

MARCH/APRIL 1998 • VOLUME 28 • NO. 2

EAP ASSOCIATION

Exchange

The Magazine of the Employee Assistance Professionals Association



**The EAP Core
Technology:
What Really
Makes Us Tick**

**EAPs and
Managed/Health
Care Laws**

**What EAPs
Alone Can Do
for Supervisors**

**Why You Need
the EAP Core
Technology Now**

INSIDE: EAPA EXCHANGE EDITORIAL POLICY GUIDELINES

ANNOUNCING CALL FOR NOMINATIONS FOR EAPA AWARDS

Award descriptions and criteria for nomination can be found starting on page xliti of your 1998 EAPA Member Resource Directory.

Recognizing EAPA members who have encouraged high standards within the field is an important part of membership in EAPA. Award nominations are open to all members and chapters. Please address your nominations to the attention of Gregory De Lapp, CEAP, President-Elect, EAPA, 2101 Wilson Boulevard, Suite 500, Arlington, Virginia 22201-3062. Nominations should be received by close of business June 30, 1998.

Include the name of the nominee, name of award to be considered for, description of what this person has done to receive the award, and any personal stories regarding the nominee as well as background of the nominee, your name, address, telephone number, and any other pertinent information. EAPA Regional Directors will serve as judges; see page xxviii of the 1998 EAPA Member Resource Directory for a list of Regional Directors.

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Applications must be postmarked by **April 27, 1998**. FAXED COPIES WILL NOT BE ACCEPTED. Proposals submitted after this date may not be considered until the 1999 planning cycle.

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Front Desk

This month's message is from EAPA Exchange Advisory Committee Member Tamara Cagney, CEAP, who helped coordinate this issue.

Necessity: Still the Mother of Invention

Each profession has its own personality, and I tend to think that most EA professionals are very accommodating and open to new ideas. In fact, some of our critics would say we can be too accommodating when we assume so many responsibilities within an organization.

As managed care influences the healthcare system, encouraging more and more states to license their healthcare staff—such as EA professionals—some of us have been wondering if this spirit of accommodation would work us right out of existence. "We must clearly define what an EAP is," we said, wondering all the while if we could ever come to an agreement among ourselves. Then a very wonderful thing happened.

EAPA President Don Magruder appointed an ad hoc Task Force on EAP Definitions and Health/Managed Care Laws to establish an official EAPA position that would represent all sectors of the EAP profession. The task force developed a landmark document (which you will find on page 15 of this issue) to help those EA professionals who were fighting to get EAPs recognized as programs whose functions and services should not be covered by healthcare or managed care laws. In doing so, we made a wonderful discovery: We had created an outline that would help others understand more clearly what EA professionals do and how the core technology influences our work!

This chart is just a first step in further defining EAPs. No doubt, many of you will review it and have some recommendations for further changes. Please direct your comments to Legislative and Public Policy Director Sheila Macdonald at 703-522-6272, ext. 309.

This issue of the *EAPA Exchange* should become a powerful tool for all EAPA members who recognize that licensure and greater recognition for the EAP field rest on our success in helping others understand our work and its effects on the workplace. Many thanks to all those who contributed articles. Additional items of interest in this issue include an introduction to the current EAPA Headquarters staff, described in COO Sylvia Straub's column on page 6, minutes from and motions proposed during the November 1997 EAPA Board of Directors meeting in Baltimore, and many lively reports from our EAPA committees.

As always, the *EAPA Exchange* Advisory Committee encourages you to share your views. If you have news or a comment, please send a letter to the editor, c/o EAP Association, 2101 Wilson Boulevard, Suite 500, Arlington, Virginia 22201.

Sincerely,

Tamara Cagney, CEAP
Member
EAPA Exchange Advisory Committee
tcagney1@aol.com

Exchange

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Measuring EAP Effectiveness
and Utilization

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President's Page

Step 3: Mission Possible

by Don Magruder, CEAP

In November 1997, I proposed that we EAPA members devise a program that would help us work more effectively as an Association. Those steps I've described so far include:

Step 1: Diverse though our interests and backgrounds are, we have much in common as EAPA members. We are drawn together as an Association by our common belief in the benefits of helping people through employee assistance.

Step 2: Recognizing that our greatest strength comes from working together, we will work side-by-side as brothers and sisters to lead the EAP field and promote its benefits to the working world.

Now for the Next Step—

Step 3: We will focus only on those projects and issues that support the EAPA mission: *To promote the highest standards of practice and the continuing development of EA professionals, programs, and services.*

In keeping with our mission, this issue of our *EAPA Exchange* is devoted to explaining the core technology and other EAP concepts. We all know that managed care is changing the way America looks at its healthcare providers, including EA professionals. Many managed care companies are requiring that their healthcare providers be licensed. States are stepping up their efforts to require licensure. And EAPA is fighting to have the CEAP credential recognized as the basis for licensure of EA professionals.

Sounds like a shoo-in for us, right? Not necessarily. For years EA professionals have been incorporating additional responsibilities within the

workplace to increase their value to the corporation. Now, for purposes of licensure, we've been asked to clarify our EAP definitions. In doing so, we have distinguished between the core technology with its EAP-related services and those services that are truly outside our realm. We are literally stripping away everything that is not EAP-based so that managed care organizations (MCOs) and states can understand where EAP work begins and where it ends. There are big stakes involved because some of the "additional responsibilities" I mentioned earlier could be governed by state healthcare laws or managed care laws.

The EAPA Legislative and Public Policy (L&PP) Committee, who selflessly devoted their time to clarifying these boundaries, has developed the chart on page 15 of this issue. This chart is our first successful attempt in the 1990s to define what EAP work is. Hats off to L&PP members as well as L&PP Director Sheila Macdonald who have provided extraordinary leadership to EAPA.

Back to the Basics

The L&PP Committee emphasized the importance of EAPA's strengthening its commitment to the core technology. Some years ago, EAP researcher Paul Roman noted that a "core" of EAP functions must be present for an EAP to be successful. Dubbed the "core technology," these functions have become the foundation of an effective EAP. In fact, in his article for EAPA's 25th anniversary commemorative journal, EAPA Research Chair Kirk Harlow noted that research supports the idea that the core technology functions are an integral part of effective EAPs.



DON MAGRUDER, CEAP
EAPA President

After the L&PP Committee developed and refined the EAP definitions, it then refined the language of the core technology to increase its clarity. I urge every EAPA member to take a few minutes to review the interactive chart and the adjustments made to the language of the EAP core technology. After careful review, the EAPA Board approved these new definitions and the committee's adjustments so that EA professionals and those outside the field—particularly legislators—would understand who we are and what we do.

There has never been a more important time for EAPA members to focus on strengthening our Association. The best way to do that is by following the philosophy contained in EAPA Step 3. First, we can continue to emphasize that truly effective EAPs are based on the core technology and help our clients understand that concept. Second, those products and services we decide to fund must encourage the highest standards of practice and the continuing development of EAPs. Every Board decision must offer this same promise.

In the not very distant past, EAPA hit a "bump in the road" with its finances. Now that we have strengthened our financial capability, we must walk cautiously to avoid slipping back into bad habits. You can be sure that the EAPA Board will want to act with this same commitment to the EAPA mission. You and more than 7,000 individuals and corporations have entrusted EAPA to act on your behalf. Our decisions will become much easier when we all remain focused on the EAPA mission. ☺

Next: *The next step*

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From the COO

EAPA Staff Working on Your Behalf at Headquarters

by Sylvia Straub, Chief Operating Officer

No one knows better than employee assistance professionals the importance of workplace atmosphere and its effect on the well-being of employees and the strength of organizations. EAPA is truly blessed with a staff of dedicated, hard working employees who care about the Association and routinely "go the extra mile" for EAPA. We value teamwork and an atmosphere conducive to doing our best.

Below is some "first person" information about the staff that the regional directors have asked that we share with you. So here goes.

Hoda Abida. Resource Center Intern. (temporary, part time) I am an 18-year-old senior at Wakefield High School



in Arlington, Virginia. I have been working for EAPA since March 1997 as the Resource Center manager's assistant. Most of my duties involved filling and

taking orders for publications and other materials made available through the Resource Center. I got this job through my business teacher at school. It will help me get the credits I need to graduate with an advanced diploma.

William Blake. Resource Center Assistant. (temporary, part-time) I have been working part-time at EAPA since November 1997. My job duties include filling publications orders and



organizing the workroom for various departments. In

my spare time, I like to be with friends and enjoy playing basketball and remodeling cars.

David Brand. Administrative Assistant. (temporary) I started as an intern with the Legislative and Public Policy Department in July 1996 and worked on the 1996 Annual Conference and the 1997 Public Policy Conference. My responsibilities included maintain-



ing the department's files and committee lists, as well as assisting with substance abuse professional (SAP) and confidentiality training courses held during the 25th Annual Conference. I returned to EAPA in fall 1997 to provide support for all departments. I hold a master's degrees in political science.

Anthony Brown. Certification Assistant. I have worked as certification assistant at EAPA for a little more than a year. My job requires me to support the certification manager and the certification director. My responsibilities include preparing and mailing information packets, coordinating mass mailings, and receiving pre- and post-approvals for professional development hours (PDHs). I have prior experience in printing and in customer service.



Cobran Brown. Resource Center Graduate Intern. (temporary, part-time) I am a student at the University

of Maryland MSW program. I've been with EAPA since September 1997 and recently updated the EAPA study guides. I have 13 years of experience in substance abuse counseling, case management, and child protective services and am greatly anticipating the completion of my MSW in May.



Joni Reed Cooley, CEAP, Director, Certification Department. I have served as EAPA's Certification Director since 1995. Prior to joining EAPA, I worked in EAP with Personal Performance Consultants (PPC). A native of Iowa, I have managed county crisis hotline services and directed special academic programs for a state university in Ohio. I now oversee the Certification Department, working closely with the EACC to operationalize their CEAP certification and recertification policies.



Sheree Clayton Thomas. Director, Finance Department. I manage the financial activities of the Association to ensure financial viability and compliance with regulations pertaining to finance. My responsibilities encompass the entire accounting cycle, including financial statements such as monthly reports to the Board. I manage EAPA's strategic investment plan, the external audit process, cash assets, and the budget process. I also administer employee benefits, insurances, and compliance with governmental personnel regulations. I hold an MBA with a specialty in accounting.

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SYLVIA STRAUB
Chief Operating Officer

Sheree Clayton Thomas. Director, Finance Department. I manage the financial activities of the Association to ensure financial viability and compliance with regulations pertaining to finance. My responsibilities encompass the entire accounting cycle, including financial statements such as monthly reports to the Board. I manage EAPA's strategic investment plan, the external audit process, cash assets, and the budget process. I also administer employee benefits, insurances, and compliance with governmental personnel regulations. I hold an MBA with a specialty in accounting.



Mary Craigie. Director, Member Services Department. I have just begun my 13th year with EAPA. I joined EAPA when the Association's acronym was ALMACA. My job

Katina Doulis. Receptionist. I have been employed at EAPA since July 1997. I have an associate degree in applied science and have over 15 years of experience as a receptionist. My duties here include answering incoming calls, transferring calls and e-mails to the appropriate people, and performing various other duties as needed. I am married and have two cats.



Jeff Durkin. Assistant to the Board and COO, Manager of Information Systems, Office Manager. I began working at EAPA in March 1995, having spent the previous year at the U.S. Department of Defense. Originally hired to serve as office manager and assistant to the COO and the Board, I quickly saw my role expand to include that of computer technician and more recently, Webmaster. These more recent roles include maintaining the computer and other information systems, providing software and graphics



Leesa Kuo. Convention Manager I came to EAPA in 1995 as a consultant to the Conferences and Exhibits Department and was made a full-time staff member in July 1997. I work on the Annual, Public Policy, and District Conferences and I am the staff liaison to the Education and Training Committee. Prior to joining EAPA, I worked for an association management company and the American Institute of Ultra Sound in Medicine.

Marilyn Lowrance. Advertising Manager (temporary, part-time) I joined EAPA in April 1997 as advertising manager for the EAPA Exchange. With an MBA in marketing, I have worked in corporate marketing and as director of marketing for a California ad agency. In my spare time, I serve on three boards of directors. I have a passion for reading, swimming laps, and walking my dogs. I have two German shepherds, two cats, and an assortment of fish, frogs, and lizards. My seven-year-old son adores the menagerie!



Joe Gentile. Legislative and Public Policy Intern. (temporary, part-time) I have been working at EAPA as the legal research intern since June 1997. My main duties are to assist the L&PP director and to do research for the department. I am currently in my second year at George Washington Law School. At the University of Maryland, I majored in economics and Italian language and literature.

design support for the staff, and performing all the programming, design, and graphics tasks connected with the Web site.

Leesa Kuo. Convention Manager I came to EAPA in 1995 as a consultant to the Conferences and Exhibits Department and was made a full-time staff member in July 1997. I work on the Annual, Public Policy, and District Conferences and I am the staff liaison to the Education and Training Committee. Prior to joining EAPA, I worked for an association management company and the American Institute of Ultra Sound in Medicine.



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organizing the workroom for various departments. In my spare time, I like to be with friends and enjoy playing basketball and remodeling cars.

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Sheila Macdonald, Director, Legislative and Public Policy Department. I was a Washington-based lobbyist for more than 25 years before joining EAPA in 1994. I am the Association's link to Congress, the executive branch, and national legislative coalitions. Working with EAPA's L&PP Committee, I am involved in the development of EAPA's major public policy initiatives, such as the model EA licensure act and EAPA's new position on EAPs and health laws. I have, at the request of the Board, managed the development of the Supreme Court brief on *Jaffe v Redmond* and the Lucky Stores-ADA Fact Sheet. I am also staff coordinator for the Public Policy Conference in Washington, DC.



Ruth Maupin, Accounts Receivable Manager. I handle all receipts of revenue that come to the Association. I have been with EAPA since 1991. I started in the Certification Department on a temporary assignment. When an opening in the Finance Department became available, I was given a permanent position due to my background in finance.



