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IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

ROBERT J. VAUGHN, PH.D.,
RESPONDENT.

LS9904132PSY

FINAL DECISION AND ORDER

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

*Robert J. Vaughn, Ph.D.
W379 S4994 Pretty Lake
Dousman, WI 53118*

*Wisconsin Psychology Examining Board
P.O. Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935*

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Psychology Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Robert J. Vaughn, Ph.D., Respondent, date of birth August 22, 1939, is licensed by the Wisconsin Psychology Examining Board as a psychologist in the state of Wisconsin pursuant to license number 1217, which was first granted March 14, 1986.
2. Respondent's last address reported to the Department of Regulation and Licensing is W379 S4994 Pretty Lake, Dousman, WI 53118

COUNT I (95 PSY 023)

3. Ms. A, who was then 18 years of age, was admitted to the Adolescent Survivors of Incest and Childhood Sexual Abuse Program at Rogers Memorial Hospital, in Oconomowoc, WI, on April 16, 1991 and was discharged on July 12, 1991. Ms. A had five previous hospitalizations for mental health issues, at other facilities. During this hospitalization, Respondent was Ms. A's primary therapist.
4. At the time admission, Ms. A was severely depressed and suicidal. She was diagnosed with Major depressive disorder, recurrent severe and post traumatic stress disorder. The treatment plan was to focus on: (1) depression and suicidal ideation/impulses, (2) Family/social relationships, (3) Behavioral dysfunction, (4) Thought

process dysfunction, (5) Alcohol and drug abuse issues, and (6) Sexual and physical abuse issues.

5. During the hospitalization, Respondent learned that Ms. A felt rejected and abandoned by her father and by her mother.

6. Following her discharge from Rogers Memorial Hospital on July 12, 1991, Ms. A returned to her home in Eau Claire. Although Respondent was no longer providing formal professional services to Ms. A, she maintained contact with Respondent after Ms. A's discharge. During that period of time:

a. Ms. A spoke with Respondent by phone several times, and sent letters to Respondent.

b. On at least two occasions, Ms. A returned to Oconomowoc and while there visited with Respondent. Respondent took Ms. A out to eat during these visits; and paid for the meals.

c. Ms. A, who wanted to get away from her family in Eau Claire, asked Respondent for his advice on whether she should move to Oconomowoc. Ms. A contends that Respondent told Ms. A that if she moved to Oconomowoc Ms. A would receive continued support from Respondent and other staff. Respondent contends he advised Ms. A that she should choose where to live and that "one town was pretty much like the other." Based at least in part on those conversations Ms. A moved to Oconomowoc.

d. On Ms. A's second visit to Oconomowoc, Respondent assisted Ms. A in her search for an apartment and a roommate. Respondent recalled that a staff member at Rogers Memorial Hospital was looking for a roommate and Respondent gave the staff member's phone number to Ms. A.

e. Respondent suggested to Ms. A that she borrow his truck in order to move her belongings from Eau Claire to Oconomowoc. Ms. A did use Respondent's truck to move on the weekend of September 20 - 22, 1991.

7. Ms. A lived in Oconomowoc from late September, 1991, until April 30, 1992. Respondent provided 39 sessions of outpatient psychotherapy to Ms. A in his office at Rogers Memorial Hospital from September 25, 1991 to April 28, 1992. During that time:

a. Though Respondent saw Ms. A once or twice a week, Respondent never accepted Ms. A's money or filed a claim with medical assistance, and Ms. A was never billed for therapy with Respondent.

b. Respondent frequently took Ms. A out to eat. On these occasions, Respondent always held doors open for Ms. A, took Ms. A's coat, pulled out chairs for Ms. A, and paid for Ms. A.

c. On more than one occasion, Respondent loaned Ms. A approximately \$20.00. The money was for gas and food when Ms. A was without sufficient food. the money was repaid.

