

SENATE BILL No. 65

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-40; IC 34-1-14-5; IC 34-4-12.4-1.

Synopsis: Employee assistance professionals. Provides for certification of employee assistance professionals. (An employee assistance professional is trained to identify and assist employees and their dependents with drug or alcohol related problems or other personal problems that affect the performance of employees.) Provides that all communications made to a certified employee assistance professional by another certified employee assistance professional or a client in furtherance of the objectives of the employer's program are confidential. Provides that a certified employee assistance professional is a mental health service provider for purposes of civil immunity.

Effective: July 1, 1998.

Craycraft

January 6, 1998, read first time and referred to Committee on Health and Environmental Affairs.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 65

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-40 IS ADDED TO THE INDIANA CODE AS
2 A **NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,**
3 **1998]:**
4 **ARTICLE 40. EMPLOYEE ASSISTANCE PROFESSIONALS**
5 **Chapter 1. Definitions**
6 **Sec. 1. The definitions in this chapter apply throughout this**
7 **article.**
8 **Sec. 2. "Association" refers to the Employee Assistance**
9 **Professionals Association, Inc., that is designed to certify programs.**
10 **Sec. 3. "Employee assistance professional" means an individual**
11 **trained and certified by a program.**
12 **Sec. 4. "Program" means a local employee assistance**
13 **professionals program certified by the association and designed to**
14 **train individuals to assist employees and the dependents of the**
15 **employees with drug or alcohol related problems or other personal**
16 **problems that affect the performance of employees.**
17 **Chapter 2. Training and Certification; Communications**

1998

IN 65—LS 6113/DI 75+



1 **Sec. 1. An individual who desires certification as an employee**
 2 **assistance professional must be certified by a program approved by**
 3 **the individual's employer and union or by the association. To qualify**
 4 **for certification, the individual must be trained in the following**
 5 **areas:**

6 **(1) Identification and resolution of productivity problems**
 7 **associated with employees impaired by the following that may**
 8 **adversely affect employee job performance:**

9 **(A) Health concerns.**

10 **(B) Marital concerns.**

11 **(C) Family concerns.**

12 **(D) Financial concerns.**

13 **(E) Alcohol concerns.**

14 **(F) Drug concerns.**

15 **(G) Legal concerns.**

16 **(H) Emotional concerns.**

17 **(I) Other personal concerns.**

18 **(2) Selecting and evaluating available community resources.**

19 **(3) Making appropriate referrals.**

20 **(4) Knowledge of local and national employee assistance**
 21 **agreements.**

22 **(5) Client confidentiality.**

23 **(6) Other areas specified by the program.**

24 **Sec. 2. All communications between an employee assistance**
 25 **professional and:**

26 **(1) another employee assistance professional about a client;**

27 **and**

28 **(2) a client;**

29 **are confidential and may not be revealed to a person not subject to**
 30 **this confidentiality requirement without the client's consent or unless**
 31 **mandated by statute.**

32 SECTION 2. IC 34-1-14-5, AS AMENDED BY P.L.154-1994,
 33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 1998]: Sec. 5. Except as otherwise provided by statute, the
 35 following persons shall not be competent witnesses:

36 (1) Persons insane at the time they are offered as witnesses,
 37 whether they have been so adjudged or not.

38 (2) Attorneys, as to confidential communications made to them in
 39 the course of their professional business, and as to advice given in
 40 such cases.

41 (3) Physicians, as to matters communicated to them, as such, by
 42 patients, in the course of their professional business, or advice



- 1 given in such cases.
- 2 (4) Clergymen, as to the following confessions, admissions, or
- 3 confidential communications:
- 4 (A) Confessions or admissions made to a clergyman in the
- 5 course of discipline enjoined by the clergyman's church.
- 6 (B) A confidential communication made to a clergyman in the
- 7 clergyman's professional character as a spiritual adviser or
- 8 counselor.
- 9 (5) Husband and wife, as to communications made to each other.
- 10 **(6) Employee assistance professionals certified under**
- 11 **IC 25-40, with respect to confidential communications made**
- 12 **to them by:**
- 13 **(A) a client; or**
- 14 **(B) another employee assistance professional.**
- 15 SECTION 3. IC 34-4-12.4-1, AS AMENDED BY P.L.147-1997,
- 16 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 1998]: Sec. 1. As used in this chapter, "mental health service
- 18 provider" means any of the following:
- 19 (1) A physician licensed under IC 25-22.5.
- 20 (2) A hospital licensed under IC 16-21.
- 21 (3) A private institution licensed under IC 12-25.
- 22 (4) A psychologist licensed under IC 25-33.
- 23 (5) A school psychologist licensed by the Indiana state board of
- 24 education.
- 25 (6) A university or college counseling center under the direction of
- 26 a licensed psychologist, physician, or mental health professional.
- 27 (7) A registered nurse or licensed practical nurse licensed under
- 28 IC 25-23.
- 29 (8) A clinical social worker who is licensed under IC 25-23.6-5-2.
- 30 (9) A partnership, a limited liability company, a corporation, or a
- 31 professional corporation (as defined in IC 23-1.5-1-10) whose
- 32 partners, members, or shareholders are mental health service
- 33 providers described in subdivisions (1) through (6).
- 34 (10) A community mental health center (as defined in
- 35 IC 12-7-2-38).
- 36 (11) A program for the treatment, care, or rehabilitation of alcohol
- 37 abusers or drug abusers that is:
- 38 (A) certified under IC 12-23-1-6; or
- 39 (B) created and funded under IC 12-23-14.
- 40 (12) A state institution (as defined in IC 12-7-2-184).
- 41 (13) A managed care provider (as defined in IC 12-7-2-127(b)).
- 42 **(14) An employee assistance professional certified under**



1 **IC 25-40.**