Ellen Miller, Director, Conferences Department. I was hired by EAPA in May 1983 to work in the Membership Department and attended my first conference that fall where I worked in the registration booth and did other odd jobs. Eventually, I was promoted to assistant to the conference director to work on regional conferences and the annual conference. In 1992, I was promoted to conference manager and in 1994 to conference director. In May I will celebrate 15 years with ALMACA/EAPA. Before joining EAPA, I was a directory assistance operator/manager for AT&T.



Juanita Padgett, Manager, Membership Section. My employment with EAPA began in 1989. My primary duties include responding to membership questions regarding renewals, new member applications, and address changes and providing assistance to over 100 EAPA chapters. Before joining EAPA, I worked as a cashier/photographer assistant for an instant photo center which specialized in passport photos. I enjoy spending time with my family, reading, and going to the movies.



Kay Springer, Director, Communications and Editor of the Exchange. I have been with EAPA since May 1994. In addition to editing the *EAPA Exchange*, I handle all media inquiries, and supervise the magazine advertising and the Resource Center. A native of Washington, D.C., I have been in the communications field since 1970. I first became interested in EAPs while working at the American Red Cross National Headquarters in the 1980s. I was asked to publicize the organization's first EAP and got a close look at the many benefits EAPs offer.



Sylvia Straub, Chief Operating Officer. I have been with EAPA since September 1994. My primary responsibilities are to work with staff to operationalize the policies of the Board of Directors, to manage the international headquarters office and handle all staffing and staffing matters for the Association. I have 24 years of non-profit management experience and enjoy assisting the Association in reaching its goals. I hold the CAE (certified association executive) credential from the American Society of Association Executives.




Dan Taylor, Resource Center Manager. I began working at EAPA in September 1997, after retiring from a 22-year career as a U.S. Marine. My responsibilities include providing consultation regarding EAP matters, managing the production of publications, informational packets and study guides. I have over 10 years of experience as an EAP and substance abuse counselor in the U.S. Department of Defense. I hold an MA in psychological services and counseling and am an internationally certified drug and alcohol counselor and certified addictions counselor.



Nicole Whitlock, Accounts Payable Manager. I handle all accounts payable functions for EAPA. I came to the Association in September 1996 during Ruben Durand's absence. I joined EAPA's permanent staff in December 1996 after Ruben's untimely death. I have six years of accounting experience, and although the circumstances surrounding my employment were bittersweet (with the loss of Ruben), I feel I quickly harmonized with the wonderful staff here at EAPA. Last but certainly not least, I am expecting my first child in March of this year.



Kimberly Willis, Certification Manager. I have been certification manager at EAPA since April 1996. I came to EAPA with a few years of association experience. As the certification manager, my primary responsibility is to insure that all departmental policies and procedures are being conducted accurately and efficiently. In addition to assisting the EACC, I am also staff liaison to the Standards Committee. 



.....

EAPA EXTRACTS NEWS TO AND FROM EAPA MEMBERS

Mark your calendars for two upcoming EAPA events: The **EAPA Public Policy Conference** in Washington, D.C., April 19-21, and the Mid-Atlantic District I Conference in Williamsburg, Virginia, July 19-22. For more information, call EAPA Headquarters at 703-522-6272.

.....

Does your **CEAP certification** period end in March or May 1998? The deadline to send in your PDHs for recertification is June 30; the deadline to apply for the May 1998 CEAP exam is March 15.

.....

Las Vegas Planning Underway...Does your **EAP service the gaming industry**? We are planning an outreach to casino managers and HR directors at the 27th EAPA Annual Conference in Las Vegas. Please join the planning by contacting Joe Gisondo, 516-344-4567...Are you a **female veteran of military service**? Please contact Sharon Fisk at 210-566-1957 to join other women vets in a Veterans Day reception, now being scheduled during the annual conference, for those who have served in the U.S. or international military service...

.....

EAPA's North Central Region has developed **three public service announcements (PSAs)** that will help

increase awareness about EAPs. The three separate, one-minute video presentations were designed to deliver the message of EAPs to the "troubled employee" and/or their significant others, as well as principles of business/industry and unions.

The three presentations are: "Help Is Closer Than You Think," "Name That Personal Problem," and "Killing the Patient." Written and produced by Jeffrey W. Mangrum, president of SST Communications, Inc., in Chicago, the PSAs can be customized to include information (phone number, business name, etc.) after the announcement. (Editing fees start at \$50 per hour.) All profits from the PSAs will reimburse the North Central Chapters for their percentage of investment in the project. EAPA chapter members may purchase the PSAs for \$250 each; non-member fee is \$1500 each. To order, write or fax: North Central Region EAPA, P.O. Box 506, 5469 Hwy. 12, Maple Plain, MN 55359; 1-888-701-9469; (fax) 612-479-2746.

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The EAPA Board of Directors has approved the following **name changes** for EAPA chapters: The former Louisiana Chapter is now the **Greater New Orleans Chapter**; the former Minnesota Chapter is now the **Upper Midwest Chapter**.

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The **1998 EAPA Member Resource Directory** has been published, and copies are being mailed to every EAPA member. If you have not received a copy or if you have received a copy that has pages out of order, please contact the Membership Department at 703-522-6272, ext. 308. The directory reflects information received as of December 1, 1997. If you would like to update your information, please mail or fax the form on page vi to Juanita Padgett. The fax number is 703-522-4585.

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The next update of the **Employee Assistance Service Providers List** will appear through our Web site in late April. If you provide external EAP services and would like to participate, contact Mary Craigie at 703-522-6272, ext. 315.

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Defining the EAP Profession

EAPA and Health Care—Managed Care Laws

by Tamara Cagney, CEAP

We EA professionals have been struggling for years to define our services. We were urged to define employee assistance when we interacted with legislative and regulatory agencies, such as the U.S. Department of Transportation. We were also tempted to act when we saw a wide variety of services marketed as EAP services although we knew that they did not conform with what we knew were offered in real EAPs.

The challenge for us as EA professionals has been to maintain our clarity of vision while responding to workplace demands with various EAP models. EA professionals come from many different backgrounds and draw from many different areas to come up with the distinctive services offered by the EAP. Any EAP description has to encompass the many components that create the unique EAP approach to addressing work organization productivity issues and employee's personal concerns affecting job performance.

The chart on page 15 of this issue represents a defining vision for our field. The way you design your EAP dictates whether or not you have a true EAP. The EAP core technology functions must be provided. Which EAP core-related services you offer is driven by your areas of expertise and market demand.

The core components of EAP, as defined in the illustration include:

- Consultation with, training of, and assistance to work organization leadership (managers, supervisors, and union stewards) seeking to manage the troubled employee, enhance the work environment, and improve employee job performance; and outreach to and education of employees and their family members about availability of EAP services;
- Confidential and timely problem identification/assess-

ment services for employee clients with personal concerns that may affect job performance;

- Use of constructive confrontation, motivation, and short-term intervention with employee clients to address problems that affect job performance;
- Referral of employee clients for diagnosis, treatment, and assistance, plus case monitoring and follow-up services;
- Consultation to work organizations in establishing and maintaining effective relations with treatment and other service providers, and in managing provider contracts;
- Consultation to work organizations to encourage availability of and employee access to employee health benefits covering medical and behavioral problems, including, but not limited to, alcoholism, drug abuse, and mental and emotional disorders; and
- Identification of the effects of EAP services on the work organization and individual job performance.

These seven core technology functions represent the unique core of an EAP and must be present to have a functioning employee assistance program.

A Unique Viewpoint

EAPs offer several core components that are not recognized or accepted by other professions, such as human resources and social work. For example, EAPs are work site-based and are designed to prevent or intervene in productivity problems caused by personal problems. The key focus of an EAP is on work-site problems, a strategy that allows the EA professional to intervene early on, in some instances, and to deal with non-*DSM IV* Axis I issues such as parenting, marital stress, financial, and legal concerns that may be distracting the employee.

Unlike medical health services, EAPs target both:

- employees whose performance shows a pattern of decline that is not readily explained by supervisory observation of their job circumstances, and
- employees who are aware of personal difficulties that may start to affect—or have already affected—their job performance and work relationships. The majority of EAP clients—up to 90 percent—are from this second group. These are employees who have some insight into their problems and avail themselves of the easy access offered by their organization's EAP. These self-referrals receive assurances that their personal issues will be kept confidential and that the employer's interest is in maintaining a safe and productive work force. These employees contact the EAP to receive assessment and referral services to qualified local providers or to receive short-term, solution-focused intervention provided within the EAP system.

As valuable as those services are, it is the EAP services delivered to the remaining 10 percent—the employees referred on the basis of job performance problems—that makes EAPs so valuable to employers. Employers who have EAPs do not have to wait for the employee to self-refer to one of their panel providers, or wait for a problem to escalate to a point where fitness for duty or workers' compensation systems are called into play. Supervisors have the means to intervene at an early stage of employee dysfunction and to refer the employee to professional assessment and assistance. As such, EAPs are tools that allow supervisors to combine an offer of assistance, their concern for the employee, and progressive disciplinary action.

Supervisory Training

Another valuable benefit of EAP services is that supervisors receive training and consultation to determine appropriateness of an EAP referral and to guide them through the intervention and client referral process. This intervention process, which is often referred to as constructive confrontation, uses documented examples of performance problems to overcome denial, express concern, and to offer assistance. The availability of the EAP support relieves supervisors as well as union representatives of the need to counsel employees and to provide assistance that is most often outside of their areas of expertise. Without these specific EAP services, targeted to the small group of employees who have job performance problems, the EAP core is not complete.

EAPs are focused on productivity enhancement and productivity restoration. They are seen as risk management and control functions. To reach this goal, EAPs also offer a wide range of "EAP core-related workplace services." These additional services (which are represented in the illustration by the boxes radiating out from the central core), all benefit from the EA professionals' unique view of the workplace. These services, such as critical incident stress management, may be driven by the EAP or, as in violence in the workplace programs, the EAP may be a valuable team play-

er. EA professionals often possess clinical skills that mirror those of clinical providers, but an EA professional must also be well versed in the areas of work organizations, human resource management, legal, and legislative workplace issues.

Legal Jurisdiction

EAPs can also be designed to deliver "healthcare benefit or managed care-related services" as an adjunct to their core EA services. Of the employees who access EAP services, up to 80 percent receive the guidance they need to clarify their problems, contact appropriate resources, and affect change. These employees do not go on to access their mental health benefits. But some employees do need more extensive or intensive care. They are then referred to clinical services. If these clinical services (represented on the far right side of the chart), are part of the EAP, then the entire EAP may be governed by and need to comply with state and federal health care laws, such as the Employee Retirement Income Security Act (ERISA) of 1974 and the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986.

EAPs may also offer benefit management services as an adjunct service. Some of these services may bring the program under the jurisdiction of healthcare laws. Although the addition of healthcare benefits and managed care operations under the EAP's jurisdiction may help the company meet market demands, the company should carefully consider the legal requirements that the addition of these services would bring. ☉

Tamara Cagney, RN, MFCC, CEAP, is with TC Consulting of Pleasanton, CA. She also is a member of the EAPA Exchange Advisory Committee and chairs the Planning Committee for the 1998 EAPA Annual Conference.

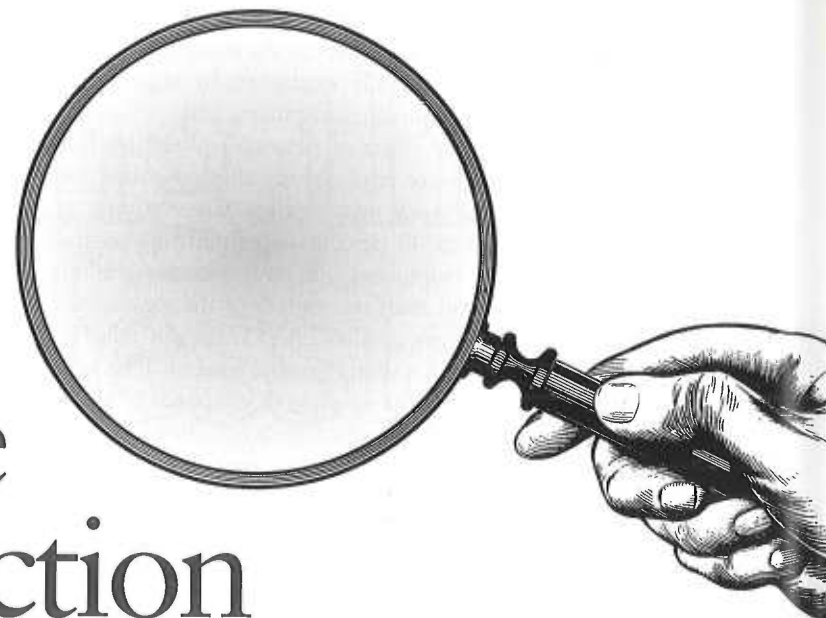
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Clarifying the EAP-Health Care Law Connection



by Sheila B. Macdonald, Director, Legislation and Public Policy

During the past three years, EAPA has heard from more than 250 callers on one of the most vexing issues the profession faces: Are EAPs covered by ERISA and COBRA, the federal laws protecting Americans' retirement benefits and post-employment access to group health insurance rates? (For a brief explanation of ERISA and COBRA, see the box on page 13.)

These telephone queries reflected a very broad range of concerns. Some callers assumed that the two laws cover all EAPs and simply wanted to know how to fill out IRS Form Number 5500; others questioned whether EAPs should be covered at all; still others said their full-fledged EAPs offer no health/medical services and should not be covered, even though fellow practitioners or government officials say they are covered. The absorption of EAPs into managed care systems has compounded the confusion.

To answer these questions, EAPA turned to three sources with expertise in this subject area: government agencies, think tanks, and attorneys. Government officials indicated that all but first-contact telephone EAPs and assess-and-refer EAP operations were considered as offering "medical health services." Think tanks, recognizing that legal language and legislative history lacked references to EAPs, suggested that although EAPs seemed to be covered, most have not been. The attorneys, distinguishing between theory and practice, confirmed the reality: In theory, EAPs

seem to be covered, but as a practical matter, many have not been. They pointed out that no case law on ERISA/COBRA and EAPs exists, leaving a great gray area. Until such law emerges, the answers will remain murky.

