



Magellan Healthcare, Inc.*

Employee Assistance Program (EAP) Supplement

*In California, Magellan does business as Human Affairs International of California, Inc. and/or Magellan Health Services of California, Inc. – Employer Services. Other Magellan entities include Magellan Healthcare, Inc. f/k/a Magellan Behavioral Health, Inc.; Merit Behavioral Care; Magellan Behavioral of Michigan, Inc.; Magellan Behavioral Health of New Jersey, LLC; Magellan Providers of Texas, Inc.; and their respective affiliates and subsidiaries; all of which are affiliates of Magellan Health, Inc. (collectively “Magellan”).

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SECTION 1: INTRODUCTION TO MAGELLAN'S EAP

Magellan's EAP	Magellan defines the Employee Assistance Program (EAP) as a systematic program to help individuals resolve personal problems, such as family conflict, stress, and drug or alcohol abuse, and address common work/life issues, and to provide training, consultation, and other management services for employers relating to the effective utilization of the EAP by an employer (or union) and its employees (or members).
EAP Providers	<p>Magellan expects EAP providers to have excellent assessment skills for many areas of life. They must be able to assess individuals, couples and families, including children and older adults. Depending on the EAP model and the results of your assessment, you will need to provide:</p> <ul style="list-style-type: none">• Short-term, problem-focused assistance• Referral options when client needs exceed the scope of the EAP• Referral facilitation and management, including assistance in obtaining pre-authorization from the client's benefit plan• Follow-up to determine client satisfaction.
Major Program Components	<ul style="list-style-type: none">• Employee education and outreach• Critical incident stress management (CISM)• Training for supervisors, managers, human resources personnel and union representatives• Assessment and counseling• Management/supervisory consultation• Information and referral services• Follow-up referrals.
Terminology	<ul style="list-style-type: none">• Care manager, case manager or EAP consultant refers to clinically trained staff within Magellan with varying functions.• EAP provider refers to a provider who is contracted to provide EAP services.• Workplace Support consultants are clinically trained Magellan staff who provide specific workplace support functions, such as management consultations and formal and mandatory referrals.
Provider Training and Information	EAP provider trainings and information are available on Magellan's provider website, www.MagellanProvider.com (under "News & Publications," click "State-, Plan- and EAP-Specific Information," then "EAP-Specific Information").

SECTION 2: EAP SERVICES

Types of Services, Referrals and Delivery Expectations

Our Philosophy	Magellan is dedicated to providing comprehensive EAP services to our client organizations, their employees and family members.
Our Policy	<p>Comprehensive EAP services offered through you, our EAP providers, are:</p> <ul style="list-style-type: none">• Crisis intervention• Complete assessment• Solution-focused brief counseling• Follow-up.
What You Need to Do	<p>It is your responsibility to:</p> <ul style="list-style-type: none">• Respond to Magellan members within 24 business hours from the time of their phone call, to offer an appointment or if needed refer back to the call center for a new referral.• Offer routine sessions within three business days, and urgent and supervisory/mandatory referral requests within twenty-four hours.• Complete a full assessment for each client. Components of the full assessment may be found on our EAP chart forms located in the Appendix titled <i>EAP Forms</i>.• Offer solution-focused brief counseling where clinically indicated (i.e., problem is amenable to resolution within the EAP session model) and available within the EAP session model. Refer to the client's health benefit plan should client's situation necessitate help beyond the EAP benefit. Please be advised that some EAP client organizations allow the EAP provider to continue treating the client (self-referral of client using health plan behavioral health benefit) <i>after completion of all available EAP sessions</i>. When the client organization permits self-referral, you must offer the client a choice of two other mental health providers in addition to yourself and the client must sign the EAP self-referral waiver. This form is located in the Appendix titled <i>EAP Forms</i>.• Maintain awareness of "dual-client" relationship in each EAP case. EAP providers serve both the client and the employer/client organization that purchases the service. As a result, you must maintain confidentiality and neutrality. Contact Magellan if a client requests that you contact his or her employer, if a client organization contacts you directly, or if there is a threat of legal action or violence against a client organization or Magellan.• Ensure that the Statement of Understanding (SOU) is signed by

the client for that particular case. This form is located in the [Appendix](#) titled *EAP Forms*.

