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**BEFORE THE ARIZONA BOARD  
OF BEHAVIORAL HEALTH EXAMINERS**

In the Matter of:

William B. Murnighan, LISAC-10531,  
Licensed Independent Substance Abuse  
Counselor,  
In the State of Arizona.

**RESPONDENT**

**CASE NOS.  
2019-0050 & 2019-0153**

**CONSENT AGREEMENT  
FOR VOLUNTARY SURRENDER**

In the interest of a prompt and speedy settlement of the above captioned matter, consistent with the public interest, statutory requirements and responsibilities of the Arizona State Board of Behavioral Health Examiners ("Board"), and pursuant to A.R.S. §§ 32-3281(F) and 41-1092.07(F)(5), William B. Murnighan ("Respondent") and the Board enter into this Consent Agreement, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

**RECITALS**

Respondent understands and agrees that:

1. Any record prepared in this matter, all investigative materials prepared or received by the Board concerning the allegations, and all related materials and exhibits may be retained in the Board's file pertaining to this matter.

2. Respondent has the right to a formal administrative hearing at which Respondent can present evidence and cross examine the State's witnesses. Respondent hereby irrevocably waives their right to such formal hearing concerning these allegations and irrevocably waives their right to any rehearing or judicial review relating to the allegations contained in this Consent Agreement.

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

3           4.     Respondent acknowledges and agrees that upon signing this Consent  
4 Agreement and returning it to the Board's Executive Director, Respondent may not  
5 revoke their acceptance of this Consent Agreement or make any modifications to it. Any  
6 modification of this original document is ineffective and void unless mutually approved  
7 by the parties in writing.

8           5.     The findings contained in the Findings of Fact portion of this Consent  
9 Agreement are conclusive evidence of the facts stated herein between only Respondent  
10 and the Board for the final disposition of this matter and may be used for purposes of  
11 determining sanctions in any future disciplinary matter.

12           6.     This Consent Agreement is subject to the Board's approval, and will be  
13 effective only when the Board accepts it. In the event the Board in its discretion does  
14 not approve this Consent Agreement, this Consent Agreement is withdrawn and shall  
15 be of no evidentiary value, nor shall it be relied upon or introduced in any disciplinary  
16 action by any party hereto, except that Respondent agrees that should the Board reject  
17 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no  
18 claim that the Board was prejudiced by its review and discussion of this document or of  
19 any records relating thereto.  
20

21           7.     Respondent understands that once the Board approves and signs this  
22 Consent Agreement, it is a public record that may be publicly disseminated as a formal  
23 action of the Board, and that it shall be reported as required by law to the National  
24 Practitioner Data Bank.  
25



1           7.     In the same 02/02/18 letter, Respondent also made recommendations  
2 regarding family reunification and Mother's "alcoholism."

3           8.     Respondent did not ever meet with or provide behavioral services to  
4 Mother.

5           9.     On 09/06/18, after Mother became aware that Respondent was treating  
6 her children, Mother called Respondent and left a voicemail requesting her children's  
7 treatment records.

8           10.    Respondent contends that at the time, he believed that Mother was aware  
9 that he was providing behavioral health services to the Children.

10          11.    On 09/12/18, Respondent returned Mother's call and left a voicemail  
11 indicating that he was going to decline providing the records as it was not in the best  
12 interest of the children.

13          12.    It is Respondent's contention and belief that he was not required to turn  
14 over Children's medical records to Mother because Respondent determined that access  
15 to the medical records by the Mother was reasonably likely to cause substantial harm to  
16 the Children pursuant to A.R.S. § 12-2293(B)(3).

17          13.    Although Respondent noted in the Children's file that he declined to turn  
18 over the medical records requested by Mother because he did not believe it was in the  
19 Children's best interest, Respondent failed to cite A.R.S. § 12-2293(B)(3) in connection  
20 with his determination to deny access to records in the Children's file.

21          14.    In addition, Respondent did not provide a written explanation to Mother for  
22 the reason of his denial.  
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1 15. Respondent is licensed by the Board as a LISAC and as such, his scope  
2 of practice is limited to substance abuse, chemical dependency issues and related  
3 problems.

4 16. In review of the children's clinical records, there is very little information  
5 that suggested Respondent was providing services limited to substance abuse,  
6 chemical dependency and related problems.

7 17. Respondent believed that he was providing services to the Children which  
8 were within the scope of a LISAC license based on his understanding and interpretation  
9 of A.R.S § 32-3251(12).  
10

11 **Case No. 2019-0153**

12 18. Pursuant to the Board's definitions, the practice of substance abuse  
13 counseling includes the application of counseling theories to persons, or families of  
14 those persons, who experience substance abuse, chemical dependency or related  
15 problems.

16 19. The Board reviewed Respondent's private practice website and  
17 Psychology Today profile which appeared to advertise for services which were beyond  
18 the scope of a substance abuse counselor.

19 20. Respondent has since voluntarily taken down his private practice website  
20 and Psychology Today profile in response to the Board's concerns that Respondent's  
21 advertised services were beyond the scope of practice of a substance abuse counselor.  
22

23 21. Given the appearance that Respondent's advertised services appeared to  
24 be beyond the scope and confines of a substance abuse counselor, Board staff reviewed  
25 10 randomly selected files of Respondent's caseload of 106.

