

# TAPNET Participant Handbook



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## Introduction

Welcome to the Texas Addiction Professionals Peer Assistance Network (TAPNET).

This handbook provides information that will assist participants in understanding their role and responsibilities with TAPNET.

- **Chapter 1** contains information about TAPNET and the rights and responsibilities of participants.
- **Chapter 2** contains program information.
- **Chapter 3** contains a summary of required documentation.
- **Chapter 4** contains a guideline for employers working with TAPNET counselors.
- **Attachments** contain additional resources for participants and others.

Please read this handbook carefully. Participants are responsible for understanding the terms of participation. Reading all chapters should help participants and their employers gain a greater appreciation of the collaborative role all parties play in providing safe patient care through a planned return to work and recovery process. For further clarification of the information provided in this handbook, please contact TAPNET at 512-708-0629.

## A Word to Participants

TAPNET invites you to take charge of your physical, mental, social and spiritual health by participating in this program. We understand that the work before you is not going to be easy. Taking charge of your future and facing your past in a positive way will help you to change those things in your life that have been ineffective or detrimental. You will find support by reaching out to family, a therapist or doctor, a twelve-step sponsor, your TAPNET advocate, and co-workers. Drug testing, practice restrictions, and the documentation required of you while in TAPNET will help provide safe boundaries while validating your good recovery and safe counseling practice. Through long-term monitoring, TAPNET will be able to attest to your hard

work and your journey to a new way of living. We value you and your counseling abilities, and we look forward to working with you!

Sincerely,

Jennifer Holbrook MA, LCDC  
TAPNET – Program Director

## **TAPNET**

### **Mission**

The TAPNET offers opportunities for recovery from substance use and mental health disorders and assists counseling professionals in returning to safe practice while protecting the public and promoting professional accountability. TAPNET shall serve Licensed Chemical Dependency Counselors (LCDC), Licensed Chemical Dependency Counselor Interns (LCDC-CI), Certified Chemical Dependency Counselors, Certified Clinical Supervisors (CCS), Certified Prevention Specialist (CPS), Certified Criminal Justice Addictions Professionals (CCJP), and other professionals working in the field of Chemical Dependency treatment or prevention. Students working in or pursuing a career in chemical dependency counseling may also be eligible.

### **Vision**

To promote recovery from substance use and mental health disorders for addiction counseling professionals of Texas.

### **Philosophy**

It shall be the philosophy of the TAPNET that addiction and mental illness are chronic illnesses and relapse may occur. It is the Profession's responsibility to protect the clients and support the rehabilitation of the impaired professional. A tremendous amount of money and training are invested in developing professionals to work with the chemically dependent and mentally ill. To allow the loss of his or her services without a concerted effort to rehabilitate them to healthy functioning would go against the belief that people can and do get better. These individuals can be assisted to return to full functioning with the use of peer assistance and monitoring to protect both the public and the integrity of the counseling field.

# Chapter 1

## TAPNET Program Overview

### TAPNET

- Is voluntary.
- Provides education, advocacy and opportunity.
- Is an approved peer assistance program under Texas Health and Safety Code, Chapter 467, and DSHS rules Chapters 140 and 451.
- Is a program that allows counselors to demonstrate good recovery and safe counseling practice through formal peer monitoring.

### Case Managers

Counselors specialized in substance use and mental disorders who:

- Offer information, support, and opportunity for counselors who are referred.
- Liaison between participants, treatment providers, advocates and employers.
- Monitor participants' work performance, program compliance and progress in recovery.
- Provide education for advocates, employers and participants.

### Advocates

Counselors who serve TAPNET as trained volunteers and:

- Assist participants with enrollment and return to work processes.
- Liaison with and provide education for counseling supervisors and co-workers.
- Provide one-on-one peer support and educate participants about TAPNET and recovery.
- Provide documentation of participant's activities and follow through.

## Rights and Responsibilities

### Participant's Rights

- To be treated with dignity and respect.
- To informed consent.
- To confidentiality in accordance with state and federal guidelines.
- To accept or decline participation in any research requiring consent.
- To be informed about the terms and conditions of participation prior to participating.
- To know the length of TAPNET participation and the projected date of completion.
- To refuse participation and to be informed as to the possible consequences.
- To terminate participation at any time and to be informed as to the possible consequences.
- To be informed about the cost involved with participating
- To know the name and qualifications of the assigned Case Manager.