- Complete a follow-up contact with your client within 30 days after EAP sessions have ended.

What Magellan Will Do

Magellan will:

- Inform you of any special urgency in an EAP case referred to you.
- Provide comprehensive assessment forms for you to document your assessment of your EAP clients and their situations.

Limitations and Exclusions

Our Philosophy

Some situations and certain types of services are not appropriate for EAP services, primarily due to the “dual-client” relationship in EAP work.

Our Policy

The EAP does not cover any of the following services; you should NOT provide any of these services through the EAP:

- EAP sessions that were not accessed through Magellan (either through the toll-free telephone access line or the online self-referral service) for the particular episode of care
- Fitness-for-duty evaluations or excuses for time off, disability, or leave of absence
- Evaluations/reports for a court, government agency, etc.
- Evaluations or recommendations to be used in child custody proceedings, child abuse proceedings, criminal proceedings, workers' compensation proceedings, or any other lawsuit or legal action
- Court-ordered counseling
- Remedial and social skills education services, (e.g., evaluation or treatment of learning disabilities, learning disorders, academic skill disorders, language disorders, mental retardation, motor skill disorders, or communication disorders)
- Psychological, neurological, educational, or IQ testing
- Medication Management
- Evaluations in connection with client effort to secure employment, particular job assignments, admission to or continuing in school, licenses of any kind, or insurance coverage
- Group counseling that includes non-family or non-household members
- Acupuncture
- Biofeedback or hypnotherapy
- Use of EAP services to testify in legal proceedings or create records for legal proceedings
- Services to support a lawsuit by a client against the client

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organization or Magellan

- Inclusion of any intern, consultant, supervisee, or other third party in an EAP session without prior permission of the client.

What You Need to Do

Notify/consult with Magellan if you are contacted by a client requesting assistance in any of the above situations or asking for any of the above services.

What Magellan Will Do

Consult with you regarding any of the above requests outside the scope of our EAP services, to help explain to the client the limits of EAP services and perhaps direct them to a more appropriate resource.

SECTION 3: EAP RECORDS

Our Philosophy In support of our commitment to quality care, we require providers to maintain well-organized, well-documented, confidential client records that reflect EAP services.

Our Policy Magellan promotes a thorough and accurate clinical documentation system for the effective delivery of services to clients who receive EAP services.

What You Need to Do It is your responsibility to:

- Keep case records in locked/secure cabinets when not in use
- Destroy inactive case records in accordance with applicable state and federal laws
- Make all Magellan EAP case records available to Magellan upon request.

Do not disclose any information to a third party other than Magellan unless the client has delivered a properly executed *Authorization to Use or Disclose Information* (AUD) or disclosure is required by applicable law. When there are two or more clients or a minor child, read the AUD carefully to see if more than one AUD is needed.

PLEASE NOTE: An AUD is not necessary to speak about a case with a Magellan representative; under HIPAA, such conversations are considered a part of Treatment/Payment/Healthcare operations (TPO) for which information may be disclosed without an AUD. (For cases covered by the Privacy Act, such conversations may take place as disclosures that are consistent with the purpose of the program.)

In the following instances, disclosure without a signed authorization is permitted:

- If, based on a client's conduct and/or verbal or written threats or statements, you believe the client presents imminent danger to him- or herself or other identifiable party, as required by applicable state law.
- If you are ordered by a court of law to provide information about a client.
- If you determine that you have an obligation to report child abuse or abuse of a vulnerable adult.

