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BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS
FOR THE STATE OF ARIZONA

In the Matter of:

THOMAS JAMES McCaffrey, Psy.D.

Holder of License No. PSY-004735
For the Practice of Psychology
In the State of Arizona.

Case No. 21-06

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND CONSENT
AGREEMENT FOR SUSPENSION OF
LICENSE (STAYED), PROBATION
AND CIVIL PENALTY**

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In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona Board of Psychologist Examiners ("Board") and consistent with public interest, statutory requirements and responsibilities of the Board and pursuant to A.R.S. § 32-2061 *et seq.*, and A.R.S. § 41-1092.07(F)(5), Thomas James McCaffrey, Psy.D. ("Respondent"), holder of License No. PSY-004735, and the Board enter into this Consent Agreement for Voluntary Suspension of License (Stayed), Probation and Civil Penalty ("Consent Agreement") as the final disposition of this matter.

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JURISDICTION

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1. The Board is authorized to regulate the practice of psychology in Arizona pursuant to A.R.S. § 32-2061, *et seq.*, and the rules promulgated thereunder, found in Arizona Administrative Code ("A.A.C." or "rules") at R4-26-101, *et seq.*

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2. Respondent is the holder of license number PSY-004735 for the practice of psychology in the State of Arizona.

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3. The Board has personal and subject matter jurisdiction over Respondent pursuant to A.R.S. § 32-2061, *et seq.*, and the rules of A.A.C. R4-26-101, *et seq.*

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RECITALS

Respondent understands and agrees that:

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1. The Board and Respondent enter into this Consent Agreement to promptly and

1 judiciously resolve this matter, consistent with the public interest and the statutory requirements of
2 the Board.

3 2. Respondent has the right to consult with an attorney prior to entering into this
4 Consent Agreement.

5 3. Respondent has a right to a public hearing concerning this case. He further
6 acknowledges that at such formal hearing he could present evidence and cross-examine witnesses.
7 Respondent irrevocably waives his right to such a hearing.

8 4. Respondent irrevocably waives any right to rehearing or review or to any judicial
9 review or any other appeal to this matter.

10 5. Respondent acknowledges and agrees that the acceptance of this Consent
11 Agreement is solely to settle this Board matter and does not preclude the Board from instituting
12 other proceedings as may be appropriate now or in the future.

13 6. Respondent understands that this Consent Agreement does not constitute a dismissal
14 or resolution of any other matters currently pending before the Board, if any, and does not constitute
15 any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other
16 pending or future investigation, action or proceeding.

17 7. Furthermore, and notwithstanding any language in this Consent Agreement, this
18 Consent Agreement does not preclude in any way any other state agency or officer or political
19 subdivision of this state from instituting proceedings, investigating claims, or taking legal action as
20 may be appropriate now or in the future relating to this matter or other matters concerning
21 Respondent, including violations of the Arizona Consumer Protection Act. Respondent
22 acknowledges that, other than with respect to the Board, this Consent Agreement makes no
23 representations, implied or otherwise, about the views or intended actions of any other state agency
24 or officer or political subdivision of the state relating to this matter or other matters concerning
25 Respondent.
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8. This Consent Agreement shall be subject to the approval by the Board and shall be effective only when approved by the Board and signed by the Board’s Executive Director. In the event that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any action by any party, except the parties agree that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or any records relating thereto.

9. The Consent Agreement, once approved by the Board and signed by the Respondent and the Executive Director, shall constitute a public record, which may be disseminated as a formal action of the Board and shall be reported to the National Practitioner Data Bank.

10. Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding the expense, uncertainty, and prolonged time involved in further administrative proceedings. The issues contained herein are resolved by settlement and not actually litigated. Any allegations and findings herein may not be used for *res judicata* or collateral estoppel effect in any subsequent civil proceedings for any claims of professional liability or negligence by or on behalf of Complainant(s).

11. Nothing stated herein shall or can be construed as an admission of any fact or allegation by Respondent.

FINDINGS OF FACT

1. Respondent holds license no. PSY-004375 to practice psychology in the State of Arizona. The license was first issued in May of 2016 and expires February 1, 2021. Upon information and belief, Respondent maintains a private practice in New Mexico, where he is also licensed to practice psychology.

2. On or about October 23, 2020, the Board received a Disciplinary Data Report from the Association of State and Provincial Psychology Boards (“ASPPB”) that shows Respondent was disciplined by the State of Texas.