EAPA has been aware of the ambiguity all along. Fortunately, a subcommittee of EAPA's former Committee on Insurance has already done important work. Appointed in 1988 and chaired by John A. Stoltzfus, Ph.D., the subcommittee set out to untangle the complexities of legal definitions and applicability. The subcommittee decided that since so many kinds of EAPs exist, it is impossible to determine whether as a group they are covered by the two laws. The subcommittee therefore concluded that each EAP could evaluate the types of services it offered and then determine its own ERISA/COBRA status.

By taking a neutral position, the EA profession had, in effect, left decisions in the hands of government agencies that administer the two laws. As a result, the Pension and Welfare Benefits Administration (PWBA) of the U.S. Department of Labor has, since 1983, issued at least five advisory opinion (AO) letters that comment on EAP status. Under PWBA's interpretations, the government has determined that *most* types of EAP services—not just those services that fall into the psychological counseling category or were specifically designated by EAPs or work organizations as employee welfare or health benefits*—would come under coverage definitions.

* Of the various groups within EAPA, labor unions most frequently have made clear in their management contracts that EAPs are to be negotiated separately. In other words, unions have recognized what the profession strives to establish: that EAP services do not constitute pension, welfare, or health benefits, but are different and separate from them. Other EAP groups, in their contractual arrangements or memos of understandings, often are less clear on that important point.

In 1996, a number of events forced EAPA to reconsider its neutral stance. Three legislative/regulatory developments in that year focused increased importance on ERISA/COBRA definitions and interpretations:

- Congress passed two new medical/mental health insurance laws—the Health Insurance Portability and Accounting Act (HIPAA) and the Mental Health Parity Act (MHPA). Both raised questions of whether EAPs were covered under their provisions.
- States were required to pass legislation implementing HIPAA and MHPA, which raised the same questions.
- Many states considered the possibility of amending health maintenance organization (HMO) laws/regulations to respond to changes in the American health delivery system.

Perhaps the most attention-getting development arose in Texas in 1996-97 when debate over an HMO law raised the question of whether EAPs are providing prepaid health services and therefore should be brought under the law governing them. Just asking that question opened the possibility of another Knox-Keene-type limit on EAP practice. (Knox-Keene is the 1986 California state rule requiring EAPs that provide more than three sessions in a six-month period to register, meet regulatory requirements, and pay fees as HMOs.) Although the Texas debate involved only one state, it exposed EAPA's lack of a position on the broad issue of EAP status under various health laws at both the federal and state levels of government.

Because long-standing ERISA/COBRA laws and AOs have not been fine-tuned to the reality of EAP practice, EAPA feared that existing definitions, interpretations, and applications would shape those of newer health laws and rules. In response, EAPA President Don Magruder requested that Roy Sonovick, chair of the National Legislative and Public Policy (L&PP) Committee, appoint an Ad Hoc Task Force on EAP Definitions and Health/Managed Care Laws. Its mandate: to consider all pertinent questions and establish a new EAPA position—a position that would represent and serve all sectors of the profession.

Task Force Findings and a Position

The task force determined, as many EA professionals had long contended, that the basic services of traditional EAPs—functions that are derived from the EA profession's core technology and most other related EAP services—are aimed at addressing employee-productivity issues. They also said that EAPs for the most part do *not* offer medical health/mental health services or services that are part of managed care systems. At the same time, the task force identified a series of EAP services that *may* fall into the

A Brief Explanation of ERISA and COBRA

ERISA, the Employee Retirement Income Security Act of 1974, provides for the integrity and solvency of "employee benefit plans." ERISA essentially requires "disclosure and reporting to participants and beneficiaries of financial and other information" and establishes "standards of conduct, responsibility, and obligation for fiduciaries of employee benefit plans." ERISA applies to two types of employee benefit plans: "employee welfare benefit plans", and "employee pension benefit plans." Only the first type, employee welfare benefit plans, are of concern to EAPs. ERISA's purpose is to protect the employee's "expectancy interest" in welfare benefit plans endangered by employer merger, acquisition, or insolvency, or by employee termination, disability, or death. The questions then become: Is an EAP an employee welfare benefit plan, and do EAP services come under ERISA's definitions of coverage for such plans?

COBRA, the Consolidated Omnibus Budget Reconciliation Act of 1986, protects the rights of certain individuals, who might otherwise lose group health insurance coverage, to continue employment-based health insurance at group rates if they are willing to pay both the normal employer and employee premium or premium equivalent for such coverage. The questions are then: Do EAPs qualify in any way as a group health plan, or can EAP services be characterized as a part of an employer's group health care benefits?

(See chart on page 15 for EAPA's answers to these questions.)

health or managed care-linked categories. The task force found that those services can be lumped into one of two groups: (1) psychotherapeutic or clinical treatments; or (2) network management or benefits work carried out for HMOs or MCOs. These also were the services that most often are covered by prepaid health insurance or other types of health plans. The task force also recognized that EAPs that are an integral part of HMOs/MCOs could not be carved out of the system and, as components of the larger system, would fall under applicable laws.

Interactive Chart

Once these distinctions were made and categories identified, the task force created an "interactive chart" that provides a schematic description of EAP coverage issues posed by ERISA/COBRA and other health care laws. [The chart, reproduced on page 15, lists all the EAP core technology functions—the core of EAP services—in the large central boxes and places the many associated services EAPs offer in the smaller boxes surrounding the core.] The task force analyzed all these activities and determined that EAPs providing the core technology functions and the majority

Definitions of the Employee Assistance Profession

Employee Assistance Program (EAP) and EAP Core Technology

"Employee Assistance Program" or "EAP" is a worksite-based program designed to assist: (1) work organizations in addressing productivity issues, and (2) "employee clients" in identifying and resolving personal concerns, including, but not limited to, health, marital, family, financial, alcohol, drug, legal, emotional, stress, or other personal issues that may affect job performance.

"Employee Assistance Program core technology" or "EAP core technology" represents the essential components of the employee assistance (EA) profession. These components combine to create a unique approach to addressing work organization productivity issues and "employee client" personal concerns affecting job performance and ability to perform on the job. The core technology 13 (see information in large center box of chart on next page.)

of added EAP services could not be characterized as offering "benefits in the event of sickness," "medical health services," or services paid for by managed care or other third party. The task force placed all these non-health/managed care functions and services here to indicate that, in the EA profession's view, none should fall under health/managed care laws.

The two areas of EAP work that *may* be considered medical/mental health or managed care services have been placed to the far right in the chart. The purpose of this division—which is not meant to be absolute and is left open to interpretation—is to assist employee assistance programs in evaluating whether the services they offer *may* cause them to be covered by health or managed care laws.

The EAPA Board of Directors unanimously approved the position and the chart at its November 1997 meeting and asked that other EAPA leadership groups look at the details. Since then, comments and input have been sought from a wide group of EA professionals, the L&PP Committee, and the EACC.

In other words, the Association is taking a new position: (1) Most EAP services—the EAP core technology functions and many of the other services EAPs have added over the years—are not health/managed care services; (2) EAPs providing these services should not be covered by health/managed care laws; and (3) two categories of EAP services—clinical/treatment services, and network management services contracted with an MCO—could be considered health/managed care services, and EAPs providing these services *may* be covered by health/managed care laws. The Association also has indicated that EAPs that use pre-paid payment systems are not health insurance operations; the EAP business owner is at risk, not individuals. Further, EAPA recognizes that EAPs integrated into HMOs/MCOs

probably can not be carved out in most circumstances and therefore can be expected to fall under laws applicable to those systems.

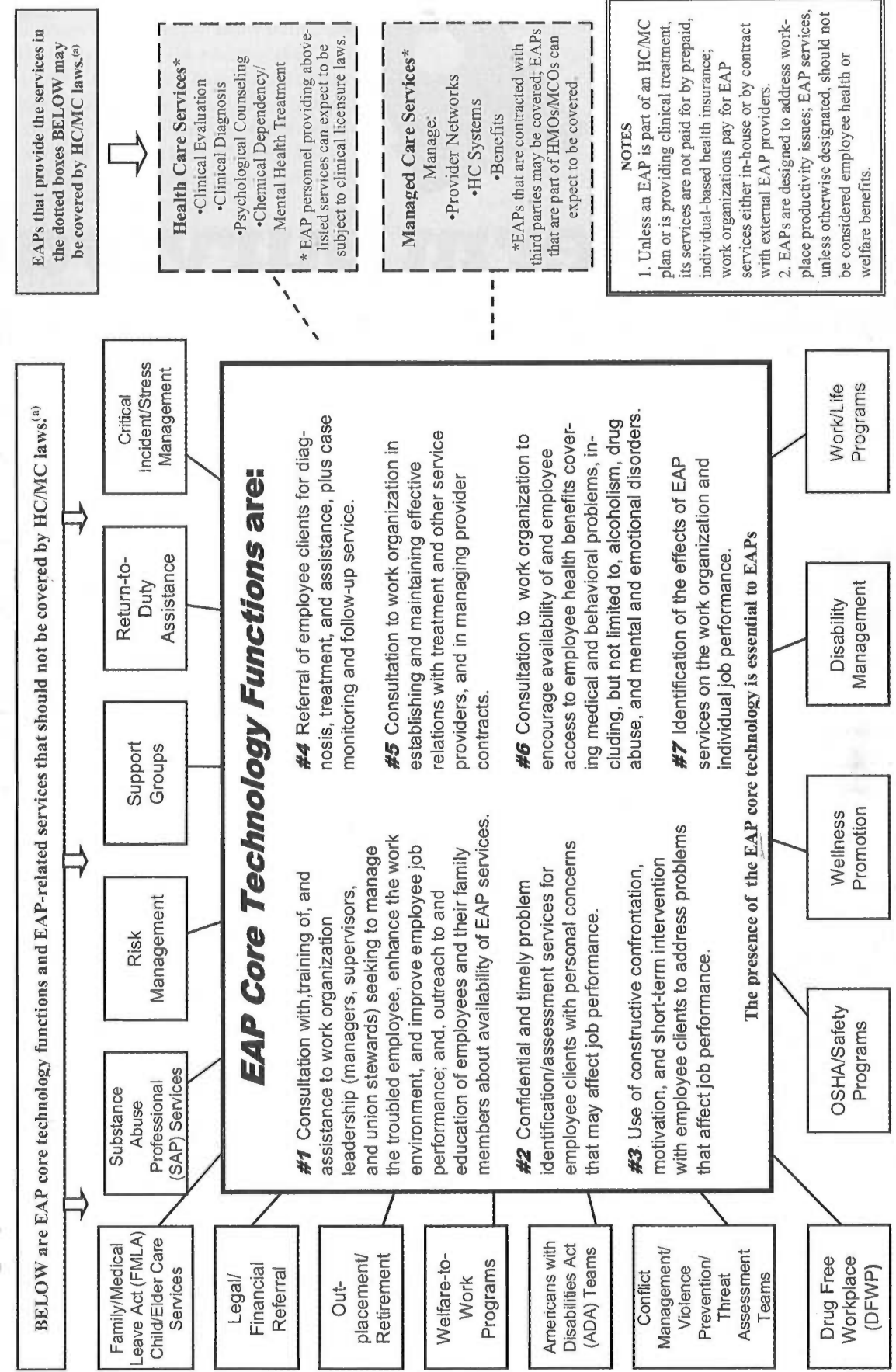
The new position is not intended to cover every EAP activity, nor is it intended to preclude addition or deletion of activities in the future. In using the chart, EA professionals should realize that: (1) they have choices about what services they do or do not offer; (2) EA professionals and work organizations also can choose in categorizing and describing EAP services so that everyone understands what they are and how they are to be used; and (3) choices made will possibly determine whether health or managed care laws apply to an EAP or an EAP's work organization.

The new position and the interactive chart should have important uses for the EAP profession. They will enable EA professionals to

- describe better who they are and the range of services their EAP might offer;
- aid EAPA chapters in the difficult but essential task of explaining their members' work and distinguishing it—in convincing fashion—from services provided by medical/mental health and managed care service practitioners; and
- help make EAPA's position on the profession's definitions and health laws clear to federal and state officials vis a vis new health laws or the interpretation of existing ones.

If the EA profession uses the new position and chart successfully, it will describe itself better to its own practitioners, draw a clearer line between it and other professions, and more easily achieve its goal of establishing definitions of EAPs and their practice in federal and state legislative and regulatory instruments. ©

How Employee Assistance Program(EAP) Functions/Services and Health Care(HC)/Managed Care(MC) Laws(a) Relate



(a) HC/MC Laws: ERISA=Employee Retirement Insurance Security Act (1974); COBRA=Consolidated Omnibus Budget Reconciliation Act (1986)[post-job access to group health insurance rates]; HIPAA=Health Insurance Portability and Accountability Act (1996); MHPA=Mental Health Parity Act (1996); HMO/MCO=Health Maintenance/Managed Care Organization laws.



Long-Term Survival, the Core Technology, and You

by Dan Feerst, LICSW, CEAP and
Dodie Gill, LPC, CAC, CCS, CEAP

With the recent approval of the updated version of core technology and the EAP definition by the EAPA's board of directors, the Association's membership acquires a tremendous responsibility and opportunity to use these tools to preserve and advance the profession into the next millennium. For a long time, the field has struggled with definitions, descriptions, and consistency among EAPs and related services. This struggle was a natural course of events because our members gravitated to the profession from many different allied fields. Unfortunately, some either ignored or failed to understand the definition of an EAP, and in particular, the core technology so brilliantly first defined and elaborated on by social researcher Paul Roman.

In the name of Association growth, some members tolerated sincere attempts to establish EAPs in American business and industry, even if it meant straying from the scope of an EAP. Whether a psychotherapist offering prepaid assessment services as a means to increase income, or a managed care firm selling 800 numbers as EAPs to help capture more lucrative managed care business, the profession appeared to be placing everyone under its tent, sometimes at the expense of its own identity. With the updated version of the core technology and a renewed push for state licensure of EA professionals, the Association stands armed with the tools to promote the EA profession and advance it into a new era.

