



April 6, 1999

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## ENGROSSED HOUSE BILL No. 1477

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DIGEST OF HB1477 (Updated February 18, 1999 12:52 pm - DI 84)

**Citations Affected:** IC 25-40; IC 34-46.

**Synopsis:** Employee assistance professionals. Provides for certification of employee assistance professionals. Defines an "employee assistance professional" as an individual who provides workplace based services designed to address employer and employee productivity issues and who assists employees and their dependents with identifying and finding the means to resolve personal problems that affect the employee or the performance of the employee. Provides that all matters communicated by a client to an employee assistance professional in the employee assistance professional's official capacity are privileged information.

**Effective:** July 1, 1999.

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**Adams T, Munson, Torr, Yount**

(SENATE SPONSORS — CRAYCRAFT, JOHNSON, ANTICH)

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January 19, 1999, read first time and referred to Committee on Labor and Employment.  
February 10, 1999, amended, reported — Do Pass.  
February 16, 1999, read second time, amended, ordered engrossed.  
February 17, 1999, engrossed.  
February 18, 1999, read third time, passed. Yeas 91, nays 3.

SENATE ACTION

February 25, 1999, read first time and referred to Committee on Judiciary.  
April 5, 1999, amended, reported favorably — Do Pass.

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EH 1477—LS 7559/DI 100+



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April 6, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

## ENGROSSED HOUSE BILL No. 1477

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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 1999]:  
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., a national nonprofit organization**  
10 **designed to authorize state programs.**  
11 **Sec. 3. "Certified employee assistance professional" means an**  
12 **individual who meets the requirements of and remains in good**  
13 **standing with the commission.**  
14 **Sec. 4. "Commission" refers to the Employee Assistance**  
15 **Certification Commission, a nationally recognized body that**  
16 **certifies employee assistance professionals.**  
17 **Sec. 5. "Employee assistance professional" means an individual**

EH 1477—LS 7559/DI 100+



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- 1       **who:**
- 2           **(1) practices the employee assistance profession by providing**
- 3           **workplace based services designed to address employer and**
- 4           **employee productivity issues;**
- 5           **(2) practices the employee assistance profession by assisting**
- 6           **employees and dependents of the employees with identifying**
- 7           **and finding the means to resolve personal problems that affect**
- 8           **the employee or the performance of the employee, not to**
- 9           **include services provided by licensed mental health**
- 10          **professionals; and**
- 11          **(3) is:**
- 12           **(A) a certified employee assistance professional; or**
- 13           **(B) experienced and trained in providing the services**
- 14           **described in subdivisions (1) through (2), including the**
- 15           **subjects described in IC 24-40-2-1(1) through**
- 16           **IC 24-40-2-1(5).**
- 17          **Sec. 6. "Program" refers to the Indiana chapter of the**
- 18          **association, or other in-state, local programs, as authorized by the**
- 19          **association, that are designed to identify employee assistance**
- 20          **professionals who are certified by and remain in good standing**
- 21          **with the commission.**
- 22          **Chapter 2. Training and State Certification Programs**
- 23          **Sec. 1. An individual who desires in-state, local certification as**
- 24          **a certified employee assistance professional must be identified by**
- 25          **an authorized program as a certified employee assistance**
- 26          **professional by the commission. To qualify for an in-state, local**
- 27          **certification, the individual must be experienced, trained, and**
- 28          **educated in the following areas:**
- 29           **(1) Identification and resolution of productivity problems**
- 30           **associated with employees impaired by the following concerns**
- 31           **that may adversely affect employee job performance:**
- 32           **(A) Health concerns.**
- 33           **(B) Marital concerns.**
- 34           **(C) Family concerns.**
- 35           **(D) Financial concerns.**
- 36           **(E) Substance abuse and other addiction concerns.**
- 37           **(F) Workplace concerns.**
- 38           **(G) Legal concerns.**
- 39           **(H) Emotional concerns.**
- 40           **(I) Other workplace concerns.**
- 41           **(2) Selecting and evaluating available community resources.**
- 42           **(3) Making appropriate referrals.**



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

**(5) Client confidentiality.**

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

**Sec. 2. Matters communicated by a client to an employee assistance professional in the employee assistance professional's official capacity are privileged information and may not be disclosed by the employee assistance professional to any person, except under the following circumstances:**

**(1) In a criminal proceeding involving a homicide if the disclosure relates directly to the fact or immediate circumstances of the homicide.**

**(2) When the communication reveals the contemplation or commission of a crime or a serious harmful act.**

**(3) When:**

**(A) the client is an unemancipated minor or an adult adjudicated to be incompetent; and**

**(B) the information communicated to the employee assistance professional indicates the client was the victim of abuse or a crime.**

**(4) In a proceeding to determine mental competency or a proceeding in which a defense of mental incompetency is raised.**

**(5) In a civil or criminal malpractice action against the employee assistance professional.**

**(6) When the employee assistance professional has the express consent of:**

**(A) the client; or**

**(B) the client's legal representative in the case of a client's death or disability.**

**(7) To a physician when the physician is licensed under IC 25-22.5 and has established a physician-patient relationship with the client.**

**(8) When privileged communication is abrogated under Indiana law.**

**SECTION 2. IC 34-46-2-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 23.5. IC 25-40-2-2 (Concerning matters communicated by a client to an employee assistance professional).**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1477, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 34, after "profession" insert "**in Indiana**".

Page 3, line 35, after "professional" insert "**in Indiana**".

and when so amended that said bill do pass.

(Reference is to HB 1477 as introduced.)

LIGGETT, Chair

Committee Vote: yeas 13, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1477 be amended to read as follows:

Page 2, line 7, after "employee" insert ", **not to include services provided by licensed mental health professionals**".

(Reference is to HB 1477 as printed February 11, 1999.)

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SENATE MOTION

Mr. President: I move that Senator Antich be added as cosponsor of House Bill 1477.

CRAYCRAFT

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred House Bill No. 1477, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 1, delete "practices the employee assistance profession by".

Page 2, line 2, after "(1)" insert "**practices the employee assistance profession by**".

Page 2, line 3, after "issues;" delete "and".

Page 2, line 4, after "(2)" insert "practices the employee assistance profession by".

Page 2, line 8, delete "." and insert "; and".

Page 2, between lines 8 and 9, begin a new line block indented and insert:

**"(3) is:**

**(A) a certified employee assistance professional; or**

**(B) experienced and trained in providing the services described in subdivisions (1) through (2), including the subjects described in IC 24-40-2-1(1) through IC 24-40-2-1(5)."**

Page 2, line 16, before "employee" delete "an" and insert "a certified".

Page 3, delete lines 33 through 38.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1477 as reprinted February 17, 1999.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

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