d. Respondent provided Ms. A with rides to and from some sessions when her car was broken down. On one occasion, when Ms. A's car broke down, Respondent directed Ms. A to a mechanic he knew, and Respondent paid approximately \$90 for the repair, which Ms. A later repaid to Respondent.

e. One night in late November or early December, 1991, between 11:00 p.m. and 12:00 a.m., Ms. A called Respondent from Ms. A's friend's house. Ms. A was having car trouble and asked Respondent for his assistance. Respondent drove to Ms. A's friend's house. Upon arriving, Respondent talked for a while with Ms. A and her friend. Respondent then attempted to fix Ms. A's car. When he was not able to do this, Respondent gave Ms. A a ride to her home.

f. Ms. A contends that Respondent told Ms. A that he wanted to be like a father to Ms. A and that Respondent admitted to feeling counter-transference in their relationship. Respondent contends Ms. A was experiencing positive transference, and that he made statements to her such as, "You sometimes wish your father had listened to you like this when you were little?" - or - "You wanted to relate to your father like this when you were little?" - or - "You wished your father could hear your pain like this when you were little?"

g. Ms. A contends that Respondent requested hugs from Ms. A without asking if Ms. A wanted or needed a hug. Respondent agrees that he asked for a hug from Ms. A only once, upon her discharge from Rogers Memorial Hospital on July 12, 1991. Respondent contends

that on several occasions during outpatient therapy sessions, he did ask Ms. A if she wanted or needed a hug. Respondent also contends that he gave Ms. A a hug, only if she responded "yes" to his question.

8. From May, 1992 to January, 1993, Ms. A once again resided in the Eau Claire area.. She again received outpatient mental health services from the therapist at Lutheran Social Services in Eau Claire

9. On January 19, 1993, following referral from her Eau Claire therapist, Ms. A was admitted to the Adult Survivors of Abuse Program at Rogers Memorial Hospital. At that time she had severe depression, active suicidal ideation and was experiencing increased post traumatic. stress symptoms from addressing issue of childhood sexual abuse. She had recently engaged in self mutilating behavior with a razor. Staffing notes of January 19 and 20, 1993 indicated a projected discharge date in 30 days.

10. Respondent describes the psychologist-client relationship with Ms. A as being quite different during this hospitalization. He indicates that when Ms. A was not allowed to manipulate staff for a three month stay, when she was treated as a responsible adult and was not "saved" by Respondent and staff as she had been previously, she reacted very negatively and transferred her repressed anger and resentment onto Respondent and the staff.

11. As the time for discharge approached, Ms. A was resistive to discharge and attempted to avoid it. She became angry at Respondent and felt abandoned by him when he recommended her discharge.

12. Ms. A's reactions during the hospitalization and at time of discharge were exacerbated by Respondent's earlier extra-therapeutic contacts with Ms. A.

13. At the recommendation of the Division of Enforcement, Respondent took and completed in November, 1977, "Professionals at Risk: Ethical Boundaries in Relationships", a one day seminar taught by Gary R. Schoener, sponsored by the University of Wisconsin Extension.

COUNT II (97 PSY 012)

14. In August of 1992, Respondent provided treatment to Ms. B.

15. Prior to November 8, 1994 neither Mr. B, who was Ms. B's spouse, nor the couple's children were ever seen by Respondent in a professional capacity. Respondent had never even met Mr. B or the children.

16. In November of 1994, Mr. and Ms. B were parties in a divorce proceeding in Milwaukee County Circuit Court, Family Court Division. An issue in that proceeding was whether there was a need for supervision of Mr. B's visitation with the children.

17. Shortly before November 8, 1994, Respondent was contacted by telephone by Ms. B's attorney. Ms. B's attorney interviewed Respondent. In the conversation, Respondent told Ms. B's attorney that his professional opinions were based on his treatment of Ms. B and that he had not treated or evaluated Mr. B or their children.