Importance of the Core Technology

There are six reasons why the core technology (CT) is vital to the EA profession. All argue for the Association's membership aggressively promoting it to business consumers, treatment providers, including managed care organizations, and the general public.

(1) **The CT uniquely defines the EA field** and clearly separates it from the functions of other human service professions, many of which are governed by their own separate licensure laws and regulations. The CT separates employee assistance from other professions that have tried to portray their disciplines as qualified to lead the EA field.

(2) **The CT inhibits the creation of programs and services with missing parts** that mistakenly call themselves EAPs (an EAP does not exist without the core technology). Such programs can and have been used as loss-leader products, mental health gatekeeping programs, or as marketing tools for more lucrative products, such as managed healthcare services.

(3) **The CT allows for the critical education** of business executives and owners and other EAP consumers, who need to be made aware of what constitutes a functional EAP, thus enabling them to do a better job of evaluating EAP vendors, vendor experience, credentials, proposals, performance, and outcomes. Indeed, research sponsored by EAPA demonstrates that human resource executives, in particular, although supportive of EAPs, cannot always define all the functions that EAPs are supposed to perform.

(4) **The CT enhances the ability of EAPA chapters** to push more successfully for state licensure. The CT helps EA professionals inform legislators (without confusing them) about what is unique to the EA profession and shows how our key functions are different from those of treatment providers. A clear understanding of the CT will help chapters avoid drawing negative attention from other clinical professions already regulated by the state. (These groups can squash legislation if they mistakenly believe EAPs overlap their professional turf.)

(5) **The CT defines specific core functions.** If a business offers services that are not based on CT functions, then the program ceases to be an EAP, no matter what other ser-

vices may be provided. Services provided by EAPs either fall within these core functions, or they do not. Rendering DSM-IV diagnoses or providing short-term therapy, for example, are clearly outside the realm of the CT. They are not what an EAP is about. This does not mean that an EAP cannot provide other services if its staff are qualified, certified, or licensed to deliver them. It does mean that such services should not be portrayed as being part of the CT. Doing so medicalizes the EA profession and places it at increased risk for improper regulation.

The Knox-Keene Act is one example of how the regulatory environment came to view EAPs as prepaid health benefits. EAPs now appear to be improperly defined by the Employee Retirement Income Security Act (ERISA). (For more in-depth discussion of these issues, please see on page 17 of this issue of the *EAPA Exchange*.)

(6) **The CT is a common denominator** for facilitating communication among EA professionals. This past year, arguments to discard the CT by those who view it as negatively contrasting with the limited offerings of the programs they were selling fortunately went by the wayside. Attempts by some members of the managed care industry to redefine EAPs and beat a new path for others to follow also failed. The argument that people didn't understand the CT, or worse yet, that it was outmoded, only increased the need to educate ourselves and those outside the profession regarding the importance of the core technology.

Race for CEAP Licensure

The EAPA's Board of Directors newly reaffirmed endorsement of the core technology breathes new life into the rationale for EA licensure [based on the certified employee assistance professional (CEAP) credential, which is the only way to legitimize the field to the broader consumer public. Without such regulatory protection, the EA field increasingly risks being redefined and regulated or restricted improperly.

Occasionally, some people ask whether a regulation to license CEAPs is really just an artificial security blanket for the profession. Others say we should focus on developing and advancing the field rather than regulating it—as if regulating something is inherently bad. This is an argument for fiddling while Rome burns. Licensure is the only way to preserve the identity of a profession while protecting consumers against malpractice. This is why licensure exists for a whole range of professionals—from beauticians to dentists. And it works quite well. Social workers represent the most successful and dramatic example of a well-orchestrated attempt to bring life to their profession and discipline through their advocacy of identity-preserving regulatory practices. Much can be learned from their experience of first defining social work and then creating one strong national voice out of seven formerly opposing national organizations. The National Association of Social Workers (NASW) became a powerful unified voice in the mid-

1950s, not only for social change, but also for advocating the use of regulations to define and focus the social work profession. NASW now represents the interests of 120,000 members. (Some say NASW's history is the best argument for having only one strong international EAP organization.)

Survival Tasks for Members

EAPA members have not only an important responsibility but a huge opportunity to preserve and advance the profession now that the Association has affirmed the core technology and EAP definition. Make today the day to:

(1) **Educate new and job-seeking professionals.** Provide job-seeking individuals who visit EAPA chapter meetings with information about the core technology and the EAP definition (as described in the *EAPA Standards*, revised in January 1998, and available soon through the EAPA Resource Center). Discuss with them the historical problems associated with the EAP identity and the implications for nonadherence to professional EAP standards. Direct them to useful literature about the EA profession. Guests at our monthly EAPA chapter meetings often are treatment professionals seeking to make a transition into this field with little knowledge of what EA professionals do. *Hi, I'm a visiting therapist and I want to do EAP work* is a familiar greeting at our chapter meetings. Such occasions are perfect opportunities for providing a realistic view of the employee assistance field, the CT, and the functions and skills implied.

(2) **Call attention to non-EAP programs.** It is a new challenge for Association members to guard the integrity of the profession by calling attention to so-called EAPs that do not apply the core technology. Similarly, when you meet individuals who say they do EAP, ask them if they apply the CT or help them to understand how to do so. It is not mean-spirited to take on this quest.

(3) **Educate vital constituencies.** Create a newsletter for your EAPA chapter and put human resource managers of the largest area companies on your mailing list. Write often about the core technology and the EAP definition. The latest research demonstrates that there is much to be gained by educating human resource professionals who still struggle to understand what EAPs really do. This group of buyers has been vulnerable for years to EAP malpractice—the act of offering services or programs promoted as EAPs that lack application of the core technology. This naiveté has caused some of America's largest companies to sign on to non-EAPs. Many of these companies have relied upon misguided advice provided by their health, benefits, and occupational health consultants, whom we need to educate.

(4) **Sponsor local workshops or conferences that attract stakeholders.** Not all human resource executives will be interested in codependency in the workplace, but they may jump at the chance to learn more about how EAPs can reduce the employee practices liability risks or other forms of behavioral risk management.

continued on page 19

Applying the Mental Health Practitioners Law to EA Professionals

by Nancy Myers, CEAP

In 1994, the Nebraska State Legislature passed the Uniform Licensing Law, which has a Practice of Mental Health Section that governs the licensure of mental health practitioners and the certification of marriage and family therapists, professional counselors, and social workers. Commonly referred to as an omnibus law, it governs the practice of more than one profession. A number of other states with relatively small populations (Nebraska has 1.3 million people) have passed omnibus laws after considering the costs and personnel necessary to maintain an adequate licensing structure. Although EA practitioners are not specifically named in the bill, the law has been applied to some aspects of the practice of employee assistance.

This bill has become very popular because it makes it easier for the general public—who sometimes don't understand the distinction among mental health practice specialties—to report suspected malpractice to one governing agency rather than many. (Prior to 1994, there was limited protection for the public who were treated by master's level counselors, and there were no uniform standards for the practice of master's level therapy.)

Exclusion Requested

At the time of passage, the Nebraska-Western Iowa Chapter had just received approval to become an EAPA chapter. We had approximately 20 members, primarily from Nebraska. Many chapter members felt the law was too narrow and was not truly applicable to the EA profession because it focused on mental health assessment and the practice of therapy, not EAP core technology and workplace issues. Two chapter members decided to approach the Nebraska State Professional and Occupational Licensure Division for the purpose of excluding EA professionals from the law.

State Rule: EA Professionals Covered

After examining the EAP core technology, the state ruled that EA professionals must be licensed as mental health practitioners. It is my understanding that their main concern related to the description of what EA professionals do in core technology function number two (see page 15 for complete text)—“confidential and timely problem identification/assessment services for employee clients with personal concerns...”—which is very similar to Nebraska's definition of mental health practice that includes (among other things) “...assessment...to individuals, etc...for behavioral, cognitive, social, mental or emotional disorders,... including interpersonal or personal situations.” At that time, our chapter attempted to obtain agreement from the state to accept the CEAP exam for Nebraska licensure as a mental health practitioner. The state refused, primarily because there was no educational requirement for the CEAP that was equivalent to the educational requirements for mental health practitioner.

Unique Issues

EAP practice in Nebraska differs from EAP practice in other states in several ways. Our bread and butter is primarily agriculture and agribusiness. Nebraska is a conservative, “at-will” employment state with very few unions.

When the 1994 Mental Health Practitioners Law was passed, the union EAPs that we knew of had counselors who met the new state requirements. We then reviewed our EAPA chapter membership and discovered that only a few members would not qualify for licensure under the 1994 law. Those members who were not eligible were either certified in drug and alcohol abuse counseling or involved in EAP marketing, administration, consulting, or training and

did not engage in function number two of the core technology (problem identification and assessment), which appears to be the area in question between EAP practice and the Nebraska law.

Remaining Options

So, what is a small EAPA chapter in the Midwest to do with less than \$100 and a couple of prayers? We had the option of trying to pass our own legislation to exempt EA practice from the Mental Health Practitioner Section of the omnibus law and establish our own niche, but because the state had already ruled against our exclusion, we saw that as an uphill battle. We could have, and still can, opt to pass legislation to have the EA practice certified as a specialty scope of practice under the current omnibus law. With the lack of time, money, and people power to garner enough support in the legislature, the chapter decided that the obstacles were too great to overcome at that time. In addition, several chapter members, who were primarily from external EAPs, thought that the licensure bill could be helpful in establishing credibility and in obtaining additional EAP contracts and subcontracts.

Impact of Mental Health Licensure

Since 1994, those of us engaged in EAP practice in Nebraska have evaluated the impact of the law. For some, it has meant an increase in EAP business because licensure within mental health practice was seen as another level of credibility to help us qualify to pick up additional business, such as subcontracts with large, national EAPs. Mike Reynolds, director of Directions EAP in Lincoln, said he has found that licensing is a value-added credential, which has

Long Term Survival

continued from page 17

(5) **Align EAPs with the property-casualty insurance market.** Focus on these insurance markets to promote the core technology and EAPs. Property-casualty insurance deals with workers compensation insurance, employment practices liability insurance, and other products that mitigate risk. Behavioral risk is something they deal with every day.

(6) **Use proper EAP-speak.** All of us need to be more mindful about using the same terms when speaking or writing about employee assistance so that language, legislation, and publicity about the profession is consistent. Contact EAPA for a list of proper terminology and correct EAP language and print when spotted.

(7) **Understand the fight for licensure.** So, you're a licensed clinical social worker and you can't understand why you need another license to practice employee assistance? You're asking the wrong question. Your clinical license has nothing to do with employee assistance. Licensing protects the EA profession and helps define the scope of practice for the field. ☺

helped his company obtain additional business. He also noted that many of his contract companies expect EAPs to expand in the area of brief psychotherapy and problem resolution because it impacts positively on the reduction of third-party benefit costs.

For other EA practitioners, licensure has meant an additional expensive credential to maintain. In all fairness, it may have been a roadblock for some, though we do not know of any such examples.

The Nebraska-Western Iowa Chapter has not taken a formal survey to measure the actual impact of the new law, but informal discussion and feedback have taken place in monthly chapter meetings. The chapter also maintains a Legislative and Public Policy Committee to assess current trends and make recommendations. At this time, there are no plans to pursue separate licensure for EA professionals in Nebraska.

Another Perspective

Nebraska's mental health law is not ideal from the EAP profession's perspective because it does not recognize the scope of practice within the EAP field. However, I have not received any feedback from chapter members indicating that they are experiencing significant limitations in their EAP practice because of the 1994 law. It is important to recognize, particularly for states with a small population, that in the broad arena of professional licensure, there is more than one way to skin a cat. ☺

Nancy F. Myers, CEAP, LMHP is EAP director, University of Nebraska-Lincoln, and has been a member of the Nebraska Board of Examiners for Mental Health Practice since 1996. For more information, contact her at 402-472-3107.



Dan Feerst, LICSW, CEAP is assistant director, Employee Assistance Program, Arlington Public Schools, Arlington, VA, and founding publisher of The FrontLine Supervisor, an EAP newsletter.

Dodie Gill, LPC, CAC, CCS, CEAP, is director, Employee Assistance Program, Arlington Public Schools, Arlington, VA.

She also is president of the EAPA Washington, D.C.-area Chapter and member of EAPA's National Legislative and Public Policy Committee.



North Central Region Unites To Help Flood Victims

by Karen Hagen, CEAP

As El Niño wreaks havoc on East and West Coasts alike, we are reminded that about one year ago, the North Central Region was affected by some of the most severe floods we have ever known. EAPA members of the North Central Region, representing internal, external, and labor EAPs, united to help victims of the disastrous floods in Minnesota and North Dakota last spring. The outpouring of generosity displayed in these communities was more powerful than any raging flood water could ever be. This was a time to reflect on our priorities and appreciate the importance of the basics of family and shelter. From providing counseling to cleaning, our members showed great unity and ingenuity in responding to needs in the disaster areas. Listed below is just a small sample of flood relief activities that some EA professionals were involved in.

Internal Programs

Mayo Medical Center, Rochester, Minnesota

This internal EAP gathered busloads of volunteers from the medical center to clean up flood-damaged homes in the area. They also sought to establish a large block of funds that would be used to provide grants to families who suffered losses because of the flooding.

3M, St. Paul, Minnesota

3M was busy helping many victims of natural disasters last spring. In addition to counseling services, they offered temporary housing for families left homeless by the destruction in Fargo, North Dakota.

Deluxe Corporation, St. Paul, Minnesota

Deluxe Corporation coordinated a corporate matching fund for employee cash donations, raising \$52,000; they also collected needed supplies to ship to the flooded areas.

Norwest Bank, Minneapolis, Minnesota

Norwest Bank dedicated a staff member to stay in the area and provide debriefing and counseling support.