1 3. If the written request is received within 10 days of a regularly scheduled Board
2 meeting, the request will not be heard at that meeting, but will be heard at the next regularly
3 scheduled Board meeting.

4 4. Pending the Board's review, Respondent's license shall be reported as suspended -
5 under review. Respondent may not work in the State of Arizona in any capacity as a licensed
6 psychologist pending the Board's review. The Board's decision and Order shall not be subject to
7 further review.

8 5. **IT IS FURTHER ORDRED THAT** upon the effective date of this Consent
9 Agreement, Respondent's license number PSY-004735 for the practice of psychology in the State
10 of Arizona shall be placed on probation for a period of two years.

11 6. During the probationary period, Respondent shall appear before the Board when
12 requested. In addition, prior to terminating probation, Respondent must request in writing to the
13 Board that probation be terminated and he shall appear before the Board at the meeting at which
14 his request will be considered.

15 7. During the probationary period, Respondent shall maintain compliance with all
16 terms and conditions set forth in the Texas Order in case number TSBEB no: 2020-00025-1552
17 dated March 16, 2020.

18 8. **IT IS FURTHER ORDERED THAT** within sixty (60) days of the effective date
19 of this Consent Agreement and Order, Respondent shall pay to the Board the sum of \$1,500 as a
20 civil penalty. The civil penalty shall be paid in the form of a personal check or money order.
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22 9. Respondent has read and understands this Consent Agreement as set forth herein,
23 and has had the opportunity to discuss this Consent Agreement with an attorney or has waived the
24 opportunity to discuss this Consent Agreement for the purpose of avoiding the expense and
25 uncertainty of an administrative hearing.

26 10. Respondent understands that he has the right to a public administrative hearing
27 concerning each and every allegation set forth in the above-captioned matter, at which
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1 administrative hearing he could present evidence and cross-examine witnesses. By entering into
2 this Consent Agreement, Respondent freely and voluntarily relinquishes all rights to such
3 administrative hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial
4 review or any other administrative and/or judicial action, concerning the matters set forth herein.
5 Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

6 11. Respondent understands that this Consent Agreement, or any part thereof, may be
7 considered in any future disciplinary action against him or in any future decision regarding re-
8 licensure.

9 12. The parties agree that this Consent Agreement does not constitute a dismissal or
10 resolution of other matters currently pending before the Board, if any, and does not constitute any
11 waiver, expressed or implied, of the Board's statutory authority or jurisdiction regarding any other
12 pending or future investigation, action or proceeding. Respondent also understands that acceptance
13 of the Consent Agreement does not preclude any other agency, subdivision or officer of this state
14 from instituting other civil or criminal proceedings with respect to the conduct that is subject of this
15 Consent Agreement. The parties agree that this Consent Agreement is a final adjudication of
16 Complaint No. 21-06.

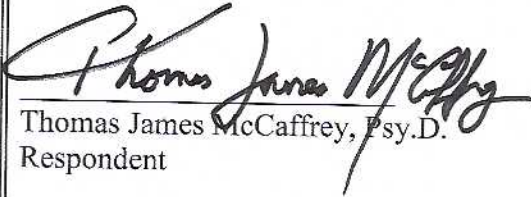
17 13. Respondent understands that the foregoing Consent Agreement shall not become
18 effective unless and until adopted by the Board and executed on behalf of the Board. Any
19 modification to this original document is ineffective and void unless mutually approved by both
20 parties in writing.

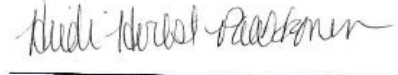
21 14. Respondent understands that this Consent Agreement is a public record and may be
22 publicly disseminated as a formal action of the Board and shall be reported to the National
23 Practitioner Data Bank.
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DATED this 17 day of November, 2020.

Arizona Board of
Psychologist Examiners


Thomas James McCaffrey, Psy.D.
Respondent


Heidi Herbst Paakkonen
Executive Director

ORIGINAL filed electronically
this 17 day of November, 2020 to:

Arizona State Board of Psychologist Examiners
1740 W. Adams St., Suite 3403
Phoenix, Arizona 85007

COPY of the foregoing mailed by Certified Mail No. 9489009000276155081433
this 17 day of November, 2020 to:

Thomas James McCaffrey, Psy.D.
Address on Record
Respondent

COPY of the foregoing sent via email
this 17 day of November, 2020 to:

Jeanne M. Galvin
Assistant Attorney General
2005 North Central Ave. SGD/LES
Phoenix, Arizona 85004
Jeanne.galvin@azag.gov
Attorney for the State of Arizona

By: 