

VIRGINIA BOARD OF DENTISTRY**CONFIDENTIAL CONSENT AGREEMENTS (“CCAs”)**

CCAs may only be used in cases involving minor misconduct, where there is little or no injury to a patient or the public and little likelihood of repetition by the practitioner. *See* Va. Code § 54.1-2400(14).

If a licensed practitioner has entered into two CCAs involving standard of care violations within the ten year period immediately preceding the Board’s receipt of the most recent report or complaint being considered, that licensed practitioner will be subject to public discipline unless the Board determines facts or circumstances exist to rebut the presumption for public discipline. *See* Va. Code § 54.1-2400(14).

Consideration of whether a CCA may or should be used is addressed in probable cause reviews. A probable cause reviewer may recommend use of a CCA to address one or more minor or technical violations. Those violations include:

- advertising violations;
- continuing education violations*;
- recordkeeping violations;
- inadequate communication with a patient or patients;
- standard of care findings when there was little or no injury;
- practicing with a lapsed license up to 90 days;
- failure to post a required license, credential or certificate;
- failure to file and maintain an OMS profile;
- OHSA standard violations;
- expired drug stock; and
- releasing records improperly or refusing to release records.

The offered CCA will include a finding that a violation occurred, will direct that the licensee institute or cease a certain practice, and may require continuing education.

CCAs will only be considered during probable cause review stage and shall not be considered once a notice is executed.

When staff receives a decision by a probable cause reviewer to offer a CCA for a matter in which standard of care violations are to be addressed, staff will review the licensee’s history to determine if two such CCAs have been entered. If a licensee has already entered two CCAs which address standard of care violations, staff will confer with the probable cause reviewer on the action to be taken.

* As addressed in Guidance Document: 60-5