

1 **BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS**
2 **FOR THE STATE OF ARIZONA**

3 In the Matter of:)
4 **Vaughn Tsoutsouris, Psy.D.**) **Case No. 21-12**
5 Holder of License No. PSY-004502) **CONSENT AGREEMENT AND**
6 for the Practice of Psychology) **ORDER FOR PROBATION,**
7 in the State of Arizona) **SUPERVISION AND CONTINUING**
) **EDUCATION**

8
9 On May 7, 2021, the Arizona Board of Psychologist Examiners (“Board”) met in open
10 session to discuss the above-referenced case. Vaughn Tsoutsouris, Psy.D. (“Respondent”)
11 appeared virtually with his attorney, Faren Akins, Esq., Ph.D. After discussion, consideration,
12 and deliberation, the Board voted to hold an Informal Interview at a future date and
13 alternatively, directed the Board’s legal counsel and Respondent to enter into settlement
14 negotiations. The parties agree to enter into this Consent Agreement in lieu of commencing an
15 Informal Interview.
16

17 **JURISDICTION**

18 1. The Board is authorized to regulate the practice of psychology and behavior
19 analysis in Arizona pursuant to A.R.S. § 32-2061, *et seq*, and the rules promulgated thereunder,
20 found in Arizona Administrative Code ("A.A.C." or "rules") at R4-26-101, *et seq.*, to regulate
21 and control the licensing of psychologists and behavior analysts in the State of Arizona.
22

23 2. Respondent is the holder of license number PSY-004502 for the practice of
24 psychology in the State of Arizona.
25

26 3. The Board has personal and subject matter jurisdiction over Respondent pursuant
27 to A.R.S. § 32-2061, *et seq.*, and the rules at A.A.C. R4-26-101, *et seq.*
28

RECITALS

1 Respondent understands and agrees that:

2 1. The Board and Respondent enter into this Consent Agreement to promptly and
3 judiciously resolve these matters, consistent with the public interest and the statutory
4 requirements of the Board.
5

6 2. Respondent has the right to consult with an attorney before entering into this
7 Consent Agreement.
8

9 3. Respondent has a right to a formal public hearing concerning this case where he
10 could present evidence and cross-examine witnesses. Respondent irrevocably waives any right
11 to such a hearing upon this Consent Agreement becoming effective.

12 4. Respondent irrevocably waives any right to rehearing or review or to any judicial
13 review or any other appeal of this matter upon this Consent Agreement becoming effective.
14

15 5. Although Respondent does not agree that all of the allegations in Complaint No.
16 21-12 are supported by the evidence, Respondent acknowledges that it is the Board's position
17 that if these matters proceeded to formal hearing, the Board could offer sufficient evidence to
18 support a conclusion that certain of Respondent's conduct constituted unprofessional conduct.
19 Therefore, Respondent has agreed to enter into this Consent Agreement as an economical and
20 practical means of resolving the issues alleged in the Complaint.
21

22 6. Respondent acknowledges and agrees that the acceptance of this Consent
23 Agreement is solely to settle this Board matter and does not preclude the Board from instituting
24 other proceedings as may be appropriate now or in the future.
25

26 7. Respondent understands that this Consent Agreement does not constitute a
27 dismissal or resolution of any other matters currently pending before the Board, if any, and does
28 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction

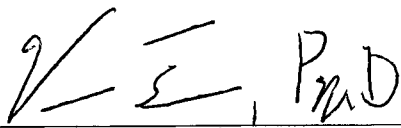
1 regarding any other pending or future investigation, action or proceeding.

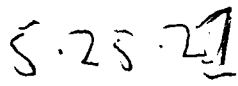
2 8. Furthermore, and notwithstanding any language in this Consent Agreement, this
3 Consent Agreement does not preclude in any way any other state agency or officer or political
4 subdivision of this state from instituting proceedings, investigating claims, or taking legal action
5 as may be appropriate now or in the future relating to this matter other matters concerning
6 Respondent, including violations of Arizona's Consumer Fraud Act. Respondent acknowledges
7 that, other than with respect to the Board, this Consent Agreement makes no representations,
8 implied or otherwise, about the views or intended actions of any other state agency or officer or
9 political subdivision of the state relating to this matter or other matters concerning Respondent.
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12 9. Respondent understands that any violation of this Consent Agreement constitutes
13 unprofessional conduct and may result in disciplinary action, pursuant to A.R.S. §32-
14 2061(16)(aa).
15