- To know of advocates' associations with treatment centers.
- To report a grievance regarding Case Manager or advocate.

## Participant's Responsibilities

- **To assume personal responsibility for one's participation and recovery by:**
  - Adhering to terms of TAPNET agreements
  - Following treatment recommendations
  - Being accountable to one's personal recovery and to the counseling profession.
- **To resolve grievances in a timely and responsible manner by:**
  - Attempting to work things out with the person(s) directly involved.
  - Contacting TAPNET Case Manager for assistance with TAPNET advocate- related grievances.
  - Providing a written account directly to the TAPNET Case Manager Coordinator or TAPNET Program Director when necessary or as requested.

## Eligibility

**Counselors who fall within any of the categories listed below may not be eligible for TAPNET:**

- Counselors without a current Texas license, registration status, or certified in the addictions field.
- Disciplinary action taken against their counseling license in the past five years.
- Current investigation by a counseling board.
- Counselors without a diagnosis of Substance Use Disorder (abuse or dependency) or one of the following psychiatric disorders: Major Depression, Bipolar Disorder, Schizophrenia, Anxiety Disorders or Schizoaffective Disorder.
- Convicted or registered sex offenders.
- Prior participations in TAPNET.

## Terms of Participation

All counselors participating in TAPNET agree to follow the terms of participation as set out in the TAPNET PARTICIPATION AGREEMENT. It is the counselor's responsibility to understand these terms and to abide by them for the duration of participation. For any questions about the terms of participation, contact a TAPNET Case Manager.

## Participant Communication

- Participants must complete and submit all required documentation in a timely manner. Failure to do so may result in extension of participation or dismissal from program.
- Participants are responsible for maintaining communication with TAPNET case manager, health care provider(s), advocate and employer, including notifying TAPNET office of:
  - Receipt or use of abusable prescriptions or substances
  - Change in health care provider(s)
  - Change of address/ phone numbers
  - Change of employment
  - Change of supervisor
  - Travel

## Chapter 2

### Assessment and Treatment

**Participants must obtain assessment by qualified, TAPNET-approved mental health provider.**

- LCDC or other addiction specialist for substance use disorders.
- Psychiatrist of psychiatric disorders.
- Use of TAPNET participating assessor may be required.
- TAPNET may require participants to obtain a second opinion.

**All participants must successfully complete appropriate treatment. Participants not successfully completing treatment may be dismissed from TAPNET.**

- Participants must choose treatment providers approved by TAPNET.
- Participants must follow treatment and continuing care plans recommended by providers.
- Participants may be required to obtain additional treatment during the course of participation.
- TAPNET advocates may be associated with treatment facilities; participants have the right to ask for disclosure of such associations.

**Assessment and treatment costs are the responsibility of participants. Participants may be required to attend facilitated support groups including supportive online teleconferencing approved by TAPNET.**

- Facilitated support groups including online teleconferencing groups may require an additional fee.

# Disclosure of Information and Consent

**Participants must complete any consent form needed to permit disclosure. Failure to complete required consent forms will result in dismissal from the program.**

- With appropriate consent, TAPNET exchanges information with treatment providers, employers, criminal justice authorities, counseling licensing boards and other counseling boards and emergency contacts.
- TAPNET discloses information about a participant a) in medical emergencies to medical personnel, b) as allowed by court order, c) to qualified personnel for research, audit, or program evaluation and d) as otherwise permitted/ required by state and federal law.
- State law requires TAPNET to notify referring parties if a counselor fails to participate.

# Self- Help Group Attendance

**Substance Use Disorder Participants:**

- Twelve step group meetings (such as AA, NA, or CA) are required.
- Daily 12- Step meetings for 90 consecutive days are required initially.
- Followed by a minimum of four (4) meetings per week for the remainder of participation.
- Online 12- Step meetings will not count toward your required meeting attendance.
- One alternative group, e.g., facilitated support group, therapy, or aftercare, per week may be counted as one of the required meetings.

**Psychiatric Disorder Participants:**

- Psychiatrists or therapists are to make recommendations for continuing care.
- Routine monthly medication management is recommended.
- Monthly individual therapy is required.