External Programs

Employee Advisory Resource, Bloomington, Minnesota

EAPA members who worked for this EAP created a grass-roots campaign to gather resources and support for the flood relief effort. Their activities included raising substantial funds via a collection. Thirty staff members were first-line volunteers who provided both debriefings and cleaning services. Other strategies to offer basic assessment

and referral to the flooded communities were planned.

dor & Associates, Minneapolis, Minnesota

The EAP counselors offered to outreach to our colleagues who provided EAP services to flood victims by offering these helpers access to our counseling support services. The strategy behind this outreach was to offer care to all of the important caregivers who were on-site with victims.

VRI, Fargo, North Dakota

This EAP was busy re-establishing services to the members of their own community and providing care in their Fargo, North Dakota offices.

Labor

UAW Local 722, St. Paul, Minnesota

This group created a campaign called Labor of Love to Fight the Flood. This involved having labor members join together with the Salvation Army to collect donations to reflect the labor movement's commitment to improving the lives of everyone in the flooded communities.

JAMAW Airtransport District 143, Eagan, Minnesota

Labor representatives first toured the area to assess the needs of their members and the community. They interviewed their members to see what their needs were and after outreaching to members, they gave the labor liaisons at the Red Cross the names of their members to help cut through government red tape. They also began, along with Northwest Airlines, a drive for needed supply items that were most in demand. They coordinated a volunteer network with members to receive, unload, and ship donated items to the flooded areas. ☺

Karen Hagen, CEAP, is a vice president of dor & Associates. She was recently elected North Central Regional Director.

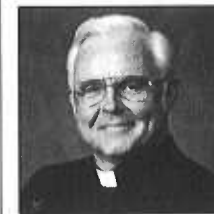


From left to right: Paul Liebig, Kathleen Fitzgibbons, Guy Marzano, Sandy Harmon, Debbie Smith.

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LETTER TO THE EDITOR

The recent article, "Financial Problems: Substance Abuse of a Different Color," (November/December 1997) did not accurately describe the budget and credit education and counseling programs of the member agencies of the National Foundation for Consumer Credit.

As the oldest and largest national network of nonprofit agencies providing services to individuals and families who need assistance in managing their money effectively, we presented more than 50,000 community education programs in 1996, and in 1997, our certified counselors held more than 1,000,000 counseling sessions.

Of those we counsel, about one third choose to make debt payments through our Debt Management Plan. Once we have helped them develop a realistic budget, about one third repay creditors on their own. Finally, the remaining third are referred for other appropriate assistance they may need.

While we believe that learning how to manage your money effectively is as important as learning how to read, there are many people we help who had not previously learned these skills. Often they are referred to us by EA professionals and we look forward to continuing to work with your members in this way.

Sincerely yours,

Judith Cohart
Director of Education/Training
National Foundation for
Consumer Credit

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More and more, employers are becoming aware of the value of financial work/life services and the benefits of a financially healthy workforce.

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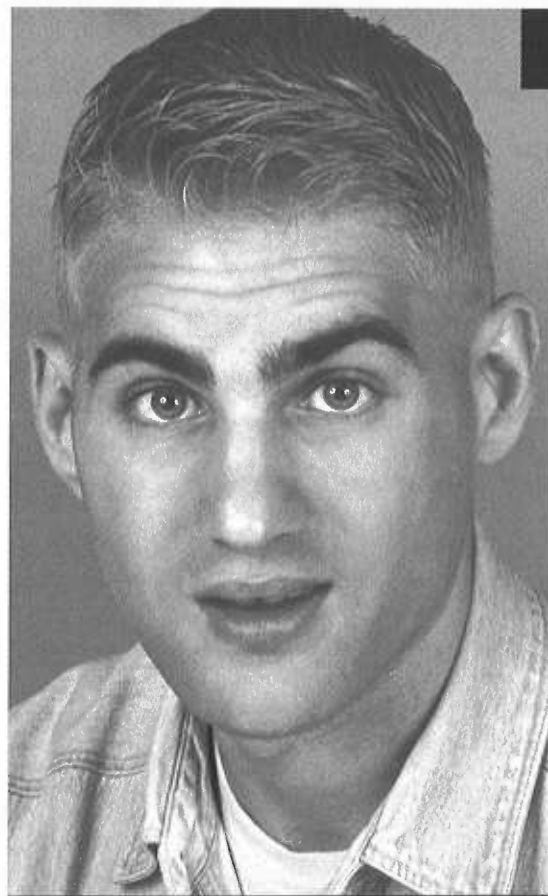
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Drugs and alcohol are the first problem The next problem is finding a treatment center where your clients can safely be themselves and talk about the things they need to.

Fortunately, Pride Institute, the nation's leader in providing addiction treatment for the gay, lesbian, bisexual and transgender communities, now has programs nationally.

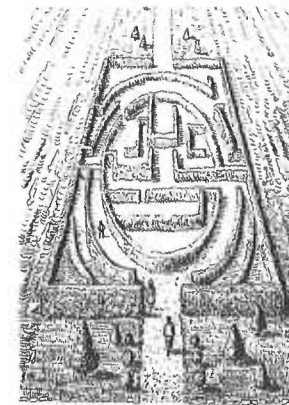
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Ethical Dilemmas in Workplace Counseling: A Casebook

Developed by the EAPA Houston Chapter in collaboration with EAPA International Headquarters



In today's healthcare environment, EA professionals often find themselves dealing with issues that are complex and confusing. In particular, they need standards that protect the interests of those with behavioral problems and the integrity of the EAP field.

Members of EAPA's Houston Chapter have prepared a new publication that will be a valuable working resource for EA professionals as well as others in the counseling professions.

This 86-page report includes:

- 20 sample ethical dilemmas for increasing awareness
- an outline of a decision-making process for these issues
- essays from professionals regarding workplace ethics
- codes of ethics from eight professionals organizations

Make *Ethical Dilemmas in Workplace Counseling: A Casebook* the newest addition to your EAP library. Price: \$19.95 (EAPA member); \$24.95 (non-member); add \$3.00 per copy for shipping and handling.

Order now from the EAPA Resource Center, 2101 Wilson Boulevard, Suite 500, Arlington, Virginia 22201 703-522-6272; (fax) 703-522-4585; (e-mail) eaprescen@aol.com

1998 CEAP EXAM

Application Deadlines:

March 15
October 1

Exam Dates:

May 16
December 12

Eligibility: you must meet one of two eligibility options:

OPTION 1:

- 3,000 hours of work experience in an EAP setting, which must have been gained over a minimum of 2 years, and within 7 years of the date of the application for the CEAP exam; AND
- 40 PDHs* (Professional Development Hours) with at least 24 of them in content areas 3 and/or 4 (see PDH requirements below*); AND
- 24 hours of CEAP advisement spread out over at least six months (**see extended timeline below for May 1998 exam candidates only)

PDH Requirements for Both Options:

- Must have at least 60% of total PDHs within content areas 3 and/or 4;
- No more than 50% of PDHs may be earned through EAPA Self Study Guides;
- No PDHs may be earned by writing sample exam questions; PDHs must be from training occurring November 11, 1995 or later.

OPTION 2:

- Graduate degree in an EAP-related discipline (or equivalent outside the U.S.); AND
- 2,000 hours of work experience in an EAP setting, which must have been gained over a minimum of 2 years, and within 7 years of the date of the application for the CEAP exam; AND
- 10 PDHs* (Professional Development Hours) with at least 6 of them in content areas 3 and/or 4 (see PDH requirements below*); AND
- 24 hours of CEAP advisement spread out over at least 6 months (**see extended timeline below for May 1998 exam candidates only)

EXTENDED ADVISEMENT TIMELINE FOR MAY 1998 EXAM ONLY

Candidates for the May 1998 exam must begin their advisement process no later than January 1, 1998.

The 24 hours of advisement must be completed prior to applying for the exam (application deadline = March 15).

EAPA Around the World



The EAPA Greater New Orleans Chapter hosted the Second Annual Tri-Chapter Louisiana State Conference in New Orleans, September 25-26, 1997. Chapter President Carolyn Knowles welcomed EAPA Vice President Jack Freckman, Southwest Regional Director Skip Bradford, Arcadia Chapter President Don Hidalgo, and Leroy "Lew" Lewis, who represented Ark-La-Tex Chapter President Kay Claspell.



Chief Operating Officer Sylvia Straub (center left) and Finance Director Sheree Clayton Thomas (right) recently received an Award of Excellence from the American Society for Association Executives (ASAE) for their entry entitled "EAPA's Financial Crisis Response." Joining in the presentation were (left) David N. Parker, chairman of the Board of ASAE, and R. William Taylor, CAE, president of ASAE.



EAPA chapter members volunteered their time to staff the EAPA booth during six national conferences in 1997. Shown here are Bernie McCann and Lori Raggio (Chesapeake [Maryland] Chapter) at the National Association of Social Workers Conference last October, and Pat Martin (left) and Doug Maguire (Los Angeles Chapter) at the West Coast National Managed Health Care Congress last November. Members of the San Diego Chapter, the Atlanta Chapter, and Northern Illinois Chapter were all part of making the exhibit a big success.



Happy Anniversary NIEAPA

At their annual conference on June 3, the EAPA Northern Illinois Chapter will celebrate 20 years of presenting educational conferences and more than 20 years of teaching business, industry, and the community about the benefits of rehabilitating impaired employees. The chapter began as "roundtable discussion groups," where occupational alcoholism professionals shared ideas and formulated standards of practice. In 1975, 12 people were given approval to begin the Illinois Chapter of ALMACA. NIEAPA has since evolved into one of the most active and successful chapters with more than 350 members. For registration information, call Christie Lange at 312-440-0540.

EAPA member Debbie Marsala was recognized for her service as Pacific Regional Director, 1995-1997. She is shown here with Mike Webb, former president of the San Francisco Chapter who now assumes the duties of Pacific Regional Director.



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- 1998 CEAP Advisement Guide
- 1998 Certification Guide for EA Professionals
- Code of Professional Conduct, Fifth Edition (1997)
- 1998 Training Provider's Guide
- 1998 CEAP Recertification Guide/File



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Coming in 1998

EAPA Standards and Professional Guidelines for Employee Assistance Programs

This revised publication is an essential part of all EAPs. After the editorial production cycle is completed, this new publication will be distributed through the EAPA Resource Center. More news in the next issue of the *EAPA Exchange*.

NIMH Launches Anxiety Disorders Web Site

This state-of-the-art Web site provides consumers and professionals alike with the latest information on anxiety disorder symptoms, diagnosis, and treatment in a graphic, easy-to-use format.

Visitors to www.nimh.nih.gov/anxiety can learn more about panic disorder, obsessive/compulsive disorder, post-traumatic stress disorder, phobias, and generalized anxiety disorders. The Web site provides the Internet user with immediate access to helpful resources, such as lists of national mental health organizations and self-help groups as well as pertinent journal article citations, books, and audiovisual materials. Web site visitors can also view video clips featuring personal accounts from panic disorder sufferers.

NIMH's Anxiety Disorder Education Program (ADEP) also offers free information about these illnesses to the general public and to medical and mental health professionals through NIMH's 24-hour, toll-free telephone information line at 1-88-88-ANXIETY (1-888-826-9438). Other components of ADEP include media outreach, public service announcements, partnerships with professional and voluntary organizations, worksite education, professional seminars and exhibits, among others.

National Anxiety Disorders Screening Day

Mark May 6, 1998 on your calendars—that's the date of the next scheduled National Anxiety Disorders Screening Day. Last year's event was very successful with 40,000 attendees at nearly 2,000 sites. This event is a program of the National Mental Health Illness Screening Project and is sponsored by the following organizations: American Psychiatric Association, American Psychological Association, Anxiety Disorders Association of

America, Freedom from Fear, National Institute of Mental Health, National Mental Health Association, the Obsessive Compulsive Foundation, and the EAP Association.

Green Ribbon Day Set for May 6

According to the Center for Mental Health Services, as many as 1 in every 33 children may have depression. Depression in children can cause failure in school, substance abuse, and even suicide. On May 6, the National Mental Health Association (NIMH) is sponsoring Childhood Depression Awareness Day, also known as Green Ribbon Day. For a free planning kit, which includes a reproducible fact sheet on clinical depression and children, ad slicks, sample Green Ribbon Day activities, and a drop-in article for local papers, contact NIMH at 703-684-7722.

Supportive Managers Get Top Billing

If asked which work-life effort made the greatest difference in your job, made you feel more committed to your company, and produced less stress, what would you answer? According to a recent issue of *Work & Family Trend Report*, 27,000 Canadians were asked the same question by researchers from Canada's Carleton University, and they agreed: Supportive managers were the most critical element of a company's efforts to promote work-life balance.

Predicting Growth of EAPs

Practice Strategies conferred with a round of consultants and industry experts and came up with workplace projections for 1998, including the following, among others:

- Internal EAPs will see renewed growth, relying on managed care techniques

- New attention to outcomes measurement
- Continued decline in the HMO market
- Vocal consumer impact on legislative and regulatory efforts
- More therapists will quit managed care panels
- More open access to providers, controlled through relatively low case rates.

EAPs On-Line?

Are you ready for on-line counseling? Want to join the ranks of psychiatrists and counselors providing confidential services to clients on the Internet? As reported in a recent issue of *Work & Family Newsbrief*, California recently passed a bill requiring medical insurers to pay for telehealth the same way they handle claims for face-to-face services. According to the report, cybertherapists are charging from \$20 for a one-shot inquiry to \$100 per month for more frequent e-mail exchanges. Two individuals, Wilson Banwell and Robert Wilson, say they offer EAP services on-line. They say almost 40 percent of employees who seek help from an EAP are simply looking for information about an issue they're facing, or confirmation about their condition. By using the Internet, people can locate resources and identify their problems. Some can even join support groups that meet in chat rooms monitored by a therapist. While on-line counseling is not expected to replace the one-on-one counseling that many people need, others will find what they need on-line. The report hints that it could be a time- and cost-saver for EAPs on a budget and provide another means for employees to improve their health. (For more information, visit their Web site at www.wilsonbanwell.com.)

EAPA EXCHANGE EDITORIAL POLICY

The *EAPA Exchange* publishes feature articles, standing columns, reports, letters to the editor, announcements, and paid advertising for the benefit of its membership. The general guidelines governing these categories are set forth below. The *Exchange* reserves the right to edit or decline submissions as necessary.