There are other circumstances in which disclosure of information may be permitted without an authorization. Check your state confidentiality law and HIPAA requirements or Privacy Act requirements. *See Magellan's National Provider Handbook, Section 4, for information on HIPAA requirements. The Privacy Act of 1974 requires protection of privacy in certain federal government records pertaining to individuals, including EAP records.*

What Magellan Will Do

Magellan will make clinical forms available for documentation of Magellan EAP cases. You can find these forms in the [Appendix](#) titled *EAP Forms*.

Magellan conducts clinical record reviews to document and monitor the quality of EAP services.

If Magellan requires a review of your records, we will mail a letter outlining what information you are to provide, which includes:

- Administrative documentation
- Assessment
- Progress notes
- Closing summary.

Magellan will provide written feedback of your audit results.

SECTION 4: MANAGING HIGH-RISK CASES

Our Philosophy	Magellan promotes client, provider and public safety in the EAP setting.
Our Policy	It is our policy that each client be screened and evaluated for risk during each EAP session.
What You Need to Do	<p>Your responsibility is to:</p> <ul style="list-style-type: none">• Screen for risk during every EAP session and document results in the client chart• Quickly address any real or potential harm to self or others, and take the appropriate steps required by law (e.g., notify potential victim)• Have a working knowledge of the applicable laws of your state regarding duty to protect – which also includes vulnerable adults and children• Have a working knowledge of Magellan’s high-risk threat of violence (TOV) protocols, and use the guidelines and clinical consultation when needed• Review the TOV grid in the Appendix of this supplement.
What Magellan Will Do	<p>Magellan’s responsibility to you is to:</p> <ul style="list-style-type: none">• Have consultation services available on TOV levels, 24 hours a day• If necessary, provide you with a copy of the TOV grid alert levels• Pay for additional session/time, if needed, in order to facilitate an appropriate referral.

SECTION 5: WORKPLACE SUPPORT SERVICES

Goals and Communication

Our Philosophy The objective of Workplace Support is to support managers, providers and clients in use of the EAP to address job performance issues.

Our Policy The goal is *not* to “save” or “defend” the employee from the employer, but rather to preserve the employee’s ability to work or return to work.

By remaining neutral and objective, not advocating for either the employee or the employer, providers assist in the productivity and safety needs of the workplace, as well as the capability of the employee to retain his or her job.

What You Need to Do Your responsibility is to:

- Communicate with the Magellan Workplace Support consultant.
 - Determine if you are able to accept the referral.
 - Provide the Workplace Support consultant with all information needed to report to the client organization (e.g., whether the client attended your scheduled sessions, accepted your recommendations, etc.).
- Provide referral information to the provider or treatment program to which you refer the client, if applicable, including signed authorization(s) for use or disclosure of information (AUD).
- Never communicate with the client’s employer directly, unless the Workplace Support consultant asks you to do so.
- If an employer contacts you directly, refer them to the Workplace Support consultant involved with the case.
- Review all information in the *Workplace Support Appendix* of this supplement for more specific procedural information.

What Magellan Will Do • Provide consultation and support to managers in connection with problem employees

- Facilitate referrals of problem employees
- Support providers with treatment planning
- Provide relapse prevention support.

Management Referrals

Our Philosophy The objective of Workplace Support is to support managers, providers and clients in use of the EAP to address job performance issues.

Our Policy **Informal Management Referrals:**

- The employer recommends EAP participation to an employee who requests assistance or whom the employer observes may be experiencing emotional difficulties that affect job performance.
- No information is provided to the employer without a written Authorization for Use or Disclosure (AUD) signed by the employee.

Formal Management Referrals:

- The employer contacts Magellan regarding an employee who shows signs of deterioration in work performance.
- The employee's participation in the EAP is voluntary. Failure to participate fully or to follow EAP provider recommendations does not affect his or her employment.
- The employer receives a report from Workplace Support confirming follow through with the initial appointment once the employee signs an AUD.