# Returning to Work

**Positions must be approved by TAPNET Case Manager prior to signing work agreements.**

**Before TAPNET will approve any employment in counseling, participants must:**

- Submit all required treatment documentation and enrollment forms.
- Be engaged in treatment and submit a signed Release to Return to Work form from the appropriate treatment provider(s).
- Register and receive chain of custody (COC) forms necessary for drug screening (does not apply to some psychiatric disorder participants.)
- Notify potential or current employer of their participation in TAPNET.
- Provide TAPNET with signed consent for employer.

**A counselor who does not return to counseling practice by the expected date of completion will be noncompliant and will be reported to the licensure board by TAPNET.**

### **TAPNET Return to Work Meeting:**

- TAPNET Return to Work Agreement must be signed with TAPNET and the employer and will include restrictions on practice.
- The meeting must be facilitated by either a TAPNET advocate or Case Manager.
- Co-workers with a legitimate need to know must be informed of the counselor's practice restrictions, usually through a separate meeting.
- Work may begin after completed agreement and quarterly form are received by TAPNET.

**Failure to notify the Case Manager of employment in counseling or failure to complete TAPNET Return to Work Agreement with TAPNET Advocate or Case Manager and employer before returning to counseling practice may result in dismissal from TAPNET. Failure to inform co-workers having a legitimate need to know of practice restrictions may result in dismissal from TAPNET.**

## **Restrictions on Practice**

Restrictions are enforced to help assure safe counseling practice. Modification of any restriction will occur only as mutually agreed upon by TAPNET, participant and employer.

### **Participants agree:**

- Not to function in an autonomous or unsupervised role.
- Not to work shifts longer than eight (8) hours.
- Not to work for multiple employers or to engage in self-employed practice.
- Not to accept employment with staffing agencies.
- Not to work overtime or to take on-call assignments during the first six months after returning to work.
  - Overtime is more than 40 scheduled hours a week, or if working 12-hour shifts, no more than 84 scheduled hours per two-week pay period.
- Not to work nights.
  - Day or evening shifts are permitted; nights are not approved unless a healthcare provider authorizes and the TAPNET Case Manager determines with employer that there is adequate staffing and supervision.
- Not to float to other units or to rotate shifts.

## **Abusable Drugs**

**Participants must abstain completely from the use of all abusable drugs. Abusable drugs include: alcohol, illicit substances, controlled substances (with or without prescription), uncontrolled substances (prescription or over-the-counter medications that contain alcohol or other abusable substances). Antidepressants are not considered in this category.**

### **If pain management is needed:**

- TAPNET recommends that participants try non-addictive approaches before taking or continuing abusable medication.
- If any potentially abusable medication is prescribed or taken:

- Participant must immediately notify TAPNET and employer about prescription.
- Participant must refrain from counseling practice until approved to return to work.
- The prescribing healthcare provider must complete the TAPNET PRESCRIPTION INFORMATION form for participant to fax to TAPNET.
- Unreported use of abusable medications or failure to disclose prescriptions at the time they are obtained is considered behavior inconsistent with good recovery and may result in dismissal from the program, an extension of the participation, or a renewal of the participation agreement.

***Participants with conditions requiring long-term use of abusable medications may not be appropriate for TAPNET.***

## **Abusable Substance List**

**Please note this list is not all inclusive:**

- Alcohol (beer, liquor and all other alcohol containing products will cause a positive drug test. This also includes any over the counter medications containing alcohol (e.g., Nyquil) and alcohol-based mouthwashes, and- sanitizers, foods or beverages.)
- Amphetamines
- Barbiturates, e.g. Butabital, Fiorinal
- Benzodiazepines, e.g., Ativan, Klonopin, Ambien
- Butorphenol, i.e., Stadol
- Diet Medications, e.g., Ephedrine, Phentermine
- Fentanyl
- Meprobamate, i.e., Soma
- Midazolam, i.e., Versed
- Poistes, e.g., Demerol, buprenorphine (Suboxone, Subutex), Methadone
- Pentazocine, i.e., Talwin
- Propofol, i.e., Diprovan
- Propoxyphene, e.g., Darvocet, Darvon
- Thiopental, i.e., Peptothal
- Tramadol, e.g., Ultram, Ultracet
- Poppy seeds and/or hemp seeds/ oil products (may cause a positive drug test result. *Eating these foods will no excuse a positive drug screen; therefore, do not eat these foods.*)