Feature Articles: These offerings represent the major content of the *Exchange*: articles, written by members or non-members, that do not necessarily reflect EAPAs philosophy or policy but would be of interest to EAPA members. Expressions of professional opinions, informed personal viewpoints, critical analyses, and new ideas and paradigms are welcome as feature articles. Thinly disguised personal attacks or promotions and endorsements of specific commercial services, however, will not be published. This policy does not restrict articles describing new paradigms that may be offered by a limited number of business enterprises. Offerings will be published in keeping with the scheduled calendar of editorial topics.

Standing Columns: The *Exchange* prints standing columns, such as the "President's Page" and "From the COO." EAPA committees have also been afforded the opportunity to publish periodic information on topics of interest to EAPA members. Some committees publish on a regular basis and all committees may request that their information be published in the *Exchange* on a space available basis. These columns should address EAPA issues only and should reflect the official position of the committee's constituency, not the editorial opinion of the author or a minority of committee members. Personal, minority, or opposing views are welcome as regular feature articles.

Reports: Reports of EAPA committee activities or non-EAPA sponsored activities related to the EAP field are encouraged. They should be accurate in their description of key events. They will be accepted on a space available basis.

Letters to the Editor: Letters to the editor expressing personal views on feature articles, columns, or reports are welcome and will be printed as time and space allow.

Announcements: The *Exchange* will publish announcements of activities related to the EAP field as time and space permit. Local EAPA chapters that want to announce their upcoming conferences in the *EAPA Exchange* are welcome to do so. Contact the

EAPA Exchange Editor at 703-522-6272, ext. 308 for information.

Advertising: The *Exchange* accepts paid advertising from companies and individuals whose products and services support the EAPA mission. Standing Columns and Feature Articles shall not endorse or promote products or services of specific commercial enterprises. Such endorsements or promotion will only be printed as paid advertisements. Call Advertising Manager Marilyn Lowrance at 703-538-5557 for information on sizes and prices available.

Jim Wrich, Chair
EAPA Exchange Advisory Committee

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EAPA Participates in the Campaign on Clinical Depression Training Conference

Early in January, EAPA members Sandra Turner, CEAP, and Sally Phillips, CEAP, traveled to Charleston, South Carolina, to participate in the 1998 Training Conference for (Clinical Depression) Campaign Directors and Campaign Partners. Partners are organizations such as EAPA, Business and Professional Women, National Black Nurses Association, the Society for Human Resource Management (SHRM), and others whose leadership collaborates with the National Mental Health Association (NMHA) campaign directors to bring relevant messages about clinical depression and its treatment to the Partners' membership. This conference is sponsored annually by NMHA whose members come from across the U.S. The meeting was a good opportunity to share successes from 1997 and plan for greater accomplishments in 1998.

EAPA had an opportunity to inform conference training participants about its structure, mission, operations, member characteristics, and rationale for involvement in the Campaign over the past four years. Participants received a list of current EAPA chapter officers and were encouraged to call upon these individuals as they devised plans to impact depression and related illnesses in the workplace in their local communities.

Sally Phillips, University of Miami employee assistance program director, conducted a presentation about the delivery of the Employee Telephone Access Program (ETAP) at her university in 1997. Sandra Turner, director of the Ernst & Young Assistance Program, presented to the Campaign Partners about the accomplishments of EAPA in promoting public awareness of depression and its treatment in 1997.



EAPA Members Sally Phillips (left) and Sandra Turner (far right) joined ETAP Director Barbara Kopans (center) at the 1998 Training Conference for Campaign Directors and Campaign.

Kay Springer, EAPA director of communications, attended this training conference to meet both Campaign Directors and Partners. She was active in the discussions about EAPA's Campaign-related activities planned for 1998.

During 1998, EAPA will continue to promote messages about depression to Association members; and in particular, will target messages about intervention and treatment to mid-size companies, human resources representatives, benefits managers, and safety coordinators. Also included will be messages about special populations such as women, minorities, and children. Look for more information in upcoming issues of the *EAPA Exchange*. ☺

Hodge Represents EAPA at National Academy of Science Meeting

EAPA member Vincent G. Hodge, CEAP, represented EAPA at an August 1997 Conference on Community-Based Drug Treatment and Research Meeting in Washington, D.C. The following is a brief version of his notes from the meeting:

The Institute of Medicine Conference on Community-Based Drug Treatment and Research held on July 29 in Washington, D.C. was a well-organized, spirited, and candid presentation concerning the pros and cons on whether applied research really is a realistic method to determine the number of persons in need of treatment at any given time, the necessary funding for community-based substance abuse programs, and to develop mechanisms for the effective transfer of information from the research commu-

nity to community-based drug treatment centers. It also explored mechanisms that would transfer information from the treatment community back to the researchers.

Assembled for this important conference were, in my opinion, the very best individuals in the substance abuse research field as well as the treatment field. Together they focused on one goal: How to make research and treatment connect in a way that would establish an open line of communication and ensure that information critical to research could be obtained from community-based treatment programs.

Despite how simple this may sound, there are many problems in making the connection. These problems were

continued on page 37

A Message to EAPA Members from Program Committee Chair Tamara Cagney

Planning is well underway for the 28th EAPA Annual Conference to be held in Las Vegas, and you can be sure this conference will be an innovative success. The dates, the events, the themes—all have a new look and a special focus on making the 1998 conference an experience you won't forget.

Dates: The main conference will kick off on Tuesday, November 10. Preconference symposiums and international committee meetings will take place on Monday, November 9.

Themes: Our events are being planned to follow daily themes during this conference.

Tuesday: "Reaching Our Diverse Employees"

Wednesday: "Innovations and Next Steps"

Thursday: "Addiction"

Friday: "Work/Family Issues"

Events: We will start each day with something different for the body, mind, and spirit. The presentations will vary from eastern meditation to gospel singing. On Wednesday, we have an opening for a special interest group meeting, such as EAPs in the Gaming Industry or CEAPs who work as SAPs. If you have a group who would like to meet, call me at 510-513-4710. On Wednesday evening, we will honor our international veterans in a Veteran's Day/Remembrance Day Reception.

On Thursday, we will focus on addictions. The Las Vegas conference setting presents an excellent opportunity to offer training on gambling, alcohol and drug addiction, cyberspace, food, and other issues. We will also present a special Community Outreach Program that day for the Casino Managers Association. If your EAP works in the gaming industry and you would like to be involved, contact Joe Gisondo at 516-344-4567.

Friday will be structured differently, so plan to stay until Friday afternoon. We will begin the day with a series of workshops on work/family issues and end the day with an exciting speaker, brunch, and our annual slide show.

Lots of material will be available about Las Vegas in a book entitled *Beyond the Neon*. We will make information available about family adventures and some of the incredibly beautiful state and national parks that near Las Vegas in future issues of the *EAPA Exchange*. For more immediate information, contact the Web site at www.lasvegas.com

On behalf of the entire Program Committee, we look forward to seeing all of you in November.

Viva Las Vegas!!!!

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Board of Directors Meeting

Baltimore, Maryland • November 18, 1997

Order

After the meeting was brought to order, the minutes of the April 1997 Board meeting were approved. President Don Magruder then spent several minutes discussing the challenges the Association faces within the next year, and took the lead in pledging the Board to continue to seek ways to work on maintaining the health of the organization.

Benefits Committee Opening Discussion and the Call to Presentation

Gary Atkins (chair of the Benefits Committee) presented to the Board the rationale behind the Committee's request for a name change (from Benefits to Benefits and Behavioral Risk Management). He also presented information on the Committee's proposed exemplary practices guide. Both initiatives are proposed to enhance the ability of EA professionals to market themselves and their services. Gary clarified that the Committee's efforts are not intended to result in a name change of EAPs. The Committee expects to conduct research to determine what material needs to be included in an exemplary practices guide related to behavioral risk management. The Board approved the plan of action.

Finances

The financial state of the Association continues to improve; however, the Finance Committee recommended that care continue to be taken to maintain it. (Please refer to the Audit Report, published in the January/February 1998 *EAPA Exchange* for further details).

Program Committee Chair Appointment

Tamara Cagney was appointed the Program Committee Chair for the 1998 Annual Conference to be held in Las Vegas.

Motions

A wide variety of motions dealing with a number of topics were brought before the Board.

Motion 1: To accept the minutes of the 1997 April Board meeting.

Action: Accepted as amended.

Motion 2: The employee assistance (EA) profession's position is that employee assistance programs (EAPs) that provide (a) EAP core technology-derived services and (b) related component workplace services are offering services that do not fall

under health or managed care laws for the following reasons: EAPs that offer workplace productivity-related services based on the EAP core technology, along with other component workplace services related to that core's are providing services that are not health or mental health services and EAPs that limit their services to these categories should not be covered by ERISA/COBRA, or other health laws such as HIPAA, MHPA; and EAPs that offer consultation/coordination services for and manage relations with benefit programs, health care systems, or provider networks, should not be covered by health and/or managed care laws.

Further, the EA profession recognizes that an EAP may offer services that are outside these defined core technology services and related component workplace services. If this is the case, the EA profession's position is that:

EAPs that offer health services as part of their practice—such as clinical assessment, clinical diagnosis, and psychological counseling, chemical dependency treatment, and other treatment—could be covered by health laws; and EAPs that directly manage benefit or healthcare delivery systems, or provider networks, or that are part of organizations already covered by these laws, could fall under HMO, MCO, and other related laws.

Action: Motion 2 approved.

Motion 3: To make several technical changes to EAP definitions and statements as found in *EAPA Standards and Professional Guidelines for Employee Assistance Programs* (10/97 version) in order to bring EAP definitions into conformity with the new EAPA position on EAP definitions and health laws.

Action: Motion 3 approved

Motion 4 (incorporating amendments): To accept the recommendation of the Site Selection Committee to hold the EAPA Annual Conference in Vancouver in 2001, in Detroit in 2002 (with Cleveland as a back-up site), and in Philadelphia in 2003.

Action: Motion 4 approved as amended.

Motion 5 (as amended): That a section be included in the Chapter Officers' Training Manual outlining the process and time required to get chapter bylaws and/or other important documents or requests reviewed and approved by the Board and/or Committees and processed by the EAPA staff.

Action: Motion 5 approved as amended.

Motion 6 (as amended): The Chapter Officers' Training Manual will be the responsibility of the Vice President to ensure that it be kept current.

Action: Motion 6 approved as amended.

Motion 7 (as amended): That for purposes of voting for the Regional Directors, each member's address, as listed in the membership database, be the designated region in which the member will vote.

Action: Motion 7 approved as amended.

Motion 8 (as amended): Minutes of any Executive Meeting/Teleconference must be distributed to all Board Directors no later than 5 business days after the Executive Meeting and will consist of only the Motions and Actions. Except in cases of extreme urgency, as determined by the President and Executive Committee, no action may be taken as a result of a decision of the Executive Committee until 24 hours after the last Board Director has been faxed the appropriate minutes.

Action: Motion 8 tabled.

Motion 9: Any motion, and the results of motions introduced into the Executive Committee, and the EAPA full Board meetings be published in the next issue of the *EAPA Exchange* magazine subsequent to the business meetings. There should be mandatory space made available in the *EAPA Exchange* dedicated to highlighting the business of the Association so that the membership can have pertinent information on issues impacting the organization.

Action: Motion 9 Approved.

Motion 10 (as amended): That (1) an EAPA standards and ethics statement be added to the EAPA member application (above the signature line), and (2) new and renewing Association members be required to acknowledge this statement by signing their name.

Action: Motion 10 approved as amended.

Motion 11: To establish as part of the Association's Bylaws a requirement that the Association's standard business practices and procedures mandate inclusion of the perspectives of the Association's varying ethnic, gender, sexual orientation, and racial groups in ALL of the Association's activities. It is recommended that this requirement be placed under Section 4, Nondiscrimination.

Action: Motion 11 withdrawn.

Motion 12: Revision of the Bylaws will be completed by the Spring Board meeting, 1998.

Action: Motion 12 withdrawn

Motion 13: To establish in the Bylaws a parliamentary authority for the conducting of business within the EAPA Board meetings...e.g., such as *Robert's Rules of Order, Ninth Edition* and/or in the policies and procedures as developed for the Board of Directors.

Motion 14: For Bylaws change, Section 7 – Meeting of the Board, Addition D, *Robert's Rules of Order, Ninth Edition*, shall govern all deliberations of this Association.

Action: Motions 13 and 14 withdrawn.

Motion 15: EAPA BYLAW CHANGE

Article V, Section 5 – The Nominating Committee must: ELIMINATE (c)

Motion 16: EAPA BYLAW CHANGE

Article V, Section 6 and all sections that reference this apply. Regional and Special Directors will serve a three-year term.

Motion 17: EAPA BYLAW CHANGE

Article V, Section 4 – Criteria for Nomination: 5 Nominees for the positions of Regional Director must be nominated by a member from that region and the nominees must live in the area they represent.

Motion 18: For EAPA to establish and/or revise election procedure guidelines in accordance with Section 4 of the EAPA Bylaws. Issues of concern include: roles of Chairperson and Nominating Committee, qualifications of the candidates, deadline dates for nominations, and criteria for nominations.

Motion 19: Members should be notified by April 1 for nominations for national offices, and the deadline for names to be placed in nomination should be no later than July 15, giving the Nomination Committee sufficient time to rule on their eligibility. The nominees should be accepted by the Committee no later than September 1, giving them sufficient time in the event that the National Conference is moved forward so it would be within the 30-day limit.

The Nomination Committee should have the jurisdiction for reviewing the candidates, along with the help of a staff person.

All concerns of the eligibility of a candidate should be directed to the Nominations Committee for their input along with the help of a staff person. This would give the Nominations Committee the responsibility to administer the process.

Action 15 - 19: Forwarded to Bylaws Task Force for review.

Motion 20: EAPA BYLAW CHANGE

Article V, Section 3 – Internal Programs/Services Director Change to (company or union) or eliminate (company)

Action: Motion 20 withdrawn.