18. Ms. B's attorney then drafted an affidavit and sent it to Respondent. Respondent signed the affidavit under oath on November 8, 1994 and returned it to Ms. B's attorney with the understanding that it would be submitted to the court in the divorce proceedings between Mr. and Ms. B.

19. Respondent's affidavit was marked as an exhibit and admitted in the divorce proceeding. The affidavit states::

a. "I am a psychologist licensed in the State of Wisconsin under number 1217. Along with four others I designed, established and currently carry out the Adult Survivors of Abuse program at Rogers Memorial Hospital in Oconomowoc, Wisconsin. I have been at Rogers Memorial Hospital for nine years.

b. "I am also licensed in Minnesota. Over my 31 year career I have treated hundreds of patients in either individual or group settings."

c. "In August, 1992, I was the primary treating psychologist for [Ms. B] when she admitted herself for treatment."

d. "In the course of my treatment of [Ms. B] I learned that in May, prior to her admission to the hospital her husband, [Mr. B] had physically abused her following years of verbal and emotional abuse. [Ms. B] was diagnosed as .suffering from Major Depression, Single Episode and Post Traumatic Stress Disorder."

b. "The verbal and emotional abuse was perpetrated in front of the children."

c. "Husband had been verbally and emotionally abusive to the children in the past."

d. "It was and is my professional opinion that since father had been verbally and emotionally abusive with his children in the past and since he was allegedly physically abusive to my patient as well, that leaving the children with him unsupervised would create an unsafe environment for them."

e. "At the time of my treatment of Sue I instructed her to make arrangements for her children while she was in the hospital so they would not be left alone with dad. If she did not, I would, as a mandated reporter, have been obligated to make a report of neglect to the Department of Human Services. Sue made arrangements for the children not to be alone with dad."

20. All of the information which Respondent related in the affidavit and which was the basis for the opinions he asserted had been told to Respondent by Ms. B. Respondent had no other source of that information.

21. Psychologists are to provide written reports or testimony of the psychological characteristics of an individual only after they have conducted an examination of the individual adequate to support their statements of conclusions. When such an examination is not feasible, psychologists are to clarify the impact of their limited information on the reliability and validity of their reports and testimony and they are to appropriately limit the nature and extent of their conclusions or recommendations.

22. Respondent's November 8, 1994, affidavit expresses professional opinions about Mr. B and the children of Mr. and Ms. B and implies that Respondent had sufficient professional bases upon which to form the stated opinions. The affidavit does not state that Respondent had never met either Mr. B or the children. Respondent should have specified in the November 8, 1994, affidavit that the reports and conclusions in the affidavit were limited by that lack of contact and lack of additional information.

CONCLUSIONS OF LAW

1. The Psychology Examining Board has jurisdiction over this matter pursuant to

§ 455.09, Stats.

2. The Wisconsin Psychology Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent's conduct, as described above in Count I above, is the failure to avoid a dual relationship, which constitutes unprofessional conduct as defined by Wis. Adm. Code § PSY 5.01 and subjects Respondent to discipline pursuant to § 455.09(1)(g), Stats.

4. Respondent's conduct, as described above in Count II above, is the reporting of misleading psychological information, which constitutes unprofessional conduct as defined by Wis. Adm. Code § PSY 5.01 (7) and subjects Respondent to discipline pursuant to § 455.09(1)(g), Stats.

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ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. As discipline for Count I, Respondent shall take and complete a one day program on the topic of appropriate boundaries in professional relationships.

2. Respondent has met the requirement of the preceding paragraph by having taken and completed "Professionals at Risk: Ethical Boundaries in Relationships" in November of 1997.

3. As discipline for Count II, Respondent, is hereby REPRIMANDED, effective immediately

The rights of a party aggrieved by this Decision to petition the Section for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 13th day of April, 1999.

Stephen F. Seaman, Ph.D.

Chair

Psychology Examining Board