TAPNET considers the use of buprenorphine, Suboxone, or Subtex appropriate in a medically-supervised treatment setting. Participants who have a condition which warrants long- terms use of these drugs may not be appropriate for TAPNET. **TAPNET participants may be prohibited from returning to counseling while using this medication.**

**TAPNET recommends you protect your recovery with a thorough “house cleaning.”** Do not do this alone. Inform your treatment providers, and then ask someone to help you to:

- Identify and clear your home of all abusable substances by cleaning out medicine cabinets, refrigerators, etc, and by appropriately disposing of all abusable items.
- Appropriate identification and disposal includes reading labels, flushing pills, pouring our alcoholic beverages and other liquids containing alcohol.

- Since medically-supervised withdrawal from some substance may cause you serious harm, before disposing of medications, be certain to inform your counselors and prescribing treatment providers.

## Drug Screens

**Substance use disorder and selected Psychiatric Disorder participants must enroll in TAPNET's drug test program within fifteen (15) days of aligning participation.**

- It is important for participants to approach drug screens in a positive manner.
- Drug testing costs are the responsibility of the participant.
- Participants are responsible for reading and understanding the instruction for TAPNET urine drug screen collections.
- Participants must provide random urine and/ or blood samples for drug tests as requested by the TAPNET office.
- Specimens must be provided on the day of random request and be witnessed and/or collected in accordance with federally approved standards.
- Chain of initial custody (COC) forms must be marked with an appropriate test panel number and may be rejected if a panel number is not noted on form.
- Participants are responsible for reordering COC forms on time and for having a COC form in their possession at all times.
- TAPNET recommends having at least three (3) COC forms available at all times.
- Participants cannot return to work in counseling until they have received their COC forms- in addition to other terms/ requirements stated herein.
- **Failure to have a COC form while working or failure to provide specimens for drug testing on dates requested, may result in suspension from work and/ or dismissal from TAPNET.**

### Diluted Specimens

- Urine specimens with low creatinine levels and/ or adulterants can be rejected or interpreted as a positive test result.
- Multiple dilute or adulterated specimens will result in increased drug testing, may affect continued participation, and may require medical evaluation.
- To avoid producing dilute specimens, submit urine specimens early in the day- before noon, before drinking excessive amounts of water, and/ or prior to consuming any caffeinated beverages or other diuretics.

### Reasonable-Cause Drug Screens

- Employers or TAPNET may request urine screens for reasonable cause.
- Reasonable- cause specimens must be collected within two hours of request.
- An employer, who perceives that a participant's job performance or behavior is impaired may request a reasonable- cause drug screen.
- Employers signing the TAPNET RETURN TO WORK AGREEMENT will receive a box of urine drug test collection kits and pre-paid courier service forms from TAPNET's drug testing administration program.

- Employers may request additional drug screens in accordance with facility policy.

### **Positive Drug Test Results**

- The TAPNET office will notify counselor and employer when positive tests are received.
- Participants having positive drug screens showing the presence of any drug must immediately refrain from nursing practice.
- A confirmed positive for any unauthorized drug is considered conclusive proof of the use of the indicated drug and will result in either a contract renewal or dismissal from TAPNET.
- Participants may have a positive specimen reviewed by the drug test administrator's Medical Review Officer (MRO), and a reconfirmation test may also be requested.
- The cost for reconfirmation test and MRO are the participant's responsibility.

## **Length of Program**

**A participant must remain in TAPNET for a MINIMUM of two (2) years.**

- Any extensions, exceptions or modifications to the length of participation are handled on an individual basis following a formal review by TAPNET.

**A participant must demonstrate incident-free, safe counseling practice for a minimum of 64 hours per month for twelve (12) consecutive months.**

- Participation may be extended until the twelve consecutive months have been achieved.
- Failure to obtain and maintain employment in counseling within two (2) years may result in dismissal from TAPNET.
- Inability to maintain stable employment in counseling may result in dismissal from TAPNET.