Motion 21 (As amended): EAPA BYLAW CHANGE Article VI, Section 2 – Executive Committee FOUR or more members of the Executive Committee constitute a quorum for the transaction of business provided:

Motion 22: (Article V. Board of Directors Section 10 #4.) I hereby make a motion to establish a standard that any seat vacant at the end of his/her term be filled by this established formula. If the position has less than one-half the term left, the position will be appointed by the President with the approval of the Board. If more than one-half of the term remains there should be another ballot to the membership.

Motion 23: To transfer "Supervision" of the Chief Operating Officer (COO) from the President of the Association to the Executive Committee, and delete any references in the EAPA

Bylaws to the negotiation and/or termination of the COO's contract.

Action: Motions 21 - 23 forwarded to the Bylaws Task Force for review.

Motion 24: That the EAPA Board accept and approve the proposed Constitution of the UK Britannic Chapter and the change of name to "UK EAPA" while the EAPA works to develop a new relationship with its international chapters.

Action: Motion 24 approved

Motion 25: That international chapters may change the EAPA logo, retaining the core design of an ellipse with the letters "EAP" inside and the word "Association" underneath, subject to Board approval.

Action: Motion 25 withdrawn.

Motion 26 (as amended): That the Chilean Chapter of EAPA be approved.

Action: Motion 26 approved as amended.

Motion 27: Effective with the EAPA Annual Conference in 1998, all EAPA Board of Directors (Executive Committee, Special Directors, and Regional Directors), upon application, will be reimbursed 100% of approved expenses incurred while attending the Annual Conference and the related Board Meeting.

Reimbursed expenses will include transportation, accommodation, Annual Conference registration fees, and meal costs. These expenses will be reimbursed at the prevailing rates set by EAPA.

The EAPA Finance Committee will recommend to the Board at its Spring 1998 Meeting the options available to the Board for budgeting this increased expenditure. The Board may choose one of the presented options or determine other methods for funding this increased expenditure.

If approved, this Motion in its entirety, along with a summary of the Background section, will be reproduced in the *EAPA Exchange* so all EAPA members will be aware of this Board action.

Also, the President of EAPA should write to the employers of all EAPA Board members who receive financial support from their employer and extend the Board's gratitude for their support.

Action: Motion 27 tabled.

Motion 28: The specific amounts in the budget will be designated as expenses for each member of the Executive Committee.

Action: Motion 28 tabled.

Motion 29: To accept the revised Surplus Allocation Plan detailed below.

The actual surplus for FY 1997, according to the audit report, is \$483,504 less \$49,685 which is restricted assets (Lilly grant); that leaves \$433,819 in unrestricted surplus. Subtracting the already allocated and committed \$334,500 from that amount leaves \$99,319 to be allocated.

Following are recommendations for allocation of this surplus:

- Computer database update — \$ 50,000
- Membership development — \$16,000
- Licensure fund for chapters (Pending development of a plan by the L&PP Committee and approved by the Executive Committee or the Board of Directors for dispensing the funds) — \$20,000
- Additional meeting of licensure trainers — \$5,000
- Communications intern — \$5,000
- Resource Center: placing inventory on a database— \$3,319

Total — \$99,319

Action: Motion 29 approved.

The Next Meeting

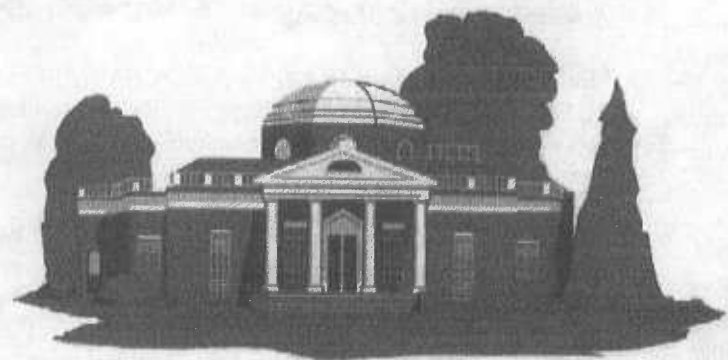
The next Board meeting will be held from April 18-19, at the Holiday Inn on the Hill, Washington, D.C., in conjunction with the Legislative and Public Policy Conference. ☺

Mark your calendars for the

EAPA Mid-Atlantic District I Conference

The Williamsburg Lodge
Williamsburg, Virginia
July 19-22, 1998

For more information, call
EAPA Headquarters
at **703-522-6272**



Core Technology
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In Memorium

EAPA mourns the recent deaths of three members, and we extend our deepest sympathy to their family and friends.

Guenter Nuernberger, 69, founder and former director of the EAP at Crowley Maritime in Jacksonville, FL, died at his home on October 26, 1997. He was instrumental in establishing the Crowley EAP in 1980, which since its inception has provided help to 6,000 employees and family members. Mr. Nuernberger retired in December 1995 after nearly 16 years of service with Crowley and a total of 24 years in chemical dependency and employee assistance.

Kenneth Vallis, 68, CEAP, a pioneer in developing youth training and employment programs, who had worked for the federal government and private industry, died of non-Hodgkins lymphoma on November 22, 1997, in Washington, D.C. Since 1991, he had been an EA professional with the Washington Metropolitan Area Transit Authority (Metro), where he worked with employees with substance abuse problems. Prior to that he had many years of service, notably helping the Kennedy administration in the 1960s and later other senior government officials work on problems of inner city youth.

Mr. Vallis was past chapter president of the Conference of Minority Transportation Officials and had served on the boards of Helping Children Grow, Youth Communication, and Project 2000.

Floyd Mills, CEAP, 61, president of the Central New York EAPA Chapter in Syracuse, NY, passed away on December 9, 1997, after a short illness. He was an EA professional with the New Venture Gear Co. Mr. Mills was also a member of the Onondaga Council on Alcoholism board of directors, UAW Local 624, and the National Rifle Association.

EAP Manager - United Kingdom

ICAS is a leading provider of EAP and workplace counseling services in the UK and throughout Europe.

Our rapid expansion in the UK and internationally now requires us to appoint a full-time manager to lead our team of clinicians based at our headquarters near Milton Keynes, 50 km north of London.

This role will combine both management and senior clinical responsibilities. You will also be required to support our account management and sales team in customer presentations.

You must have a master's degree in counselling, social work, or closely related discipline and will have at least 3 years of full-time EAP experience. Preferably CEAP qualified and with substantial experience in acute mental health and substance abuse. You must be able to manage effectively. Knowledge or experience of professional issues in counseling and EAP in the UK would be desirable.

Salary will be dependent on experience at around £30,000 (sterling) plus company benefits. Assistance with international relocation and housing will be provided.

Applications by supporting letter and curriculum vitae to Stephen Galliano, Clinical Director, ICAS Ltd., Radlett House, West Hill, Aspley Guise, Milton Keynes MK17 8DT, United Kingdom. Or by e-mail to sgalliano@icasgroup.com

Initial interviews will be by telephone but shortlisted candidates will be flown to the UK for final assessment. Applications before April 15, 1998.

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Denver - September 24-25
Detroit - October 6-7

(14 PDHs approved)

For registration information or questions about bringing the "Fundamentals" class to your organization, call Brenda Blair at (409)693-7268, e-mail bblair@txcyber.com or John Burke at (910)328-0978, e-mail jjbceap@aol.com.

The Benefits of a Joint Company/Union Employee Assistance Program

by Jerry Migchelbrink, CEAP

Companies that have a unionized work force are very fortunate when it comes to facilitating an EAP. Too many companies look at unions from an adversarial point of view. It is true that both parties negotiate from different perspectives at times and conflicts of opinion will always take place. Such conflicts, however, should not be the case when it comes to an EAP. A joint EAP gives both the company and union the opportunity to work together towards a common goal that benefits both.

Unions were formed out of the need to help fellow workers. The fact that workers organized as a united group shows the concern that each union member has for the welfare of the whole. Assisting an employee through the union has been going on since unions began. Often, a friend of a troubled employee will sense when there is something wrong with his or her co-worker well before management becomes aware of a problem. By being in the position of receiving an early referral, an alert union EAP can save the employee much pain. It has been proven that the earlier the diagnosis, the shorter the recovery time. This all equates to a benefit for both the employee and the company. The employee gets help sooner, and the company not only gets a more productive employee back, but will see a reduction in health costs. Basically, it's a win-win situation for all involved.

In 1980, Sam Sadler and I became EAP coordinators for the Transport Workers Union Local 513 at

the Dallas-Fort Worth Airport. We represent the ground service employees of American Airlines. We have each been active union employees with American Airlines for more than 31 years apiece. Other unions at American Airlines that represent groups such as the flight attendants and pilots also have joint company/union employee assistance programs. I can't speak for the programs of the other unions, but I do know that the Transport Workers are well represented when it comes to EAP. Sam and I work closely with Helen Hyland, who is the American Airlines EAP representative. Helen understands the importance of a strong cooperative effort between the company and our union.

My union involvement, as an aircraft mechanic, ranged from shop steward to vice president. While serving in those positions, my primary focus was to police the union contract and to serve the membership. If an employee was fired, I used every resource available to get him or her back to work. It became evident, however, that, in many cases, there was a lot more that the employee needed at times besides simply returning to work. Getting a person's job back and not helping them with their underlying problem can do more harm than good. At times I felt I was doing more enabling than really helping. When the EAP coordinator position became available, I knew it was what I wanted to do.

American Airlines has been working with its unions EAPs since the late 1960s. Back then, the focus of employee assistance was on alcoholism, and helping the employees who suffered from this disease. American has developed an excellent EAP by making it a joint effort between the company and the union. By involving the union, the program has a much broader base for contacting the troubled employee. The company knows that close contact between the union representatives and the workers enables them to spot potential problems early on and quickly get employees referred for assistance.

The development of a broad brush type EAP is a fairly recent concept at American Airlines, one that was initiated about seven years ago. John Saylor, EAP manager for American Airlines, has been instrumental in its evolution. The underlying approach of the EAP involves regarding each employee as a valuable asset. When employees are experiencing problems of any kind, it affects their performance and productivity. So the program is designed to help with referrals for a much broader range of problems than what it was first set up for. ☺



Jerry Migchelbrink, CEAP, is EAP coordinator for the Transport Workers Union, Air Transport Local 513, American Airlines, in Texas.

Governance of the CEAP: The EACC

by Doug McKibbin, CEAP

The Certified Employee Assistance Professional (CEAP) is a credential awarded by the Employee Assistance Certification Commission (EACC). The Commission is responsible for the development, policies, practices, and ongoing review of the CEAP credential. Being a governing body (rather than a society or member-driven association such as EAPA), it takes the responsibility for the credential and the requirements for becoming and maintaining a CEAP very seriously. This month's column outlines some of the responsibilities and tasks that the Commission oversees.

Historical Background

First, a bit of history. In an effort to advance the integrity of the employee assistance (EA) field, the Association of Labor-Management Administrators and Consultants on Alcoholism (ALMACA)—EAPA's predecessor—held elections for the first EACC to meet in August 1986 to develop the standards and means for a certification examination for EA professionals. After several months of hard work, the EACC developed a portfolio for the first certificates, enabling EA professional members to be grandfathered on a one-time basis. The first examination was administered in the fall of 1987. Since then, exams have been held twice a year—we now can count more than 5,000 CEAPs worldwide.

For budget and administrative support, the EACC and EAPA are linked. For policy development, practice, and decisions, however, the EACC remains separate, independent, and autonomous from EAPA. Over the past few years, the EACC and EAPA

have worked in a coordinated fashion around mutual issues such as EAP standards, legislation, and marketing. The CEAP credential remains one of the most significant services that the EAPA sponsors.

The composition of the EACC remains similar to its original mandate—15 commissioners who are appointed by the EAPA president to reflect the diversity of the EA profession—labor, external, internal, ethnic, and geographic (one Canadian and one international). In addition, the EAPA president-elect and the EAPA chief operating officer serve on the Commission as non-voting, ex-officio members. The 15 commissioners are each appointed to three-year terms and serve on several committees—Examination, Candidacy, Recertification, Code of Professional Conduct, and Marketing. The Commission meets three times a year and oversees various components of the entire CEAP process, including appeals.

The development of the CEAP examination is a task that the EACC undertakes annually. The exam is administered by an external test administrator to ensure accuracy and integrity of the exam process. Exam questions are developed using a multiple-stage peer review process. Current CEAPs are invited to submit examination questions (which serve as a means of earning PDHs). Potential exam questions from current CEAPs are reviewed to ensure accuracy and currency of EA professional practices, amended into a sound test-taking format, and brought to an item review meeting. This meeting is held in different parts of the country to involve various members of the EAP community. The test administrator then drafts an examination which requires final review and approval of the EACC commissioners.

Thanks to Hard-Working Staff

While the EACC sets the policy, the staff of the Certification Department carry on the day-to-day work and administration of the CEAP process. This office is extremely busy, last year handling more than 8,000 phone calls, 250 fax requests, and 800 e-mail requests; mailing 10,000 CEAP examination packets; preparing and mailing *CEAP MATTERS* four times a year to more than 5,000 subscribers; and processing almost 9,300 pre- and post-approvals for PDHs. Joni Reed Cooley, Kimberly Willis, and Anthony Brown provide exemplary service for all CEAPs. The EACC extends our hearty thanks and support for their ongoing support and diligence to the administration of the certification process.

Strengthening the Profession

So why take the time to review the EACC's duties? The Commission is a volunteer-based governing body that aims to maintain and uphold the standards for the certification of EA professionals. Through its standards and encouragement for professional growth, the EA community is strengthened and entrenched as a specific and distinct occupation—not just industrial counseling and more than human resource management. Over the entire 12-year history of the EACC, its mandate has been, and continues to be, to uphold and support the integrity of a vital business resource—EA professionals around the world! ☺



Doug McKibbin, CEAP, is chairman of the EACC.