16 10. Respondent agrees that the Board will adopt the following Findings of Fact,
17 Conclusions of Law and Order.
18

19 ACCEPTED AND AGREED BY RESPONDENT:
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21 
22
23 Vaughn Tsoutsouris, Psy.D.
24 Respondent

25 
26
27 Date:
28

1 **FINDINGS OF FACT**

2 1. Between July 2020 – January 2021, Respondent provided individual counseling
3 services to an adult female client (“Client”). All sessions were conducted via telehealth.
4

5 2. On February 15, 2021, the Board received Complaint No. 21-12 from Client
6 alleging that multiple ethical issues occurred during the course of therapy to include that:

- 7 a. Respondent did not explain the therapy process and his approach;
- 8 b. Boundary violations occurred in sessions and during electronic
9 communications;
- 10 c. Respondent made multiple disclosures during sessions regarding his personal
11 and dating life.
- 12 d. He told Client in session that he sexualizes his clients;
- 13 e. Respondent encouraged Client’s romantic and sexual feelings towards him;
- 14 f. He abandoned Client by inappropriately terminating therapy but later offered
15 her a termination session if she agreed not to submit a Board complaint;
- 16 g. Respondent delayed in sending Client her clinical record after she requested
17 it in writing.
- 18
- 19

20 3. On May 7, 2021, the Board conducted an initial review for Complaint no. 21-12.
21 The Board found that:

- 22 a. There was no structure or limitations to the text messaging and phone calls
23 with Client, which resulted in a lack of boundaries;
- 24 b. Respondent did not seek professional consultation early on in his treatment
25 of Client when ethical issues presented in therapy, particularly when Client
26 expressed a romantic interested in Respondent;
27
28

1 c. The extent of personal disclosures made by Respondent in sessions were
2 inappropriate given that Client expressed early on in therapy that she was
3 interested in dating Respondent;

4
5 d. Respondent failed to give enough attention to Client's substance use issues in
6 therapy and no formal substance abuse assessment was completed given that
7 Client expressed concerns related to her drinking habits.

8 4. Client represented in her complaint and testified at both Board proceedings that
9 Respondent's conduct made her, among other things, feel very unsafe in therapy, distressed and
10 anxious, and question if she would ever participate in therapy again.

11
12 5. Respondent acknowledged that while he made some personal disclosures during
13 the course of therapy, to include mentioning that he was single, he denies having stated that he
14 sexualizes clients. Respondent denied that he inappropriately terminated Client's treatment or
15 delayed sending her records.

16
17 6. The Board also determined that the treatment record for Client did not meet the
18 standard of care and had multiple recordkeeping deficiencies in that there was a lack of
19 informed consent for electronic communications; the telehealth consent form was not in
20 compliance with the Board's rule for telepsychology; there was a lack of documentation in the
21 record addressing the various ethical issues that occurred throughout treatment; the session
22 notes contained minimal content information; and there was no written policy or clear
23 guidelines for phone and text communications.

24
25 7. Respondent acknowledges there were various deficiencies with his recordkeeping,
26 clinical forms and general practices and since being notified of the complaint, he has
27 implemented a new electronic communications policy and updated several clinical forms to
28

1 include the general consent and consent for telepsychology forms. Respondent has completed
2 multiple continuing education courses since being notified of the complaint, in the areas of
3 ethics, informed consent, and recordkeeping.
4

5 **CONCLUSIONS OF LAW**

6 1. The conduct and circumstances described in Complaint No. 21-12, if supported by
7 the facts alleged, would constitute unprofessional conduct pursuant to:

8 a. A.R.S. §32-2061(16)(h), failing or refusing to maintain and retain adequate
9 business, financial or professional records pertaining to the psychological services provided to a
10 client or patient;
11

12 b. A.R.S. § 32-2061(16)(k), violating any federal or state laws or rules that
13 relate to the practice of psychology or to obtaining a license to practice psychology as it relates
14 to R4-26-109, General Provisions Regarding Telepractice, and R4-26-110, Providing
15 Psychological Service by Telepractice;
16

17 c. A.R.S. § 32-2061(16)(o), engaging in activities as a psychologist that are
18 unprofessional by current standards of practice;

19 d. A.R.S. § 32-2061(16)(dd), violating an ethical standard adopted by the Board
20 as it pertains to section 3.04 (Avoiding Harm) of the American Psychological Association
21 Ethical Principles of Psychologists and Code of Conduct.
22