Mandatory Management Referrals:

- The employer contacts Magellan because an employee has violated the employer's policy, which may include, threat of harm to self, workplace violence or testing positive for drugs or alcohol along with the accompanying absenteeism and decline in work performance.
- These referrals commonly occur for employees in safety-sensitive positions. Those covered under the Department of Transportation (DOT) and Department of Energy (DOE) also are among those referred. (Safety-sensitive jobs may include, but are not limited to: machine operators, truck drivers, railroad workers and pilots.) DOT- and DOE-governed referrals must be made to Substance Abuse Professionals (DOT) and Substance Abuse Experts (DOE) specifically trained and qualified to serve clients.
- The employee's participation in the EAP is a condition of his or her continued employment.
- These employees often are suspended from their jobs at the time of the EAP referral.
- Magellan is obligated to provide ongoing follow-up reports on attendance and compliance with EAP recommendations; Magellan's Workplace Support staff can furnish these reports once an AUD is signed by the employee.

What You Need to Do

- Communicate and provide information to the Magellan Workplace Support consultant, as described on the previous page.
- Provide rapid response when assessing formal or mandatory referrals (see Section 2 of this handbook supplement for service delivery expectations).
- **Consider all mandatory referrals of clients a top priority.** The client's job may be in jeopardy and, more importantly, public safety may be at risk.
- Include the following in all assessments for formal and mandatory referrals:
 - Thorough chemical dependency screening, using Magellan forms or other approved assessment tools if a substance abuse referral
 - Description of job performance impact
 - Family history of substance abuse/dependency
 - Evaluation of client's support network
 - Identification of obstacles to successful intervention and recovery
 - Screen for DSM-V substance abuse or dependency and other diagnosis
 - Screen for other possible behavioral health issues.
- *Limit your involvement in connection with substance abuse to assessing, referring for treatment, and monitoring treatment compliance – your role is not to provide substance abuse treatment.*
- Substance abuse referrals: If you cannot substantiate an abuse or dependency diagnosis because of lack of supporting evidence or self-report—at minimum—you must recommend a structured educational program. Employees who test positive for alcohol or other drugs in the workplace often do not acknowledge a substance abuse problem.
- Provide education on the risks of substance abuse. Most employers are not willing to allow employees with a positive test to return to the workplace without the assurance that the employee has at least undergone education on risks.
- Consider using the following as adjuncts to the above assessment components when the client is resistant, or you feel his or her self-report may be inaccurate:
 - Collateral interviews
 - Copy of driving record
 - Referral for physical evaluation to a physician familiar with substance abuse issues
 - Psychiatric referral under the client's health plan.
- Once you have completed your assessment and the client has signed all required AUDs , Mandatory Care Plan and SOU, you are to:
 - Call the identified Workplace Support consultant to

- review the case within one business day of the first appointment.
- Fax a copy of the AUD and the Mandatory Referral Statement of Understanding (SOU) (and a copy of the alcohol/drug assessment form, if a substance abuse referral) to the identified Workplace Support consultant immediately after your initial appointment.
- Notify the Workplace Support consultant of your treatment recommendations, including the name and telephone number of a contact person at the treating facility, if applicable.
- Once you and the Workplace Support consultant agree on the treatment plan, present your recommendations to the employee and have the employee sign along with your signature the appropriate Care Plan form that the consultant sends to you.
- You may not provide fitness-for-duty evaluations.
 - These evaluations generally include both a medical and a psychiatric review and are normally conducted by a physician.
 - The Workplace Support consultant will assist the employer in locating appropriate fitness-for-duty evaluators.
- You may not complete short-term disability paperwork for mandatory referral cases, due to the dual role with the client and the client organization.
 - You can refer the client to his or her medical doctor or psychiatrist for further evaluation to consider if the client is eligible for FMLA or short-term disability.

What Magellan Will Do

- The Workplace Support consultant may contact you to review your assessment and address any questions you may have about the employer's expectations.
 - Workplace Support consultants are a resource for you; please call the Workplace Support consultant if you have any questions regarding a case.
- Your Workplace Support consultant may contact you to participate in a return-to-work conference in preparation for the client's return to the workplace.
 - A return-to-work conference may also include the client, the manager/supervisor, the Workplace Support consultant, any relevant treatment provider, and, in some cases, a union representative.
 - This type of contact with the employer is only permitted when coordinated by the Magellan Workplace Support consultant.
 - The Workplace Support consultant will advise you of any specific employer needs and will answer any questions you may have in preparation for the return-to-work

conference.