Should Ethnic and Cultural Committees Embrace Only Minority Issues?

by Roman Frankel, CEAP

Committees to address ethnic and cultural diversity issues in the workplace have sprung up everywhere. Many associations have formed such committees to serve as forums where employees of various ethnic and cultural backgrounds can voice their concerns. These committees also are being established to raise the level of awareness and sensitivity to diversity issues among members, and within their human services agencies, the workplace, and society as a whole. Despite our best efforts, however, understanding the meaning of ethnic, cultural, and racial diversity remains confusing to many, and the committees themselves often struggle to clarify goals and to identify member needs. A few of the large, national associations are attempting to come to grips with this difficult issue. (Please note that I speak from my own experience as a member of the state-level ethnic and cultural concerns committees for my EAPA chapter in Michigan, the National Association of Drug Abuse Counselors, and the National Rehabilitation Association [where I am also president of the chapter].)

Certification and training for EA professionals, addiction counselors, social workers, and rehabilitation counselors who handle ethnic and cultural diversity issues are being considered as possible tools that may increase ethnic and cultural sensitivity. Such ideas are frequently discussed during committee meetings; however, they often remain stuck at the committee level due to lack of a unified plan of action or because of resistance from the general membership of the associations. In all fairness, the committees need to complete more groundwork, such as clarifying the committee's vision and mission and educating the general membership and respective boards of directors before such creative goals can be implemented into a structured plan.

Interestingly (or not), the composition of such committees is often comprised of African Americans with some representation from the Hispanic community, as well as Native Americans and Asians. Few Caucasians join these ethnic and cultural concerns committees. My personal observation is that those who do, myself included, are often from strong and/or recent European ancestry or are pro-human rights and sympathetic to correcting racial injustice.

The dialogue in committee meetings I have attended often turns to the topic of racism by the white man towards people of color. This approach feels threatening and confusing, especially to those whose families have also faced oppression, such as the Polish and Jewish peoples, to name a few. In my opinion, this may be one of the reasons why few Caucasians join these committees.

Should and/or can African Americans, Native Americans, and Hispanics show a reciprocal level of sensitivity to Caucasians and their cultural issues or are we so far apart in our racial differences that we are unable to find any unity in fighting for a common cause? Racial discrimination in the United States cannot be denied and, as such, Caucasians of European ancestry are often reminded that they are, in fact, privileged. It should be noted, however, that the benefits of such privilege are not always welcome and are seldom solicited. As a Caucasian male, I know that I am influenced by my social and ethnic upbringing. If I do currently have privileges, I am certainly willing to use them to help others. It would be wise for ethnic and cultural diversity committees to welcome the participation of all people who are interested in their issues, not just people of color.

Confronting the Issues

Ethnic and cultural diversity committees should discuss whether they are able to provide the most appropriate forum to address racial healing and harmony in the workplace. Without the expressed commitment and interest of all committee members, such issues may alienate some committee members and possibly defeat the goal of addressing concerns for all ethnic and cultural groups.

While our ethnic and cultural diversity committees have been charged with helping us recognize, even celebrate, how we are different, they could begin that process by acknowledging how we are alike. In the twentieth century, many beneficial changes in the United States were made by people representing a melting pot of cultures, including Caucasians, from all over the world. Caucasians have a wide variety of ethnic and cultural differences that have yet to be fully examined and understood. Ethnic and cultural diversity committees have the opportunity to point out we all have culturally diverse backgrounds. Regardless of our skin color, we can join these committees to make our work environment more pleasant, more efficient, and more fulfilling.

Your comments regarding this article are welcomed and appreciated as they will help contribute to a more solid understanding regarding our ethnic and cultural concerns. The author will respond to all inquiries and can be reached at: 5839 West Maple, Suite 112, West Bloomfield, MI 48322; tel. 248/855-3919; e-mail: RomanNSI@aol.com. ☉

Roman Frankel, Ph.D (candidate), CCS, NCAC II, CEAP, CCGC, is the president and executive director of New Start, Inc. of West Bloomfield, Michigan, a company that specializes in individualized treatment for multi-diagnosed patients (traumatic brain injury/addiction/psychiatric disorders) and their families.

HODGE

continued from page 28

discussed and explored. We made much progress in understanding that this is not a new problem. It has existed since research was developed to evaluate grant-funded treatment programs many years ago.

For example, the most difficult barrier to good research has been the fact that many community-based programs in the inner city are not accessible because clients and some program directors have been reluctant to give out personal information for fear it will come back to haunt them. The group recommended a three-pronged approach: (1) Program directors need to be educated about the benefits of research; (2) clients have to be educated about research; (3) researcher need to have on their teams persons who can relate well to inner city clients.

Having attended the conference, I strongly recommend that EAPA develop a position paper on research and forward copies to the National Academy of Science, Institute of Medicine Committee on Community-Based Drug Treatment. As EA professionals, we have a responsibility to our clients to not only endorse but also be involved in and supportive of research efforts.

I thank EAPA for the opportunity to represent the organization. ☉

EACC-Approved Conferences and Workshops

EAPA Middle Tennessee Chapter Please note the following date correction:

April 16 in Nashville, "The Respectful Workplace," 2 hrs.; contact Sherry Friedel, 615-292-4327.

EAPA Greater New Orleans Chapter

The following workshops will be held in New Orleans: April 17, "Legal Issues for EAPs," 1.5 hrs.; May 15, "Effective Responses to Difficult Cases," 1.5 hrs.; contact Janie Beers, 504-822-0800.

EAPA Los Angeles Chapter

The following workshops will be held in Los Angeles: April 22, "Multi-Cultural Roundtable," 2 hrs.; May 27, "Organizational Mediation," 2 hrs.; June 24, "Workplace Trends in Women's Issues," 2 hrs.; July 22, "Strategies for Maintaining Commitment in Times of Transformational Change," 1.5 hrs.; July 22, "Report from '98 National EAP Legislative and Public Policy Conference," .5 hrs.; contact Anne Salzman or Paul Salzman, 310-829-4429.

EAPA New Jersey Chapter

The following workshops will be held in New Brunswick: April 24, "Creativity: Personal and Professional," 2 hrs.; May 22, "The Healing Workshop," 2 hrs.; contact Barbara Sherman, 908-255-3658.

Conferences & Workshops

EAPA South Central Wisconsin Chapter

The following workshops will be held in Madison: May 1, "Violence in the Workplace," 2 hrs.; June 5, "Dual Diagnosis," 2 hrs.; July 10, "Dealing with Fear in the Workplace," 2 hrs.; contact Mary Kay Aide, 608-255-4419.

EAPA Connecticut Chapter

May 21 in Wallingford, CT, "Coaching Managers in Conflict Resolution," 1 hr.; contact Deborah Shapiro, 860-726-7038.

EAPA Northern Ohio Chapter

The following workshops will be held in Cleveland: June 19, "Making Supervisory and Union Referrals Work," 2 hrs.; July 17, "Phobia Treatment," 2 hrs.; contact Joseph Calucchia, 216-429-7434.

Wilderness Treatment Center

July 20-24 in E. Glacier, MT, "Maintaining Personal/Professional Competence," 30 hrs.; contact Loren Johnston, 406-854-2832.

Other Conferences

EAP Institute

April 29 in Cork, Ireland, "Stress and Employer Liability," May 13 in Kilkenny, Ireland, "Stress and Employer Liability," June 10, 11, in Dublin, Ireland, "Responding to Employee Assaults and Trauma," contact Claire Rowell, +353-51-855733.

EAPA Native American Chapter

"Honoring the Sacred Circle in the Workplace," April 30-May 2. Issues: ADHD, workplace violence, DOT rules/regulations, DOT/SAP, alcohol and drug concerns, inhalant dangers, AI traditional values, cultural competencies, and EAP certification. Meetings: NAEAP Chapter Ethnic and Cultural Concerns Committee and Women's Committee.

Contact: Diane Osceola, 320-532-7777, ext. 5837.

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The Long and Worthwhile Road to EA Licensure

by Paul Hufnagel, CEAP

Anyone who takes the time to read back over the past 10 or more years of the *EAPA Exchange* and *The Almacan* cannot help but be awed by the sheer breadth of topics and issues that appeared in these pages. Employee assistance as a profession has reached deeply into the world of work and into the lives of workers. After nearly 40 years, the EA profession has amassed an impressive body of practice knowledge and experience with workplace issues. Yet, unless the EA profession can successfully scale the slippery slope of licensure and secure its professional position, it will remain in danger of fragmentation, co-option, and dilution.

The reality we are facing is a marketplace that is crowded, competitive, and looking for the best buy on the dollar. In this milieu we have created a real niche for ourselves that addresses productivity issues, such as substance abuse, as well as cost-effectiveness issues, and supports individuals and their families. Although we are unique in being workplace-based, we are not the only ones offering these types of services. There are other helping groups already licensed and credentialed who are taking some components of the core technology and offering it as part of their own service. As a smaller, newer, unlicensed group, we find parts of our practice subsumed into others marketing practices.

In some states (see article on page 16), already licensed groups with definitions formally set in law are saying we fall under their practice, and must be licensed—in one case as mental

health practitioners, in another as licensed professional counselors. Yet the core of our practice is not treatment; it is an entirely different realm.

The EA profession also finds itself in danger of being dissolved into the vast structures of managed care organizations (MCOs). Too often, EA professionals are being used as a first contact point for employees before they enter

Confidentiality of EAP records will hold a more secure legal protection if the EA profession is licensed.

into the full realm of insurance-paid treatment services of an MCO. While the EAP's workplace association is recognized, most hands-on functions of the traditional EAP are being lost along the way. Because managed care is really about treatment, the person found in the first-assessment position is often not an EA professional at all but someone licensed to provide treatment. Without licensure of EA professionals and practice, the managed care environment has the potential to shatter the EAP identity at all levels, and, in the process, managed care will fail to achieve the very goal it is trying to reach: high quality, cost-effective healthcare.

Don't Throw the Baby....

MCOs are missing the point. EAPs are the original managed care

operation, but on a smaller scale. They offer prevention, early intervention, short-term problem resolution, appropriate referral, case management, record keeping, and all sorts of other services that keep costs down, find the most effective treatment, and return individuals to productive employment. Achieving licensure of EA professionals and EA practice—through definition in law—will hasten that day that MCOs understand and utilize the unique EAP core functions and related EAP services.

Perhaps one of the most compelling incentives for securing licensure lies in the contribution it will make to strengthening the privilege of the EA professional, and thus the confidentiality and privacy of the EAP client. As defined in legal statute, the person with privilege is prohibited from sharing information received with anyone else. Without the permission of the client, the licensed professional can share no information with a third party. Privilege is recognized legally and respected by the courts. It provides the strongest privacy protection for client communications.

Today there is justified concern over invasion of privacy in the workplace. While confidentiality has always been presented as one of the cornerstones of EAPs, recent articles in *The Wall Street Journal* (May 1994 and January 1998) continue to challenge the reality of this tenet. Laws that once protected confidentiality of client communications have been methodically diluted by legal exceptions and exemption. On another front, EA practitioners experience the mounting demand for accountability, which usu-

ally translates into including more personal detail in the case records. MCOs often clamp the practitioner in the proverbial vice-grips for more information and for more services.

Fortunately, when the U.S. Supreme Court upheld a lower court ruling in the case of *Jaffe v. Redmond*, an important victory for privacy and confidentiality was won. The right of the licensed professional to maintain privileged communications was secured.

According to attorney Peter Rubin, who filed the *amicus curiae* brief on behalf of EAPA, the Court, through this ruling, has left the door open to the possibility of obtaining legal protection of EAP records in future court cases. The confidentiality of the EAP records will hold a more secure legal protection if the EA professional is licensed. The escalating and alarming number of exceptions to the privileged communications of clients should be cause enough for EA

professionals to organize on behalf of their workplace clients for every possible privacy protection. Licensure is for the protection of our clients.

What You Can Do

For all these reasons, EA licensure at the state level is becoming even more critical. Despite the fact that many EAPA chapters are actively advancing toward licensure, few have been able to develop a successful strategy for obtaining it. Chapters are just beginning to comprehend the arduous nature of the licensure task and that, like a quest, it will take a long time, much coordinated effort, and involve many people. So far, only two states—North Carolina and Tennessee—have completed this journey. Five other states—Indiana, Louisiana, Massachusetts, New York, and Virginia—have introduced bills but are still searching for successful

strategies for reaching their goal. I am from the state that had an EA licensure bill brought to a vote in one house only to find that previously silent opponents surfaced on the floor with amendments that eviscerated and overwhelmed the bill.

It's important to keep in mind, however, that in this relatively early stage of the process, our greatest insight will come from our setbacks. Though some early attempts to obtain licensure may fail, we EA professionals can both mature and refine vital aspects of our professional identity. We are learning through this rigorous licensure process that professional status is not a right, but a hard-earned privilege.

Paul Hufnagel, BCSW, CEAP, is a member of the New Orleans EAPA Chapter and a former EACC member. A further discussion of licensure by Paul Hufnagel can be found in EA Practice in the 21st Century, edited by Nan Vandenberg, and soon to be published by Springer Publications.

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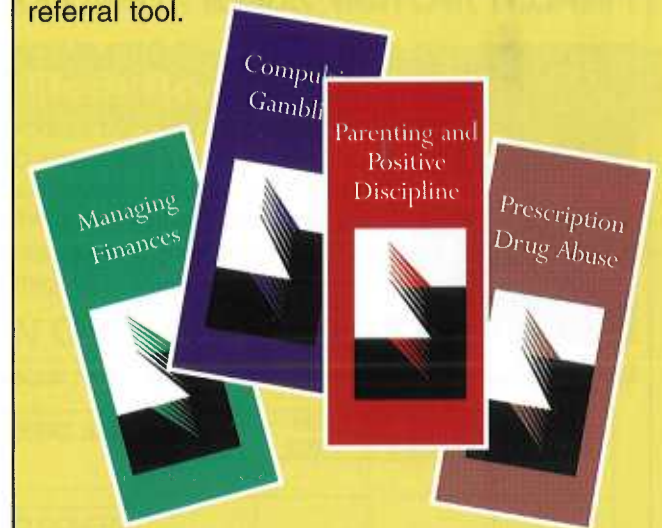
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