23 **ORDER**

24 1. Pursuant to A.R.S. § 32-2081(S), the Board has determined that the
25 Respondent's conduct in Complaint No. 21-12 warrants disciplinary action. Based on the
26 foregoing Findings of Fact and Conclusions of Law, IT IS ORDERED THAT:
27

28 2. **PROBATION:** Respondent's license as a psychologist is placed on probation for

1 a minimum period of twelve (12) months from the effective date of this Consent Agreement,
2 unless otherwise ordered by the Board. The effective date of this Consent Agreement is the date
3 that it is signed by the Board's Executive Director, or her designee, on behalf of the Board.
4

5 3. **CONTINUING EDUCATION:** Within six (6) months of the effective date of
6 this Consent Agreement and, in addition to the continuing education requirements that are
7 required by rule for license renewal, Respondent shall complete an additional ten (10) hours of
8 continuing education in the areas of personality disorders and substance use disorders
9 (minimum four hours in each area). All continuing education courses must be pre-approved by
10 the Board's Executive Director or designee. Within fourteen (14) days of completing this
11 continuing education, Respondent shall submit the certificates of completion to the Executive
12 Director or designee.
13

14 4. **PRACTICE MONITOR:** While on probation, Respondent shall work with a
15 Practice Monitor pre-approved by the Board's Executive Director or designee and who will
16 provide professional guidance and input to Respondent with respect to ethics, clinical
17 documentation/recordkeeping, policies and procedures for electronic communication with
18 clients outside of treatment sessions, transference, proper use of personal disclosures during
19 psychotherapy, assessing and treating personality disorders and substance use disorders,
20 importance of professional consultation, termination of services, and any other topic deemed
21 pertinent by the Practice Monitor. The Practice Monitor shall submit to the Executive Director a
22 detailed monitoring program outlining the monitoring goals and objectives and how
23 achievement of them will be measured, and the activities Respondent will be required to
24 complete. The written monitoring program shall be provided to the Executive Director within
25 ten (10) business days of contracting with Respondent to serve as Practice Monitor. The
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1 Practice Monitor shall review all applicable Board meeting audio and/or minutes for Complaint
2 no. 21-12, which will be provided by Board staff, in advance of submitting the written
3 monitoring plan.

4
5 5. Respondent shall submit the name of the psychologist who shall serve as the
6 Practice Monitor to the Board's Executive Director for approval within ten (10) business days
7 of the effective date of this Order. Within twenty (20) business days of the effective date of this
8 Order, Respondent shall enter into the Practice Monitor agreement. The Practice Monitor shall
9 have no familial, personal or business relationship with Respondent prior to agreeing to act as
10 the Practice Monitor.

11
12 6. Respondent shall meet with the Practice Monitor in-person at least twice per
13 month for a minimum of two hours each session during the probationary period. The Practice
14 Monitor shall review a minimum of five of Respondent's recent patient records each quarter and
15 discuss with Respondent the Monitor's findings, conclusions, and recommendations for
16 improvement. The Practice Monitor shall submit to the Board quarterly written reports of the
17 meetings, to include topics covered, any concerns, any modifications made to Respondent's
18 practice, and any other pertinent information. The Practice Monitor shall provide written
19 reports to the Board within 30 days after the end of each quarter. The first quarter shall begin
20 on the date of the first session between the Respondent and the Practice Monitor. Before the
21 conclusion of the probationary period, the Practice Monitor is to complete a final written report
22 to the Board summarizing their interaction with Respondent, topics discussed, areas of
23 progress, matters of remaining concern, and overall impressions. The final report shall be
24 submitted to the Board within 30 days prior to the date of the meeting at which the Board
25 considers Respondent's written request to terminate probation as set forth in paragraph 7.
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1 Respondent shall present this Consent Agreement to the Board-approved Practice Monitor
2 before the first meeting. The first meeting between Respondent and the Practice Monitor shall
3 occur within 30 days of the effective date of this Consent Agreement.
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5 7. If, during the probationary period, the Practice Monitor is unable or unwilling to
6 continue to act as Respondent's Practice Monitor, within 10 business days of the Practice
7 Monitor's termination of the practice monitor relationship, Respondent shall contact the
8 Executive Director in writing and present another potential Practice Monitor for approval.
9 Respondent shall notify the Board of his new Practice Monitor within 20 business days of
10 receiving approval. The sessions between Respondent and the Practice Monitor that occurred
11 prior to the effective date of this Consent Agreement shall not count toward those sessions
12 required under this Order.
13