## **Withdraw and Dismissal from TAPNET**

**A participant may withdraw from the program at any time by notifying TAPNET.**

- The participant's employer will be notified of a participant's withdrawal.
- The participant will also be reported to the licensing/certification board.

**A participant may be dismissed from TAPNET for the following reasons:**

- Failure to abide by the terms and conditions of participation (e.g., non-compliance).
- Moving out of Texas.
- Having a subsequent complaint filed against them by the counseling license/certification board.
- Having a felony charge filed against them, being convicted of a felony, or receiving probation or deferred adjudication relating to a felony charge.
- A determination by TAPNET that the participant is exhibiting behaviors inconsistent with good recovery and/ or is not capable of performing safe counseling practice.
- Subsequent allegations of counseling practice violations.
- Determination that the participant is medically incapable of complying with the terms of participation.

## Reporting to Licensing/ Certification Board

A participant's identity and other relevant information may be reported to the licensing/certification board under the following conditions.

- Enrollment in TAPNET
- Withdraw from TAPNET
- Have a positive drug screen
- Demonstrate behaviors inconsistent with good recovery
- Are noncompliant with their TAPNET agreements
- Are dismissed from the program for any reason
- Endanger patients or compromise patients' safety

Participants may be reported to DSHS or TCBAP as authorized by court order. If it believes doing so is in the public's interest, TAPNET may initiate proceedings seeking such an order.

## Subsequent Third-Party Referrals

If TAPNET received a third-party referral on a participant who was originally a self-referral, the following policies shall govern:

- Self-referrals are defined as a counselor for whom either TAPNET or TCBAP/DSHS have not received a third-party referral, and the counselor wishes to seek help before practice is affected. Self-referrals are normally not reportable to the DSHS/TCBAP unless the participant withdraws from TAPNET, is dismissed for any reason, or TAPNET believes doing so is in the public's interest.
- A third-party referral is defined as a referral that takes place due to information received from employers, concerned family members or legal authorities, etc, and counseling practice is considered to be adversely affected. Third-party referrals are reportable to TCBAP/DSHS at the time of initial referral, when a contract renewal is offered, or if the participant withdraws from TAPNET or is dismissed from the program for any reason.
- Practice incidents involving self-referred participants may result in participants' cases being converted to third-party referral status.
- If a third-party is aware of a participant's involvement in TAPNET, or if the information on which the third-party referral is based was acquired because of that counselor's participation in TAPNET, the case shall remain a self-referral; however, the incident may warrant either a re-starting or dismissal from TAPNET..
- Conversely, if the third party was not aware of a counselor's participation in TAPNET, and if the information on which the referral was based was not acquired because of that counselor's participation in TAPNET, the case shall be converted to a third-party referral and governed by TAPNET policies relating to third-party referrals. The incident may also warrant re-starting or dismissal from TAPNET.

## Moving Out of State

- Participants moving out of Texas may be dismissed from TAPNET and referred to the counseling licensing board in the state they are moving to.
- If the other state has a peer assistance program similar to TAPNET, it may be possible for a participant to transfer to that program in lieu of being dismissed from TAPNET.
- Participants must make all arrangements prior to moving and must obtain TAPNET's approval for transferring to another peer assistance program.
- Only a TAPNET case manager can approve a transfer to another state's peer program.
- Failure to make timely arrangements for transfer may result in dismissal from TAPNET.

## Cost and Fees

Participants are responsible for payment of the following costs associated with TAPNET participation:

- Assessment
- Treatment
- Drug Testing
- Participation fees
- Facilitated Support Group
- Participants will be notified of the amount of such drug testing/ participant fees at the time they enroll in TAPNET.
- Sixty days notice will be given regarding fee changes for participants currently enrolled.
- Failure to pay any required participation fee by the stipulated due date will be grounds for dismissal from the program and referral to the licensing/certification board.

## Required Documentation

The following section outlines documentation that needs to be completed in order to participate in TAPNET and to be compliant with the program.

**Important Notice:** Unless otherwise requested or authorized, TAPNET accepts only originals of completed forms and agreements. **Do not fax** forms or agreements unless requested by TAPNET.

