

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 has been filed, the substance and content of the RPR, the Report, 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. Either party or a Chapter may inform the NEC that he or she believes information is being revealed unnecessarily. The NEC may then take whatever action it deems appropriate to remedy the concern.
2. Breaches of confidentiality may result in letters of warning, a termination of proceedings, or the voiding of 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 Request for Professional Review 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) days of the Complainant's receipt of the demand letter, all confidential materials must 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) 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. Identifying information will be removed from any shared data.

Acquiring relevant evidence. If it becomes necessary to provide information regarding the proceedings to acquire relevant evidence, the following are the guidelines:

1. Participants may disclose the fact that professional review is under way.
2. Participants 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. Participants shall 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 shall 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 shall provide no more than the minimal necessary documentation. Minimal necessary documentation is defined as these sections of the Final Report: the Summary of the

Complaint and the Summary of Findings, Conclusions, and Recommendations. All identifying information regarding parties, sources of evidence, and witnesses must be obscured.

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 to release confidential records for review by the Hearing Panel Chairperson who will determine if that evidence will be used in the proceedings.

Documents submitted as evidence by either participant. Any confidential documents submitted as evidence must be accompanied by a signed release of information.

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 confidentiality as set forth above and will treat all associated materials and processes confidentially.

NAME (PRINTED): _____

SIGNATURE: _____ DATE REQUEST FILED: _____

By using the professional review process, I agree that I will accept the decision on the last appeal as final and binding. I further agree that I will not challenge the final outcome or the process of achieving the outcome, except for the following reasons: gross misconduct by the Hearing Panel, serious violation of procedural requirements that negatively affected the outcome, and violation of applicable public law or policy.

I have read, understand, and agree to abide by the above Confidentiality Pledge/Statement of Understanding.

NAME (PRINTED): _____

SIGNATURE: _____ DATE: _____

National Ethics Committee
National Association of Social Workers
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