

**Approved Board Meeting Minutes
Psychiatric Security Review Board
Administrative Meeting
Joint Panel
March 27, 2024**

An administrative meeting of the Psychiatric Review Board Joint Panel was convened on Wednesday, March 27, 2024, at 3:09 pm via Microsoft Teams and teleconference. An agenda for the meeting can be found [here](#). The meeting was recorded and posted on the Board's agency [website](#). The following provides a brief summary of the meeting minutes.

Board Members, PSRB staff and members of the public via Teams and phone were:

Adult Panel – Scott Reichlin, M.D. (psychiatrist member), Trisha Elmer, P.P.O. (probation member), and Julie Duke (public member.) Anne Nichol, J.D. (Chair, attorney member) and Wilson Kenney (psychologist member) were not present.

Juvenile Panel – Stewart Newman, M.D. (Chair, psychiatrist member) and Marisha Childs, J.D. (attorney member.) Karey Casebier (probation member) and Cari Boyd (public member) were not present.

PSRB Staff – Alison Bort, Executive Director, Maria McCormack, Hearings Officer, Priya Tripathi, ISS4, and Laura O'Meara, ESS2.

Public Present – Megan Harper, OHA, Shannon Wilhelm, Patrick Rosario and Courtney Rogers, DAS.

Meeting Minutes

Acting Chair Reichlin called the meeting to order at 8:18 am and confirmed quorum.

Acting Chair Reichlin called for public comments. There were no comments.

Acting Chair Reichlin moved to the Board to the next agenda topic, voting on permanent rules. Prior to taking a vote, Dr. Reichlin requested Dr. Bort provide a review of the history leading up to today's vote.

Dr. Bort reviewed the purposes of the agency's rule changes for the Adult and Juvenile end of jurisdiction calculations (OAR 859.030.0010 & OAR 859.530.0010) and definition of dangerousness (OAR 859.010.0005(8)).

Dr. Bort explained that the Board previously adopted temporary rules and has now completed the rule making process (with the exception of the Board's final vote), most recently holding a public meeting on March 22, 2024. At the public meeting, Dr. Bort provided the participants an overview of questions and concerns that had been raised with respect to these rule changes and how the Board planned to address them. Dr. Bort noted the objections related to the rule changes to the definition of danger OAR 859.010.005(8) appeared to center on an ongoing misperception that with the change, the Board is removing the nexus requirement (i.e. connection between the

qualifying mental disorder and dangerousness). Dr. Bort clarified that the statute appears to require nexus and in practice, every order the Board issues reflects that connection. She further reiterated the primary reason the Board determined to re-define dangerousness was based on how the Court of Appeals interpreted the prior version of the Board's rule differently from how the Board interprets their own rule. The Board determined to define dangerousness in its rules and leave the definition of nexus silent. Dr. Bort announced plans to develop a Rules Advisory Committee to further examine the term nexus for potential inclusion in the Board's rules. In the interim, the Board will continue to interpret the statute as they always have with the guidance of caselaw.

With respect to several public comments that were received objecting to the new danger definition, Dr. Bort explained that these appeared to be based on an email blast that was disseminated by Disability Rights Oregon that also included misinformation, specifically, that the Board refused to discharge 42 individuals from the Oregon State Hospital.

Dr. Bort clarified that this list is inclusive of PSRB clients who have been granted conditional release privileges by the OSH Forensic Risk Review Panel and who are in the process of being evaluated for a conditional release placement in the community. Dr. Bort further provided progress with respect to an informative dashboard the agency is creating in collaboration with the Oregon State Hospital that clarifies where individuals are in this process, expecting the first to be published in May. Dr. Bort provided preliminary data of the 42 individuals:

- 15 have been approved for conditional release and are awaiting a vacancy in the community;
- 15 have outstanding orders for evaluation awaiting for the community report to be submitted;
- A few cases were awaiting attorney or witness availability to schedule within the Board's 60 day statutory timeline;
- 2-3 had a hearing and were denied a conditional release by the Board;
- The remaining are scheduled and awaiting a hearing.

Dr. Bort reiterated that of the 42 individuals, only 2-3 had been denied a conditional release by the Board. Dr. Bort reminded the Board that the orders from those hearings could be made available to anyone with interest as to the reasoning for the Board's decision.

Dr. Bort noted that any further stakeholder questions about the Board's rule making process or rule changes could be directed to her.

Board members indicated no further questions about the rule changes.

Dr. Reichlin called for a vote on OAR 859.030.0010 & OAR 859.530.0010, and Board passed the rules unanimously.

Dr. Reichlin called for a vote on OAR 859.010.0005(8), and Board passed the rule unanimously.

Dr. Reichlin called for public comments, there were none.

Dr. Reichlin adjourned the meeting at 8:30am.