### Treatment Providers

Documentation to be completed by treatment provider(s):

- **TAPNET Assessment Letter:** Participants must present this form to any treatment provider from whom they obtain treatment or an assessment. *Must include diagnosis and treatment recommendations.*

Treatment provider(s) should retain copies of:

- **Progress Report:** Treatment provider sends periodic updates (frequency to be determined) to include attendance, compliance with, or changes in the treatment plan.
- **Return to Work Release:** This form must be obtained from participants; treatment provider when treatment provider decides it is appropriate.

- **Discharge Summary:** To include admit and discharge dates/diagnoses and continuing care recommendations.

## Participants

Initial enrollment documents to be completed and submitted in original form by participants:

- **Participation Enrollment Form**
- **Participation Agreement:** To initiate participation, counselors must read, sign and date the agreement. Anticipated completion date will be based on the date agreement is signed.
- **Consent to Disclose Information between TAPNET and Health Care Provider:** Participants must sign this consent form for each of their health care providers. Participants are to mail the original to the TAPNET office, provide a copy to the health care provider, and retain a copy for their file.
- **Consent to Disclose Information to Licensing Boards:** Participants must sign the appropriate form: Self Referral or Third-Party Referral.
- **Consent to Release Information for Emergency Contact (Family Member/ Significant Other):** Participants must sign consent forms allowing TAPNET to exchange information with appropriate persons in emergency situations.
- **Consent to Disclose Information between TAPNET and Employer:** Participants must sign this consent form to allow TAPNET to communicate with current or prospective employers.

**Note: Participants refusing to sign consent will not be eligible for participation or will be dismissed from the program.**

## Chapter 3

**Drug Test Registration Form:** Must be completed and faxed (with credit card information) or mailed (with cashier's check or money order) to the drug test administrator within fifteen (15) days of signing the TAPNET Participation Agreement.

### Return to Work Forms

- **Treatment Provider (HCP) Return to Work Release:** Participants must obtain and submit HCP's work release when provider decides it is appropriate.
- **TAPNET Return to Work Agreement:** Participants must sign a TAPNET RETURN TO WORK AGREEMENT with TAPNET and employer prior to returning to nursing practice.
- **Quarterly Update:** A QUARTERLY UPDATE form is to be completed at the same time the initial RETURN TO WORK AGREEMENT is signed *and every three months thereafter*.
- **Consent between Employer and Government Agency:** A copy of the signed consent must be submitted with the above forms. (Employer retains the original).

### Recurrent forms/required treatment documentation

- **TAPNET Prescription Information/Treatment Progress Reports:**
- If any medications are prescribed, healthcare providers must complete the TAPNET PRESCRIPTION INFORMATION form for participants to mail to TAPNET.

- Participants must request psychiatrists/ therapists complete and submit progress reports after each office visit (TAPNET PRESCRIPTION INFORMATION/PROGRESS REPORT).
- Failure to obtain and submit psychiatric treatment updates at least quarterly may result in an extension of participation or dismissal from TAPNET.
- Participants must request and submit routine treatment updates/ progress reports from addiction treatment providers until treatment is successfully completed.
- **Monthly attendance record:**
  - The MONTHLY ATTENDANCE RECORD is used for documenting Twelve Step meetings, psychiatrist, therapist and group therapy sessions.
  - It is the participant's responsibility to ensure that after each Twelve Step meeting, the chairperson signs off to verify attendance.
  - Before mailing the original to TAPNET, participants sign the bottom of the form.
  - When working, a participant's supervisor will also sign the meeting attendance form before it is mailed to TAPNET.
  - Lack of proper documentation or falsification of meeting(s) is equivalent to missed meeting(s).
- **Self-Report Form:**
  - The purpose of the Self-Report is to give participants an opportunity to inform TAPNET of their progress in recovery and to identify problems where additional assistance may be needed.

**Counselors are required to mail in Attendance Record and Self-Report by the 10<sup>th</sup> of each month. Participants should keep copies for their records.**

- **Quarterly Update:**
  - Quarterly update meetings are held for the purpose of reviewing each participant's past three months' work performance and practice, compliance in TAPNET, and progress in recovery.
  - Participants *must have* quarterly meetings with employer and advocate *every three (3) months* from date of return to work in counseling.
  - If the TAPNET advocate is not available to attend during the month the quarterly is due, the TAPNET Case Manager must be present by phone conference.
  - Immediately following each quarterly meeting, participants will mail the original of the completed Quarterly Update to TAPNET.