14 8. **TERMINATION OF PROBATION:** At the end of six (6) months and upon the
15 Practice Monitor's recommendation, Respondent may petition the Board, in writing, and
16 request termination from probation, unless otherwise ordered by the Board. If the Board
17 determines that Respondent has not complied with the requirements of this Consent
18 Agreement, the Board may either (a) continue the probation, or (b) institute proceedings for
19 noncompliance with this Consent Agreement, which may result in the suspension, revocation,
20 or other disciplinary or remedial action.
21
22

23 9. **EFFECTIVE DATE:** Respondent understands that this Consent Agreement
24 shall not become effective unless and until adopted by the Board and executed on behalf of the
25 Board. Any modification to this original document is ineffective and void unless mutually
26 approved by the parties in writing.
27

28 10. **CONSIDERATION IN FUTURE ACTIONS:** Respondent understands that

1 this Consent Agreement, or any part thereof, may be considered in any future disciplinary action
2 against him.

3 11. **FINAL RESOLUTION:** This Consent Agreement constitutes a final resolution
4 of these disciplinary matters but does not constitute a dismissal or resolution of other matters
5 currently pending before the Board, if any, and does not constitute any waiver, expressed or
6 implied, of the Board’s statutory authority or jurisdiction regarding any other pending or future
7 investigations, actions, or proceedings. Further, this Consent Agreement does not preclude any
8 other agency, subdivision, or officer of this State from instituting other civil or criminal
9 proceedings with respect to the conduct that is the subject of this Consent Agreement.
10

11 12. **TIME:** Time is of the essence with regard to this Consent Agreement.

12 13. **COSTS:** Respondent shall be responsible for all costs incurred as a result of his
13 compliance with this Consent Agreement.
14

15 14. **NON-COMPLIANCE:** If Respondent fails to comply with the terms of this
16 Consent Agreement, the Board may properly institute proceedings for noncompliance, which
17 may result in suspension, revocation, or other disciplinary or remedial actions. Violation of this
18 Consent Agreement is a violation of A.R.S. § 32-2061(16)(aa) (“violating a formal board order,
19 consent agreement, term of probation or stipulated agreement”).
20

21 15. **NON-RENEWAL OR LATE RENEWAL:** If Respondent fails to renew his
22 license while under the terms of this Consent Agreement and subsequently applies for late
23 renewal of license or a new license, the remaining terms of this Consent Agreement shall be
24 imposed if the late renewal or reapplication for license is granted.
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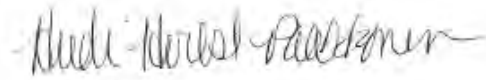
26 16. **TOLLING:** If Respondent for any reason stops practicing psychology in
27 Arizona for more than 30 consecutive days or leaves Arizona to reside or practice psychology
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1 outside of Arizona, the periods of temporary or permanent residency or practice outside Arizona
2 or the non-practice within Arizona do not reduce the duration of the terms under this Order.
3 Respondent shall notify the Board in writing within five (5) business days of the dates of
4 departure or the dates of non-practice in Arizona.
5

6 17. **PUBLIC RECORD:** This Consent Agreement is a public record that may be
7 publicly disseminated as a formal action of the Board and reported to the National Practitioner
8 Data Bank.

9
10 DATED this 4 day of June, 2021.

11
12
13 ARIZONA BOARD OF
14 PSYCHOLOGIST EXAMINERS

15 

16 By: _____
17 Heidi Herbst Paakkonen
18 Executive Director

19 **ORIGINAL** filed electronically
20 this 4 day of June, 2021, to:

21 **COPY** mailed by regular and certified mail # **9489009000276155081310**
22 this 4 day of June, 2021, to:

23 Vaughn Tsoutsouris, Psy.D.
24 Respondent
25 Address on Record

26 **COPY** of the foregoing mailed by USPS regular mail
27 this 4 day of June, 2021, with:

28 Faren Akins, Esq., Ph.D.
Akins Law Firm

1 7702 East Doubletree Ranch Road
2 #300
3 Scottsdale, AZ 85258
4 Attorney for Respondent

5 **COPY** of the foregoing via email (jeanne.galvin@azag.gov)
6 This 4 day of June, 2021, with:

7 Jeanne M. Galvin
8 Assistant Attorney General
9 2005 North Central Ave. SGD/LES
10 Phoenix, Arizona 85004
11 Attorney for the State of Arizona

12 By: Jennifer Michaelson