



**AN ACT CONCERNING REGISTRATION OF EMPLOYEE ASSISTANCE PROFESSIONALS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2002*) As used in sections 1 to 7,  
2 inclusive, of this act unless the context otherwise requires:

3 (1) "Certified employee assistance professional" means an employee  
4 assistance professional who has been certified by the Employee  
5 Assistance Certification Commission.

6 (2) "Department" means the Department of Consumer Protection.

7 (3) "Employee" or "employee client" means any person, including an  
8 employee's family member or an employee covered by a union-  
9 sponsored employee assistance program, who consults with an  
10 employee assistance professional for assessment or to receive  
11 employee assistance program services.

12 (4) "Employee Assistance Certification Commission" means the  
13 administrative body that provides a nationally recognized program for  
14 certification of employee assistance professionals.

15 (5) "Employee assistance program-related graduate degree" or  
16 "employee assistance-related degree" means a graduate degree in one  
17 of the following areas: Behavioral science; human resources; work

18 organization; management; administration or health care.

19 (6) "Employee assistance profession" means the provision of  
20 employee assistance program core functions, as set forth in subdivision  
21 (9) of this section, for remuneration, unless such core functions are  
22 provided only incidentally to some other function, provided any  
23 individual who regularly provides any four of the seven core functions  
24 provided in subdivision (9) of this section, shall be deemed an  
25 employee assistance professional, regardless of whether those  
26 functions are provided only incidentally to some other function.

27 (7) "Employee assistance professional" means any practitioner of the  
28 employee assistance profession, including any person who is required  
29 by a job description or employment contract to provide employee  
30 assistance core functions, or who has been hired by an entity to  
31 provide employee assistance program core functions to employees  
32 under a contract between that entity and a work organization for  
33 whom those employees work.

34 (8) "Employee assistance program" means a worksite-based  
35 program designed to assist (A) work organizations in addressing  
36 productivity issues, and (B) employee clients in identifying and  
37 resolving personal concerns including, but not limited to, health,  
38 marital, family, financial, alcohol, drug, gambling, legal, emotional,  
39 stress or other personal issues that may affect job performance.

40 (9) "Employee assistance program core functions" means the  
41 following essential components of the employee assistance profession:

42 (A) Consultation with, training of and assistance to work  
43 organization managers seeking to assist employees, enhance the work  
44 environment and improve employee job performance, including  
45 outreach to and education of employees and their family members  
46 about the availability of employee assistance services;

47 (B) Confidential and timely problem identification or assessment  
48 services for employee clients with personal concerns that may affect

49 job performance;

50 (C) Use of constructive confrontation, motivation and short-term  
51 intervention with employee clients to address problems that affect job  
52 performance;

53 (D) Referral of employee clients for diagnosis, treatment, assistance,  
54 case monitoring and follow-up services;

55 (E) Consultation with work organizations to establish and maintain  
56 effective relations with treatment and other service providers and in  
57 managing provider contracts;

58 (F) Consultation with work organizations to encourage support for  
59 employee access to health benefits covering medical and behavioral  
60 problems including, but not limited to, alcoholism, drug abuse and  
61 mental and emotional disorders; and

62 (G) Identification of the effects of employee assistance professional  
63 services on a work organization and individual job performance.

64 (10) "Registered employee assistance professional" means an  
65 employee assistance professional registered pursuant to sections 1 to 7,  
66 inclusive, of this act.

67 (11) "Professional development hour" means an hour-long unit of  
68 Employee Assistance Certification Commission approved training,  
69 awarded by the Employee Assistance Certification Commission for  
70 training in the seven employee assistance professional core functions.

71 (12) "Work organization" means any employer for which an  
72 employee client works, either as an employee or under contract, any  
73 union of which any employee client is a member or any representative  
74 of such an employer or union.

75 Sec. 2. (NEW) (*Effective October 1, 2002*) (a) The Department of  
76 Consumer Protection may:

77 (1) Issue certificates of registration as an employee assistance  
78 professional, as provided in sections 1 to 7, inclusive, of this act, which  
79 permit and authorize individuals to practice the employee assistance  
80 profession and represent themselves to the general public as registered  
81 employee assistance professionals;

82 (2) Adopt and enforce rules of conduct and appropriate sanctions  
83 for registered members of the employee assistance profession;

84 (3) Approve educational programs required for certification as an  
85 employee assistance professional under sections 1 to 7, inclusive, of  
86 this act;

87 (4) Establish and collect fees for certificates of registration as an  
88 employee assistance professional, as provided in sections 1 to 7,  
89 inclusive, of this act;

90 (5) Assess civil penalties, as provided in sections 1 to 7, inclusive, of  
91 this act; and

92 (6) Adopt regulations, in accordance with the provisions of chapter  
93 54 of the general statutes, to carry out sections 1 to 7, inclusive, of this  
94 act.