Informal Management Referral

- Provide requesting employers information on EAP providers in their area and the types of services they provide.

Formal Management Referral

- As needed, send an AUD to you (and/or to the client's manager/supervisor/human resources representative) to have the client complete and sign. The client's authorization allows the Magellan Workplace Support consultant to inform the client's supervisor of the following:
 - Whether the client kept the appointment
 - Whether an action plan has been developed (in some cases).

Mandatory Management Referral

- Consider all mandatory referrals of clients a top priority. See the *Workplace Support* [Appendix](#) for more information.
- Send an AUD/SOU to you (and/or to the client's manager/supervisor/human resources representative) to have the client complete and sign. The client's authorization allows the Magellan Workplace Support consultant to inform the client's supervisor of the following:
 - Whether the client kept the appointment
 - Whether the client is compliant with treatment recommendations
 - Other information required by the client organization relating to the mandatory referral.

SECTION 6: DEPARTMENT OF TRANSPORTATION (DOT)-REGULATED CASES

Our Philosophy

Employees subject to the Department of Transportation (DOT) regulations (certain safety-sensitive positions) must follow the guidelines established by the DOT at 49 CFR part 40 (DOT-regulated employees). Industries covered include aviation, trucking, railroad, public transportation, ships/vessels, pipeline, and other industries that utilize trucks or heavy equipment.

All referrals of DOT-regulated employees are considered a top priority. The client's job may be in jeopardy and, more importantly, public safety may be at risk.

Our Policy

The Omnibus Transportation Employee Testing Act of 1991 required DOT to develop rules regulating alcohol and drug testing for certain safety-sensitive employees. The Act covers more than 12 million employees who are in established safety-sensitive jobs. Magellan strictly adheres to all regulations for all employees subject to this act and the regulations issued by DOT.

Under DOT regulations

Alcohol testing occurs in the following situations:

- Post-accident
- Reasonable suspicion
- Random
- Follow-up/return-to-duty.

Note: Although pre-employment alcohol testing is not required, employers may conduct such testing, provided the testing meets the requirements of the DOT regulations at 49 CFR Part 40.

Drug testing includes marijuana, phencyclidine [PCP], opiates, cocaine and amphetamines, and occurs in the following situations:

- Pre-employment
- Post-accident
- Reasonable suspicion
- Random
- Follow-up/return-to-duty.

What You Need to Do

To be eligible to provide services to DOT-regulated employees, you must be a qualified SAP.

SAP qualifications include:

- Professional qualifications
- Substance abuse knowledge and experience
- Satisfactory performance on test.

SAP professional qualifications must include one or more of the following:

- A licensed physician (MD or DO)
- A licensed or certified:
 - Social worker
 - Psychologist
 - Employee Assistance Professional (CEAP)
 - Marriage and Family Therapist (LMFT)
 - Drug and alcohol addiction counselor certified by the National Association of Alcohol and Drug Abuse Counselors (NAADAC) or International Certification and Reciprocity Consortium (ICRC).

SAP knowledge and experience must include all of the following:

- Knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders
- Knowledge of the SAP function as it relates to employer interest in safety-sensitive duties
- Knowledge of all 49 CFR Part 40 procedures and current changes to these regulations
- SAP qualification training.

SAP Test

- The test must be administered by a nationally recognized professional or training organization. Contact the following resources for more information on SAP training and testing:
 - www.eapassn.org
 - www.sapacc.org
 - www.go2asap.com
 - www.naadac.org
 - www.icrcaoda.org.