1           22.     3 of the 10 reviewed files were out of scope as they contained behavioral  
2 health services that were unrelated to substance abuse, chemical dependency and  
3 related problems.

4           23.     It is Respondent's contention and belief that he was providing services  
5 which were within the scope of a LISAC license based on his understanding and  
6 interpretation of A.R.S § 32-3251(12).

7           24.     In review of the 10 randomly selected files, none of the files contained  
8 Consent for Treatment forms, and Respondent's Treatment Plans failed to include all  
9 the required elements.

10           25.     After speaking with the Board regarding the deficiencies noted in his files,  
11 Respondent worked with Board staff to draft and implement Consent for Treatment  
12 forms and Treatment Plans which comply with the requirements of A.A.C. R4-6-1101  
13 and A.A.C. R4-6-1102.

14           26.     In one client file examined by Board staff, a client ("Client") reported  
15 multiple self-harming behaviors including food restriction, self-inflicted cutting, and the  
16 urge to self-harm from approximately 12/16 to 05/17.

17           27.     Although Respondent documented Client's self-harming behaviors, the  
18 clinical record does not demonstrate that Respondent developed a safety plan or  
19 implemented other methods and strategies to mitigate and treat Client's self-harming  
20 behaviors.

21           28.     Respondent contends that in his professional determination, he did not  
22 believe that Client's self-harming behaviors were life-threatening or required further  
23 assessment.  
24  
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1 CONCLUSIONS OF LAW

2 1. The Board has jurisdiction over Respondent pursuant to A.R.S. § 32-3251  
3 *et seq.* and the rules promulgated by the Board relating to Respondent's professional  
4 practice as a licensed behavioral health professional.

5 2. The conduct and circumstances described in the Findings of Fact  
6 constitute a violation of A.R.S. § 32-3251(16)(m), engaging or offering to engage as a  
7 licensee in activities that are not congruent with the licensee's professional education,  
8 training or experience.

9 3. The conduct and circumstances described in the Findings of Fact  
10 constitute a violation of A.R.S. § 32-3251(16)(kk), failing to make client records in the  
11 licensee's possession promptly available to the client, a minor client's parent, the  
12 client's legal guardian or the client's authorized representative on receipt of proper  
13 authorization to do so from the client, a minor client's parent, the client's legal guardian  
14 or the client's authorized representative.

15 4. The conduct and circumstances described in the Findings of Fact  
16 constitute a violation of A.R.S. § 32-3251(16)(l), engaging in any conduct, practice or  
17 condition that impairs the ability of the licensee to safely and competently practice the  
18 licensee's profession.

19 5. The conduct and circumstances described in the Findings of Fact  
20 constitute a violation of A.R.S. § 32-3251(16)(p), failing to conform to minimum practice  
21 standards as developed by the Board as it relates to:  
22

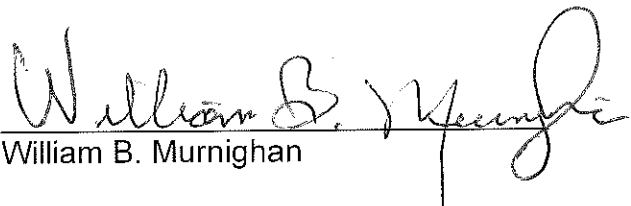
- 23  
24 a. A.A.C. R4-6-1101, Consent for Treatment.  
25 b. A.A.C. R4-6-1102, Treatment Plan.

1 ORDER


2 Based upon the foregoing Findings of Fact and Conclusion of Law, the parties agree to  
3 the provision and penalties imposed as follows:

- 4 1. Respondent's license, LISAC-10531, shall be surrendered to the Board,  
5 effective from the date of entry as signed below.  
6 2. The surrender shall be considered a revocation of Respondent's license.

7 **PROFESSIONAL ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

8  
9  
10  3/5/2020  
11 William B. Murnighan Date

12 **BOARD ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT**

13  
14  
15  
16 By:  05/12/20  
17 TOBI ZAVALA, Executive Director Date  
18 Arizona Board of Behavioral Health Examiners

19 **ORIGINAL** of the foregoing filed  
this 12<sup>th</sup> day of May, 2020, with:

20 Arizona Board of Behavioral Health Examiners  
21 1740 West Adams Street, Suite 3600  
Phoenix, AZ 85007

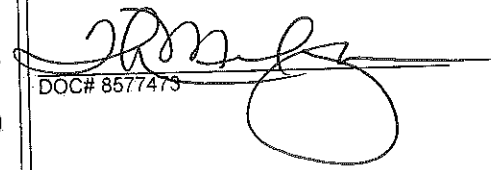
22 **EXECUTED COPY** of the foregoing mailed/emailed  
23 this 12<sup>th</sup> day of May, 2020, to:

24 William B. Murnighan  
25 Address of Record  
Respondent



1 Sara Stark  
2 Chelle Law, PLC  
3 11811 N. Tatum Blvd., Ste. 3031  
4 Phoenix, AZ 85028  
5 Attorney for Respondent

6 Marc Harris  
7 Assistant Attorney General  
8 2005 North Central Avenue  
9 Phoenix, AZ 85004

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