95 Sec. 3. (NEW) (*Effective October 1, 2002*) (a) A person is qualified to  
96 be registered as an employee assistance professional and the  
97 Department of Consumer Protection shall issue a certificate of  
98 registration authorizing such person to practice as an employee  
99 assistance professional to any applicant who:

100 (1) Has been certified by the Employee Assistance Certification  
101 Commission as a certified employee assistance professional and has  
102 submitted proof that such certification is in good standing dated not  
103 more than thirty days prior to the date of application for a certificate of  
104 registration as an employee assistance professional, provided, during  
105 the period from October 1, 2002, to October 1, 2003, the department  
106 may adopt a rule waiving the requirements of this subdivision for any

107 individual who (A) is able to demonstrate that such individual  
108 practiced as an employee assistance professional prior to October 1,  
109 2002, and (B) meets the professional development hour requirements  
110 for certification by the Employee Assistance Certification Commission;

111 (2) (A) Holds an employee assistance professional-related graduate  
112 degree and has completed two thousand hours of employee assistance  
113 professional work experience within a two to seven-year period, or (B)  
114 does not hold an employee assistance professional-related graduate  
115 degree, but has completed three thousand hours of employee  
116 assistance professional work experience within a two to seven-year  
117 period, provided during the period from October 1, 2002, to October 1,  
118 2003, the department shall waive the requirements of subparagraphs  
119 (A) and (B) of this subdivision for any individual who has practiced in  
120 the employee assistance profession for at least four years prior to  
121 October 1, 2002, and continues to practice such profession;

122 (3) Has met such other requirements as the department may deem  
123 appropriate for registration as an employee assistance professional;

124 (4) Has completed a written application on forms prepared and  
125 furnished by the department. Each application shall (A) contain proof  
126 of the qualifications required of the applicant, (B) provide the details of  
127 the applicant's training and experience in the practice of the employee  
128 assistance profession, and (C) be signed by the applicant under penalty  
129 of false statement; and

130 (5) Has submitted a nonrefundable application fee in the amount of  
131 one hundred fifty dollars.

132 (b) The department shall issue a certificate of registration as an  
133 employee assistance professional to any applicant who:

134 (1) Is registered as an employee assistance professional in any other  
135 state, territory or foreign jurisdiction whose employee assistance  
136 professional registration requirements are substantially equivalent to  
137 the requirements set forth in this section and include certification by

138 the Employee Assistance Certification Commission;

139 (2) Has completed a written application on forms prepared and  
140 furnished by the department. Each application shall (A) contain proof  
141 of the qualifications required of the applicant, (B) provide details of the  
142 applicant's training and experience in the practice of the employee  
143 assistance profession, and (C) be signed by the applicant under penalty  
144 of false statement; and

145 (3) Has submitted a nonrefundable application fee in the amount of  
146 one hundred fifty dollars.

147 (c) (1) No person shall represent that such person is registered as an  
148 employee assistance professional in this state unless such person is  
149 duly registered in accordance with sections 1 to 7, inclusive, of this act.

150 (2) No person shall hold out to the public by any title or provide any  
151 description of services offered which incorporates the terms  
152 "registered employee assistance professional" in this state unless such  
153 person is duly registered in accordance with sections 1 to 7, inclusive,  
154 of this act.

155 (d) The department may establish policies to permit waiver of the  
156 qualifications for registration set forth in this section in cases involving  
157 extreme hardship, including full-time service in the armed forces of the  
158 United States, incapacitating illness, physical inability to travel to  
159 training or other extenuating circumstances.

160 (e) (1) A certificate of registration as an employee assistance  
161 professional issued by the department under sections 1 to 7, inclusive,  
162 of this act shall be valid for a period of two years from the date of  
163 issuance.

164 (2) A certificate holder who seeks to renew a certificate of  
165 registration as an employee assistance professional shall file a written  
166 application for renewal on forms prepared and furnished by the  
167 department prior to the expiration of such certificate and submit a

168 renewal fee in the amount of one hundred dollars. Renewal shall  
169 require proof of current and, when applicable, continuing certification  
170 as an employee assistance professional in good standing.