SAP Functions

- Provide face-to-face assessment and clinical evaluation.
- Recommend a course of education and/or treatment with which the client must demonstrate successful compliance prior to returning to DOT safety-sensitive duty.
 - Refer clients who do not require treatment to an education program (appropriate education includes, but is not limited to, AA/NA and community lectures where attendance can be independently verified and bona fide

- drug and alcohol education courses).
- Appropriate treatment may include, but is not limited to, inpatient, residential treatment, partial hospitalization, intensive outpatient counseling, and outpatient aftercare.
- Send initial and follow-up reports, highlighting your specific treatment recommendations, directly to the Designated Employer Representative (DER), the person responsible for receiving the employer's drug and alcohol test results and communicating substance abuse policy and program requirements to employees.
- For purposes of your role in the evaluation process, you must assume that a verified positive test result has conclusively established that the employee committed a DOT drug and/or alcohol regulation violation.
- If a client or employer disagrees with your assessment, under the DOT regulations, no second opinions are allowed.
 - Under DOT regulations, no one (e.g., Magellan, an employer, client, managed care provider or any service agent) may change your evaluation or recommendations for assistance in any way.
 - You may modify your initial evaluation based on new or additional information.
- If you are assigned a DOT case but do not meet SAP qualifications, contact Magellan for direction.

Roles in Return-to-Work Process

- When a client has completed the initial phase of treatment, send a follow-up report stating the client is ready for the return-to-work test.
- It is the employer's responsibility to determine whether to return a client to work in a safety-sensitive position.
- Under DOT regulations and Magellan policies, you may not complete a fitness-for-duty evaluation.

Payment for Recommended Treatment

- Make your treatment recommendations without regard to the client's ability to pay. Safety of the public is the overriding concern. (Employers may or may not pay for SAP-recommended treatment services. A SAP's determination that treatment is required does not necessarily mean that a benefit plan will consider the treatment to be medically necessary or covered.) Once you identify the level or type of care to recommend, it is helpful to identify a provider covered by the client's group health plan or a provider that will make reasonable payment arrangements with the client.

What Magellan Will Do

- Receive employer referrals when there is a violation of a DOT regulation (*see Section 5, Workplace Support Services*)
- Assist the client in finding a qualified SAP
- Assist the SAP in satisfying the DOT procedures and assist in the return-to-duty recommendation; may also provide long-term follow-up.

Information About the DOT Regulations

The information in this handbook supplement is a brief and limited summary of the DOT rules that regulate drug and alcohol testing of employees. It is not a definitive source of information or training about 49 CFR Part 40. You can access the entire regulation at the DOT website at www.dot.gov/ost/dapc.

SECTION 7: REIMBURSEMENT

Our Philosophy Magellan is committed to providing prompt payment to our EAP providers for EAP services delivered, and accurate and timely statistical information to our client organizations.

Our Policy EAP providers must submit an EASI form to Magellan for reimbursement for each EAP case they complete. The form gathers statistical information to help us generate valuable aggregate reports for our client organizations and also gathers all the information needed to provide timely payment to our EAP providers for services rendered.

What You Need to Do Your responsibility is to:

- For each EAP case, fully complete and submit the EASI form (found in the *EAP Forms Appendix* under Reimbursement) within 90 days of the end date indicated on the Magellan referral sheet included with each case. (You may submit the EASI form as soon as you have completed EAP services.) **DO NOT BILL THE MEMBER/CLIENT UNDER ANY CIRCUMSTANCES.** The EASI form is also now available for online submission. Visit our website, log in and follow instructions.

What Magellan Will Do Magellan will:

- Provide online EAP Referral Packet (containing a referral sheet and EASI form) for each client referred to you
- Provide prompt payment to EAP providers, within 45 days of EASI form submission
- Respond promptly to any inquiries regarding potential EAP payment problems and collaborate with EAP providers to rapidly resolve and pay.

How to Access EAP Member Referral Packets

- Securely sign in to www.MagellanProvider.com.
- From your MyPractice page, click *View EAP Registrations (under My Authorizations)*.
- After entering one or more search options, click *View Details*.
- Under *Online EAP Registration Packet*, click the document links to view and/or print them.