Reichlin, M.D. and John Swetnam. PSRB staff present in person included Executive Director, Juliet Britton, J.D., Sid Moore, Deputy Director and Jane Bigler, Executive Secretary, as note taker. Also present by phone was Ronelle Shankle, DOJ-Crime Victim Services Division. Board members Jenna Morrison, P.P.O. and Kate Lieber, J.D. were excused.

At 6:03 p.m., Ms. Britton called the meeting to order.

The Board began with an opportunity for public comment and there was none.

Next, the Board reviewed the Administrative Meeting minutes from September 15, 2015. Ms. Britton asked if there were any corrections to be made. Dr. Balduzzi requested that on page 2, half way through the first paragraph where it begins, “Dr. Balduzzi noted that there has been a legislative fix...,” she would like to have it read, “Dr. Balduzzi noted an effort to have a legislative fix proposed to address a flaw in the laws regulating the SOTB. Currently, SOTB certified practitioners who work with unadjudicated sex offenders are not subject to any sanction due to definitions under the current law. As such, the Board policy should require providers to be licensed mental health practitioners so that their practices can be under a regulatory agency.” Then the remainder of the paragraph, “Ms. Lieber moved to accept the new policy...” Mr. Swetnam moved to accept the minutes with the proposed change and Dr. Balduzzi seconded the motion. The motion passed unanimously with the remaining member.

Ms. Britton then moved on to Item 3 on the agenda, Oregon Administrative Rules (OARs). She informed the Board that Sid Moore had been hired as the new Operations and Policy Analyst and that he would be working on updating the Board's OARs. The first discussion for the members was regarding current rulemaking actions pending public hearings set for December 22, 2015, one of which is the Sex Offender Classification/Reclassification/Relief Rules. Ms. Britton noted that she had attended a Board of Parole and Post-Prison Supervision (BOPPPS) rulemaking hearing earlier in the day regarding the sex offender classification. Some of the attendees of that hearing thought that the STATIC-99R score showed an elevated risk. Ms. Britton shared that Board staff had mailed out a few of the Notification of Sex Offender Designation letters, however, the office had not received any responses. She then noted that staff is contemplating recommending an increase in response time when permanent rules are adopted. She also noted that BOPPPS received comment from the Oregon Criminal Defense Lawyers Association, that if a lawyer is involved in the case, that the Board release the police reports, etc., used in the determination. Dr. Balduzzi noted that if she recalls correctly, there is a column on the STATIC-99R form for documenting where the information derived from. Ms. Britton stated she would check with Shelley Banfe to confirm that there is a column and that the source information is being noted.

The next item on the agenda discussed was in regards to the certification process for Civil Commitment (OAR 859-200-0070). Ms. Britton proposed the ability to have the certification done administratively if the client is not contesting the re-certification. Dr. Reichlin noted that he would like more information and to hold this discussion until the next administrative meeting scheduled for March.

Ms. Britton then moved to rulemaking issues that need Board action. First, there was the review and possible adoption of a temporary rule to update the current references of "DSM-IV"

to “DSM-5.” Virtually all mental health providers now use DSM-5. The members indicated they had no questions. Dr. Reichlin made a motion to adopt the temporary rule and Mr. Swetnam seconded the motion. The motion passed unanimously with the remaining member.

Lastly, Ms. Britton noted a proposal that the Board delegate that the Executive Director be given authority to make “housekeeping” changes to the rules, such as when the Addictions and Mental Health Division changed their name to Health Systems. Dr. Balduzzi and Mr. Swetnam agreed that it made sense to make that delegation. Dr. Balduzzi moved to delegate that the Board’s Executive Director be given authority to make minor housekeeping changes to the OARs. Mr. Swetnam seconded the motion and the motion passed unanimously with the remaining member.

The meeting was adjourned at 6:25 p.m.