



MEMORANDUM

Prepared for: Oregon State Senate
Date: April 27, 2021
By: Leslie Porter, LPRO Analyst
Re: Legislative Review of Executive Appointments

LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

PSYCHIATRIC SECURITY REVIEW BOARD

The Governor has appointed the following individuals to the Psychiatric Security Review Board subject to Senate confirmation.¹

Appointees

Anne Nichol of Portland; Reappointment
Scott Reichlin of Salem; Reappointment
Stewart Newman of Hillsboro; New Appointment

Term

Nichol: July 1, 2021 – June 30, 2025
Reichlin: July 1, 2021 – June 30, 2025
Newman: July 1, 2021 – June 30, 2025

Appointment/Confirmation Authority

[ORS 161.385 \(2019\)](#)

Statement of Economic Interest²

Not required.

Statutory Requirements³

The board consists of ten members appointed by the Governor and subject to confirmation by the Senate.⁴ The membership of the board may not include any district attorney, deputy district attorney, or public defender. Membership must include:

- a psychiatrist experienced in the criminal justice system and not otherwise employed on a full-time basis by the Oregon Health Authority or a community mental health program (**REICHLIN**);
- a licensed psychologist experienced in the criminal justice system and not otherwise employed on a full-time basis by the authority or a community mental health program (**BUCHANAN**);

¹ [Or. Const. art. III sect. 4](#), [ORS 171.562](#) and [171.565 \(2019\)](#).

² [ORS 244.050 \(2019\)](#).

³ [ORS 182.100 \(2019\)](#) for affirmative action policy and [ORS 236.115 \(2019\)](#) for diversity criteria.

⁴ [ORS 161.385 \(2019\)](#).

- a member with substantial experience in the processes of parole and probation (LE PARC);
- a lawyer with substantial experience in criminal trial practice (**NICHOL**);
- a psychiatrist certified, or eligible to be certified, by the Oregon Medical Board in child psychiatry who is experienced in the juvenile justice system and not employed on a full-time basis by the authority or a community mental health program (KUENZI);
- a licensed psychologist who is experienced in child psychology and the juvenile justice system and not employed on a full-time basis by the authority or a community mental health program (MILLER);
- a member with substantial experience in the processes of juvenile parole and probation;
- a lawyer with substantial experience in juvenile law practice; and
- two members of the general public (**NEWMAN**, SWETNAM).

Members serve four-year terms, are eligible for reappointment, and may be removed by the Governor for inefficiency, neglect of duty, or malfeasance in office. The board consists of a five-member adult panel and a five-member juvenile panel. Each panel must select one of its members as chairperson to serve for a one-year term with such duties and powers as the panel determines. A majority of the voting members of a panel constitutes a quorum for the transaction of business. Each panel must meet at least twice every month, unless the chairperson determines that there is not sufficient business before the panel to warrant a meeting at the scheduled time. The panel also meets at other times and places specified by the call of the chairperson or of a majority of the members of the panel.

Duties and Authority

A criminal defendant who is found guilty except for insanity may be placed under the jurisdiction of the board.⁵ The board protects the public by working with partnering agencies to ensure persons under its jurisdiction receive the necessary services and support to reduce the risk of future dangerous behavior using recognized principles of risk assessment, victims' interests and person centered care.⁶

The board must:⁷

- adjudicate the discharge, conditional release, or commitment modification of individuals placed in its jurisdiction;
- provide notice of hearings and orders, conditional release, discharge, or escape to specified parties and afford those parties an opportunity to be heard, either orally or in writing at a hearing;
- maintain and keep current the medical, social, and criminal history of all persons committed to its jurisdiction; and
- consult with the Oregon Health Authority on the certification of psychiatrists and licensed psychologists for the evaluation of a defendant on the issue of insanity.

⁵ [ORS 161.327 \(2019\)](#).

⁶ Oregon Psychiatric Security Review Board, *Home*, <https://www.oregon.gov/prb/Pages/Index.aspx> (last visited July 29, 2020).

⁷ [ORS 161.326 to 161.392 \(2019\)](#).

The board may:⁸

- implement its policies and set out its procedure and practice requirements and may promulgate such interpretive rules as the board deems necessary or appropriate to carry out its statutory responsibilities;
- issue subpoenas requiring the attendance and testimony of witnesses or the production of evidence;
- develop a restorative justice program to assist the recovery of crime victims; and
- adopt rules for the administration of statutory provisions.

⁸ [ORS 161.387 to 161.398 \(2019\)](#).

Executive Appointments Board Roster

Psychiatric Security Review Board

Agency: Governor's Office
Authorization: ORS 161.385
Members: Min: 10 Max: 10
Term Length: 4 years Limit: 2
Senate confirmation required? Yes

Policy Area: Health

Board Contact:

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Current Appointments:

Member Name and Address (Alphabetical)

Pamela S Buchanan, PsyD Psychologist; Adult Panel Term(s): 07-01-2019 - 06-30-2023	Position Number: 2
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Kate Kuenzi Parole and Probation; Juvenile Panel Term(s): 07-01-2018 - 06-30-2022 01-02-2015 - 06-30-2018	Position Number: 8
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Trisha J Le Parc Parole & Probation; Adult Panel Term(s): 07-01-2020 - 06-30-2024 09-22-2016 - 06-30-2020	Position Number: 3
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Cathy Miller, PhD Psychologist; Juvenile Panel Term(s): 07-01-2018 - 06-30-2022 01-02-2015 - 06-30-2018	Position Number: 7
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Stewart S Newman Public Member; Juvenile Panel Term(s): 07-01-2021 - 06-30-2025	Position Number: 10
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Anne L Nichol Attorney; Adult Panel Term(s): 07-01-2021 - 06-30-2025 07-01-2017 - 06-30-2021	Position Number: 5
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Scott M Reichlin, MD Forensic Psychiatrist; Adult Panel Term(s): 07-01-2021 - 06-30-2025 06-01-2017 - 06-30-2021 05-22-2015 - 05-31-2017	Position Number: 1
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Executive Appointments Board Roster

Psychiatric Security Review Board

Member Name and Address (Alphabetical)

Policy Area: Health

John J Swetnam Public Member; Adult Panel Term(s): 07-01-2017 - 06-30-2021 03-09-2015 - 06-30-2017	Position Number: 4
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Vacant Appointments:

Pos	Member	Appointed By	Term Begin	Term End
6	Bennett W Garner, MD Psychiatrist; Juvenile Panel	Governor	03/15/2017	06/30/2020
6	Robert S McKelvey Psychiatrist; Juvenile Panel	Governor	01/02/2013	01/01/2017
6	Robert S McKelvey Psychiatrist	Governor	01/02/2009	01/01/2013
6	Robert S McKelvey Psychiatrist	Governor	01/01/2007	01/01/2009
Pos	Member	Appointed By	Term Begin	Term End
9	Charles G Kochlacs Attorney; Juvenile Panel	Governor	07/01/2016	06/30/2020
9	Charles G Kochlacs Attorney; Juvenile Panel	Governor	02/17/2016	06/30/2016
9	Susana Alba Attorney	Governor	01/02/2012	01/01/2016
9	Susana Alba Attorney	Governor	01/02/2008	01/01/2012
9	Susana Alba Attorney	Governor	01/01/2007	01/01/2008