

# NASW PROFESSIONAL REVIEW

## CONFIDENTIALITY PLEDGE / STATEMENT OF UNDERSTANDING

All parties involved in the professional review process are required to maintain strict standards regarding confidentiality. This confidentiality requirement pertains to all products and proceedings, including information that the Request for Professional Review (RPR) has been filed, the substance and content of the RPR, the report, hearings, mediation, appeals, discussion-associated correspondence, and outcomes. The restrictions do not apply to a party's right to confer with legal counsel.

### ALLEGED BREACHES OF CONFIDENTIALITY

1. The Complainant, Respondent, or a chapter may inform the National Ethics Committee (NEC) that they believe confidential information is being revealed unnecessarily. The NEC may then take whatever action it deems appropriate to remedy the concern.
2. If a party breaches confidentiality, the NEC may consider the following remedies: issue letters of warning, terminate the proceedings, or void the process. A decision to terminate proceedings may be appealed by either participant.
  - a. Breaches of confidentiality by a Respondent may result in a new RPR filed against the Respondent under sections 1.07(a) or (b), 2.02, 5.01(a) or (b) of the NASW *Code of Ethics*.
  - b. If the NEC determines that the Complainant has breached confidentiality, the NEC may demand that, within ten (10) business days of the Complainant's receipt of the demand letter, all confidential materials be immediately removed from the sources to whom they were given or made unavailable for use by any other source. Proof of the actions taken to withdraw or have documents sealed must be sent to the NEC. If such proof is not delivered to the NEC within thirty (30) business days of the date of the demand letter, the NEC may take action to terminate or void the professional review process.

### EXCEPTIONS

**Research purposes.** Professional review data may be accessed by approved researchers and reported in aggregate form. Research must be approved by the NEC following review of research proposals from qualified researchers. The researchers will ensure that there is no identifying information in any published reports.

**Acquiring relevant evidence.** If it becomes necessary to provide information regarding the proceedings to acquire relevant evidence, the parties must abide by the following procedures:

1. Parties may disclose the fact that a professional review is underway.
2. Parties must disclose the least amount of information necessary to achieve the desired purpose; only information that is directly relevant to the purpose for which the disclosure is made should be revealed.
3. Parties will not disclose identities of other participants or any other identifying features.
4. The RPR and supporting statement may not be given to witnesses or any parties not directly involved with the professional review matter.

**Disclosure of involvement by Respondent prior to issuance of the Final Report or conclusion of mediation proceedings.** Respondents may acknowledge their involvement in professional review when required to do so by employers, provider panels, insurers, licensing bodies, and others who have a legitimate need to know in order to make decisions that can affect the Respondent's ability to practice. Under such circumstances, the Respondent will provide no more than the minimal necessary documentation. *Minimal necessary documentation* is defined as acknowledgment of the existence of an RPR, a summary of the allegations, an explanation of the status of the proceedings, and a copy of the Respondent's response (if submitted) to the allegations contained in the RPR. All identifying information regarding parties, sources of evidence, and witnesses must be obscured.

**Disclosure of Hearing Panel conclusions.** Respondents may report the conclusions of a Hearing Panel when required to do so by employers, provider panels, insurers, licensing bodies, and others who have a legitimate need to know in order to make decisions that can affect the Respondent's ability to practice. Under such circumstances, the Respondent will provide no more than the minimal necessary documentation. *Minimal necessary documentation* is defined as the following sections of the Final Report: the Summary of the Complaint, the Summary of Findings, Conclusions, and Recommendations. All identifying information regarding parties, sources of evidence, and witnesses must be obscured.

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**Disclosure of Hearing Panel conclusions to consultants and/or witnesses.** The Complainant or Respondent may inform consultants and/or witnesses who testified on their behalf of the conclusions and recommendations. Consultants and/or witnesses are expected to keep this information confidential.

**Mediation agreements:** A final mediation agreement may include permission to release specific information. Only the information specified in this agreement may be released. Furthermore, the agreed-upon content may be given only to individuals or agencies specifically identified in the final agreement.

**Applicable state or federal law.** Information regarding professional review proceedings may be released when disclosure is required by state or federal law or regulation.

#### **USE OF CONFIDENTIAL INFORMATION DURING THE PROFESSIONAL REVIEW PROCESS**

**Complainant's agreement to release confidential documents.** By engaging in this process the Complainant agrees that they are

- authorizing the release of their confidential information for use in the professional review proceedings.
- authorizing the release of confidential information about the Complainant or the issues raised in the RPR that is in the custody of the Respondent.
- permitting the Respondent to use and disclose confidential information contained in confidential clinical notes to prepare a response to the RPR and participate fully in the professional review process.

**Full disclosure. By engaging in this process the Complainant agrees to** provide any and all facts and information that are material and necessary to the issues or allegations at hand so long as the provision of such facts and information would not violate any applicable laws. Complainant understands that it is their responsibility to obtain any additional consents necessary for the release of confidential information.

The information I have provided in this RPR and supporting statement is true and correct, and I am able and willing to assert under oath that this is true.

**Documents submitted as evidence by either participant.** Any confidential documents submitted as evidence must be accompanied by a signed release of information. The Respondent may submit confidential documents pertaining to the Complainant in accordance with the terms of the Confidentiality Pledge/Statement of Understanding.

**Discussion of pertinent confidential records.** The Complainant's RPR represents permission for the panel, Respondent, and consultants to discuss confidential records approved for consideration at the hearing.

**I understand and agree to abide by the statement regarding confidentially, and agree to abide by the above Confidentiality Pledge/Statement of Understanding.**

NAME (PRINTED): \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE REQUEST FILLED: \_\_\_\_\_

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**National Ethics Committee**  
**National Association of Social Workers ■ 750 First Street, NE, Suite 800, Washington, DC 20002**