171 (f) Failure to timely apply for renewal of a certificate of registration  
172 as an employee assistance professional shall result in the suspension of  
173 such certificate. The effective date of the suspension shall be the last  
174 day of the two-year period following the date of issuance of such  
175 certificate. Any certificate holder whose certificate as an employee  
176 assistance professional has been suspended may make written  
177 application for reinstatement of such certificate not later than sixty  
178 days after the date such certificate expires. Reinstatement of a  
179 certificate of registration as an employee assistance professional shall  
180 be granted on the same terms as renewal of such certificate. Any  
181 person whose certificate of registration has been suspended for more  
182 than one year shall reapply to the department for registration as an  
183 employee assistance professional.

184 (g) An applicant or certificate holder shall notify the department of  
185 any change in the information provided in the application for  
186 certification as an employee assistance professional under sections 1 to  
187 7, inclusive, of this act, including any lapse in certification by the  
188 Employee Assistance Certification Commission, not later than sixty  
189 calendar days after any such change occurs.

190 (h) The department shall act upon a completed application for  
191 certification, renewal, reinstatement or reapplication for registration as  
192 an employee assistance professional not later than three months after  
193 the submission of such application.

194 Sec. 4. (NEW) (*Effective October 1, 2002*) (a) The Department of  
195 Consumer Protection shall withhold, deny, suspend or revoke a  
196 certificate of registration as an employee assistance professional upon  
197 finding that the applicant or certificate holder:

198 (1) Has fraudulently obtained or attempted to obtain a certificate of  
199 registration as an employee assistance professional;

200 (2) Has violated any provision of sections 1 to 7, inclusive, of this act  
201 or any rule or regulation of the department relating to employee  
202 assistance professionals, or has allowed or encouraged an employee,  
203 agent, contractor or person under the certificate holder's supervision to  
204 engage in such violation;

205 (3) Has violated the code of professional conduct for certified  
206 employee assistance professionals adopted by the Employee  
207 Assistance Certification Commission or any additional ethical  
208 requirements adopted by the department;

209 (4) Has had a certificate of registration as an employee assistance  
210 professional denied, suspended or revoked for cause by any other  
211 state, territory or foreign jurisdiction; or

212 (5) Has had a certification suspended or revoked by the Employee  
213 Assistance Certification Commission for unethical conduct, provided  
214 the department determines that the rules under which that suspension  
215 or revocation occurred were sound and the procedures employed were  
216 fair and consistent with due process of law.

217 (b) Any individual who provides information to the department  
218 that the individual believes, in good faith, indicates a certificate holder  
219 is or may be in violation of sections 1 to 7, inclusive, of this act shall be  
220 immune from any civil or criminal liability for taking such action.

221 (c) If the department concludes that any matter before it involves  
222 probable violation of law, the department shall refer the matter to the  
223 appropriate state or federal law enforcement authority for possible  
224 additional civil or criminal action.

225 Sec. 5. (NEW) (*Effective October 1, 2002*) Nothing in sections 1 to 7,  
226 inclusive, of this act shall preclude any professional registered,  
227 licensed or certified in another related profession from practicing any  
228 such profession consistent with accepted professional standards for its  
229 practice.

230       Sec. 6. (NEW) (*Effective October 1, 2002*) (a) No employee shall be  
 231 required to disclose any information or records concerning or  
 232 confirming the employee's participation in an employee assistance  
 233 program.

234       (b) No employee assistance program, by itself or its agents or  
 235 representatives, shall disclose any information or records concerning  
 236 or confirming an employee's participation in such program without  
 237 the prior written consent of the employee or the employee's  
 238 representative, unless disclosure of such information or records is  
 239 made: (1) Pursuant to a lawfully issued administrative summons or  
 240 judicial order, including a search warrant or subpoena, or in response  
 241 to a government audit; (2) in response to an apparent medical  
 242 emergency; or (3) to comply with federal, state or local laws or  
 243 regulations.

244       Sec. 7. (NEW) (*Effective October 1, 2002*) (a) Any person who wilfully  
 245 misrepresents that such person is a registered employee assistance  
 246 professional shall be subject to a civil penalty of not more than one  
 247 thousand dollars.

248       (b) Any person aggrieved as a result of a violation of any provision  
 249 of sections 1 to 7, inclusive, of this act or any regulation adopted by the  
 250 Department of Consumer Protection under sections 1 to 7, inclusive, of  
 251 this act may bring a civil action in the superior court for the judicial  
 252 district of Hartford against the offender to obtain appropriate relief,  
 253 including actual and punitive damages, equitable relief, reasonable  
 254 attorneys' fees and court costs.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>

Sec. 7	October 1, 2002
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*Joint Favorable Subst. C/R*

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