

# Drug Enforcement Administration

## Employee Assistance Program



## Confidentiality Guidelines

By law, all services provided by the DEA Employee Assistance Program **ARE CONFIDENTIAL**

### EAP Confidentiality Laws

- **Prohibit** the sharing of any information on you, your EAP contact, and/or the nature, content or duration of your involvement with the program.
- **Are required** of all Employee Assistance Program Clinicians and Non-Clinician staff members.
- **May be broken** at any time by EAP clients or by the EAP upon the written request of the client.

### Unless requested to do so by our clients.....

The EAP is prohibited by Federal law from working on behalf of or providing client information to assist:

- OPR Investigations
- IG Investigations
- Fitness for Duty Evaluations (medical)
- Career Board Actions (reassignments, promotions, hardships)
- Performance Evaluations
- Lawsuits/Divorces/Custody/Forensic Evaluations
- Suitability Review Evaluations (psychological)

### Federal Law requires....

That information regarding a person's EAP participation may not be released without the written consent of the client. EAP client data must be kept in locked files at the Clinicians and Contractors offices. Inquiries into a person's EAP use are responded with:

**"I can neither confirm nor deny any persons participation in the program."**

Inquiries resulting from Security Clearance renewal (SF-86) may only be answered with the written permission of the Programs client. Responses to such inquiries are limited to a single response as to whether a person **"constitutes a threat to National Security."**

### Exceptions to Confidentiality

In a few special circumstances EAP Clinicians may be required by law to disclose a limited amount of EAP client information to secure the safety of that individual or of others. All EAP clients are informed of these mandatory exceptions to confidentiality before receiving the Programs Counseling Services and must agree to them in writing.

**A therapist is legally mandated to breach client confidentiality in the following situations:**

- 1. The client communicates a serious threat of violence against an identifiable victim or victims.**
- 2. The client is a danger to self and the disclosure of information is necessary to avert that danger.**
- 3. A minor, elder, or dependent adult is being abused by the client.**

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### **Protecting your EAP Confidentiality**

It is a legal requirement that all EAP Clinicians and Staff members maintain strict confidentiality regarding your EAP contacts and participation. Keep in mind however, that this legal requirement does not bind your supervisors or fellow employees. They have no obligation to keep confidential any information that you decide to share with them. Therefore, the key to keeping your EAP involvement confidential is **YOU!**

**A few simple preventive steps can go a long way in protecting your confidentiality.**

- Use a SF-71** (leave slip) for all EAP appointments
- Write "Doctor Appointment" on the SF-71** as the reason for the requested leave. Unless you are under a "Leave Restriction Letter" no other documentation may be required of you by your supervisor for your EAP appointment.
- Keep your EAP visits private!** Tell no one of your EAP involvement unless you are prepared to have that information shared with others.
- Do not report post-trauma Clinical Briefings** with an EAP Clinician on your SF-86 (Security Clearance Renewal). It is not required. They are education sessions like EAP Trainings.
- Read the "Release of Information" on the SF-86** before you sign it. Understand that there is only one question that may be asked about anyone's EAP participation ("is this person a threat to National Security?")
- Call the EAP (800)275-7460** with any additional questions you have regarding your EAP confidentiality.

**An employee may be excused from work, with the permission of the supervisor, to participate in EAP for counseling (to include travel to and from EAP clinician's office. Supervisors granting EAP visits during duty hours without a charge of leave, at an employee's request, may require confirmation of attendance. An employee receiving counselling from sources other than EAP must request sick leave, annual leave, or leave without pay for that purpose.**