

## Virginia Board of Social Work

### Confidential Consent Agreements

Health regulatory boards may resolve certain allegations of practitioner misconduct by Confidential Consent Agreement (“CCA”). This agreement may be used by a board in lieu of public discipline, but only 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. A CCA may be offered and accepted any time prior to the issuance of a notice of informal conference by the board. By law, the agreement document must include findings of fact and may include an admission or a finding of a violation and may be considered by a board in future disciplinary proceedings. A CCA, however, is not a public document, and cannot be disclosed by either the Board or the practitioner. *See Va. Code § 54.1-2400(14).*

A CCA cannot be used if the board determines probable cause exists that the practitioner has (i) demonstrated gross negligence or intentional misconduct in the care of patients, or (ii) conducted his/her practice in a manner as to be a danger to patients or the public. Additionally, only two CCAs may be entered into by one practitioner in a 10 year period. *Id.*

The Board of Social Work adopted the following list of violations that may qualify for resolution by a CCA.

Type of violation	Example
<b>Advertising</b>	A licensee or certificate holder using the title “Dr.” without specifying “Ph.D.,” “Ed.D.,” or similar designation.
<b>Continuing education</b>	Insufficient or improper coursework to meet requirements. CCAs will not, however, be used in instances where a licensee untruthfully reported compliance.
<b>Record keeping</b>	Failure to record in a timely fashion; omission or inaccurate recording of dates, names, or times; and illegibility to the point of reasonably being unreadable.
<b>Inadvertent breach of confidentiality</b>	Providing information about a client to another person without authorization. For example, responding to “what time is my wife’s appointment?” Such response acknowledges that the licensee is treating the individual.
<b>Failure to report a known violation</b>	A licensee failing to report a known violation after being instructed by a non-licensee supervisor not to report.
<b>Fees and billing issues</b>	Charging more than originally agreed upon. This would also apply to unintentionally billing for the wrong date(s).
<b>Practicing on an expired license for 90 days or less</b>	Failure to renew but continuing to practice.