Mandatory Reporting:
Employee Assistance Programs (EAP) are governed by federal and state statutes that mandate the reporting of certain situations that, in the judgment of an EAP professional, pose risks of grave physical or emotional harm to one or more persons. The following situations, if brought to the attention of the EAP, will require reporting to a designated authority or otherwise permit breach of confidentiality for purposes of safeguarding persons:

- Probable or imminent risk of suicide.
- Probable or imminent risk of homicide or grave physical harm to another person.
- Possible abuse or neglect of a child or vulnerable adult.
- Probable threat to national security.

Like other mandatory reporters (i.e., teachers, physicians, psychologists, etc.), EAP professionals are required to comply with these provisions. In cases of suspected abuse or neglect of a child or vulnerable adult, Empathia will first contact the authorized government social service agency and present the situation in question in a hypothetical fashion. If the authorized agency determines that the situation in question is reportable, then Empathia will disclose Covered Person information as required by law.

Confidentiality in Relation to Client:
Even when EAP Covered Person confidentiality is breached due to imminent threat of suicide or homicide, or because of the possibility of abuse or neglect of a child or vulnerable adult, or any other legally mandated cause, EAP Covered Person records are not shared with the Client unless specifically requested by the Covered Person in conjunction with an Authorization for Disclosure of Protected Health Information form signed by the Covered Person. When applicable law mandates disclosure of Covered Person information, such disclosure shall be made only to the extent necessary to comply with the law, and does not extend to the Client unless notification of the Client is necessary to prevent grave physical harm to the Covered Person or others in the workplace.

Confidentiality in Formal Client Referrals to the EAP:
When a supervisor, manager, or HR representative makes a formal (performance-based) referral of a Covered Employee to the EAP and requests feedback regarding Covered Employee compliance, every effort will be made to obtain an authorization from that referred Covered Employee permitting disclosure of pertinent information to an appropriate Client representative. If the referred Covered Employee refuses to consent to such a release, the EAP will not be at liberty to disclose information to the referring manager or HR representative except as noted in previous sections of this Policy.

Confidentiality in Relation to External Requests for Information:
If any person or entity solicits EAP Covered Person information or requests to know the identity of persons using the EAP, Empathia will not release any such information nor acknowledge any Covered Person's use of the program without an authorization from the Covered Person in question, or unless compelled to do so by statutory obligation or appropriate court order.

HIPAA Compliance:
Empathia is fully HIPAA compliant and, in managing Covered Person information and communication, will comply with all applicable provisions of the HIPAA/HITECH Privacy Rule and Security Rule.