

Workplace Support Mandatory Referral Process

Rationale and Goal: Both the employee and the employer are your clients. The goal is to assist the employee in managing his or her behaviors in order to maintain employment—the employee’s participation is a condition of his or her continued employment.

The mandatory referral is a collaborative effort among the employee, the EAP provider, the Workplace Support consultant and the employer. Remember to consider all mandatory referrals as a top priority. Therefore, the initial session should occur within 48 hours of the referral (except if otherwise communicated to you by Magellan).

We ask that you follow these guidelines:

AT SESSION 1:

1. Ask the client to **sign and initial (next to each checked box under #3)** the Authorization to Use or Disclose Protected Health Information (AUD), furnished in the client packet. Do not add your name to this form, as you are included under the authorization for Magellan to make disclosures (see fine print).
2. Ask the client to sign the Mandatory Referral Statement of Understanding (Mandatory SOU). If the client should refuse to sign either or both of the above forms, stop the session and contact the identified Workplace Support consultant listed on the materials received with the member packet.
3. Conduct your assessment and, prior to making recommendations to the client, contact the Workplace Support consultant listed on the materials received with the member packet.
4. If forms have not arrived prior to first session please contact EAP Workplace Support to have the appropriate forms faxed.

FOLLOWING SESSION 1:

1. **Fax the AUD and the Mandatory SOU** to the attention of the identified Workplace Support consultant.
2. Call the Workplace Support consultant **within 24 hours** to staff the case and to begin to develop the Compliance Plan in cooperation with him or her. If you cannot reach the Workplace Support consultant during regular business hours, please leave a message with your availability for the next business day.
3. Provide the Workplace Support consultant with the time/date of the client’s next appointment.

Appendix H

AT SESSION 2 or 3:

1. Review the Compliance Plan with the client and secure the client's signature on the Compliance Plan.

FOLLOWING REVIEW OF COMPLIANCE PLAN (SESSION 2 or 3):

1. FAX the Compliance Plan to the attention of the Workplace Support consultant. (This is the last of three forms that you must submit to the Workplace Support consultant: AUD, Mandatory SOU and Compliance Plan).
2. Provide the Workplace Support consultant with the time and date of the client's next appointment.

AT FUTURE SESSIONS:

1. Using the established Compliance Plan as your guide, assist the client in moving toward compliance goals.

FOLLOWING EACH FUTURE SESSION:

1. Call the Workplace Support consultant to report if the appointment was kept and to provide a brief statement of progress toward goals or lack thereof.
2. Inform the Workplace Support consultant of the time and date of the client's next appointment.
3. If appropriate, consider contacting the Workplace Support consultant during the session if there are procedural questions and to report compliance. This keeps the compliance aspect in the forefront for the client and may save you returning phone calls.
4. Please note that the Workplace Support consultant is required to complete all follow up in a timely manner. The consultant will continue to contact you if you do not initiate review or return calls to the Workplace Support Consultant.

SPECIAL NOTES:

1. **You (the EAP provider) are not to have any direct or indirect contact with the employer.** If an employer calls you directly, then please instruct that person to contact the Magellan Workplace Support consultant. Do not complete any employer forms, call the employer or write any letters on behalf of the client for the client company as this is considered direct contact with the employer.
2. The EAP usually does not complete FMLA, disability, fitness-for-duty or return-to-work forms. If there is an exception based on account mandate, the Workplace Support consultant will inform you.
3. Regarding Disability Forms – Remember, with mandatory referrals, the EAP provider has a dual role, with obligations to the individual client and to the client organization; the dual role precludes the provider from completing these forms. If the client is insistent that you complete any type of FMLA or disability forms, please call the Workplace Support consultant for further guidance.
4. The EAP will not give any clinical information to the employer without the prior written authorization of the client.

STAFFING GUIDE FOR MANAGEMENT REFERRALS

The following information is requested at the time of the initial staffing with your Workplace Support consultant. This staffing must occur within 24 hours of the first visit.

- Presenting Problem: (per the client)
- Demographics: (ethnicity, family composition, age, marital status, etc.)
- Job Title/Duties: (per the client)
- Level of Risk: (suicidal ideation, homicidal ideation, past attempts, past hospitalizations, family history of mental health, significant losses, threat of violence, safety violations, domestic violence, access to weapons. Assess: imminence/ severity and intent, plan, means)
- Substance Usage: (past – amount, frequency, duration; current – amount, frequency, duration, date of last use, relevant treatment history, family history, other addictions/gambling, Internet pornography, etc.).

NOTE: Per Magellan protocol, clients referred for substance abuse are followed for one year from the date of referral, by a Magellan follow-up specialist.

Recommended Intervention/Rationale: (Level of Care and Clinical Reason for this Recommendation)

Per Magellan protocol:

1. All mandatory referral cases must have some type of intervention. Please talk to the Workplace Support consultant before you discuss any recommendations with the client.
2. The **minimum** requirement for substance abuse cases under the mandatory referral process is a Compliance Plan of education. For all cases, no matter what level of care, the Workplace Support consultant will ask you to help find an appropriate program, given the client's resources and health benefits.
3. For substance use cases in which no treatment drug screens have occurred, we suggest you encourage your clients to secure a five-panel, independent urine drug screen (UDS) at a SAMHSA-approved lab prior to the return-to-work recommendation. This ensures that the client will pass the employer's test upon return to work and avoid job jeopardy. The UDS is an out-of-pocket expense to the client. The Workplace Support consultant will inform you if the client needs a different type of screen to meet the employer's return-to-work requirements.
4. A recommendation for the client's return-to-work conference is made only after collaboration with the Workplace Support consultant. Ultimately, it is the employer that decides when the client will return to work.
5. The decision to close a case is a collaborative one between the EAP provider and/or the treatment provider and the Workplace Support Consultant; the decision must be agreed to by the employer. Please discuss your recommendations for closing a case directly with the Workplace Support consultant prior to discussing it with the client.

WHEN THE CLIENT IS NONCOMPLIANT

Please note that the compliance plan form used for most mandatory referral cases addresses noncompliance. Noncompliance may be any one (or more) of the following:

- Missing sessions with the EAP provider and/or the treating provider
- Continued presence of the presenting problems at the workplace (e.g., a client tests positive again in the workplace for a substance)
- Not returning calls to either the EAP provider or the Workplace Support consultant
- Refusal to sign appropriate forms/documents
- Continued use of mood altering chemicals, including alcohol
- Refusal to follow any part of the compliance plan.

It is essential that you, as the EAP provider, notify the Workplace Support consultant immediately if any noncompliant behavior or actions are identified. The Workplace Support consultant will determine the next steps to address your concerns.