## Employer Guide

### Working with a TAPNET Counselor- At a Glance

These steps are a quick reference guide for employers who are working with TAPNET counselors.

- Obtain a signed TAPNET EMPLOYER CONSENT form from the counselor allowing TAPNET and employer to communicate regarding the nurse's status in the program.

- *Fax the consent to TAPNET* and then discuss the participant’s return to work plans and needs with the TAPNET Case Manager before hiring or scheduling the counselor.

Note: TAPNET participants, who return to work in counseling prior to TAPNET’s approval and / or before signing a TAPNET Return to Work Agreement, may be dismissed from TAPNET and reported to DSHS or TCBAP.

- Obtain a verbal return to work approval from participant’s TAPNET Case Manager.
- Discuss any concerns regarding return to work setting, duties and possible relapse triggers with counselor and TAPNET Case Manager.
- Verify that counselor participant has Chain of Custody forms in their possession. Forms are required and to be used with TAPNET’s random drug testing.
- Hold an administrative return to work conference with the participant and the TAPNET advocate prior to the participant beginning work. The purpose of this meeting is to sign the RETURN TO WORK AGREEMENT, a QUARTERLY UPDATE FORM, and a CONSENT FOR EMPLOYER AND GOVERNMENT AGENCY.
- Identify at least two (2) workplace monitors who:
  - Are knowledgeable about counseling practice, the counselor’s TAPNET participation, work agreement and practice restrictions.
  - Work in the same area/unit, and
  - Are immediately available (on the premises) should an incident occur. (Additionally someone from counseling administration should be aware of counselor’s participation.
- Hold a clinical return to work group meeting with participant, TAPNET advocate, and the participant’s immediate co-workers, who have a legitimate need to know about the counselor’s TAPNET participation, practice restrictions, and if applicable, to process any co-worker concerns.

## Chapter 4

Meet monthly with participant and participant’s immediate counselor supervisor to review work performance and counselor’s adherence to practice restrictions as well as to sign the original copy of participant’s TAPNET Meeting Attendance Record.

- Request drug screen for “reasonable cause” if any signs of impairment or inappropriate behavior occur and immediately notify the TAPNET Case Manager. Participant must submit specimens for reasonable cause *within two hours* of the request. **NOTE:** TAPNET contacts employer no later than next business day upon TAPNET’s receipt of positive drug test results.
- Meet with the participant and TAPNET advocate (or Case Manager if advocate is not available) for the Quarterly Update- a work performance, participation and treatment review- *every three months* from the date the initial work agreement was signed. **Note:** Employers will receive courtesy copies of letters sent to participants regarding significant program non-compliance.

- Maintain copies of the entire participant’s work related TAPNET records in a locked and confidential file, separate from personnel files to comply with federal confidentiality regulations. See TAPNET Return to Work Agreement, Section 5.
- Return all TAPNET records to the TAPNET office when the participant completes TAPNET, is dismissed or withdraws from the program, or when employment ends. (When a participant successfully completed TAPNET or is dismissed or withdraws, the employer will receive a signed letter from the TAPNET Case Manager confirming case closure.) Utilize the TAPNET advocate as an educational resource for self, staff, and the facility.
- Call TAPNET whenever you have questions or concerns about the participant’s work performance and related behaviors. Counsel, remove, suspend, and/or drug test participants as appropriate.

## Attachment A

### The ADA and TAPNET Counselors

**Note:** This fact sheet provides an overview of the most salient areas of the Americans with Disabilities Act (ADA) as they pertain to TAPNET. This summary is designed to assist employers so that they may operate with greater knowledge, humanity and legality when working with TAPNET counselors. Additional technical information and assistance on the ADA is available from the Southwest Disability & Business Technical Assistance Center, (800-949-4232).

#### Why ADA?

The counselor participating in TAPNET often faces more difficulties in obtaining a new job or returning to a former place of employment than most other counselors. One significant but necessary hurdle the counselor must clear prior to accepting employment, is informing an employer or a potential employer of one’s participation in TAPNET- as required in the TAPNET terms of participation. Making one’s participation in TAPNET known prior to being hired is essentially the same as informing an employer that one may require accommodation in the workplace as provided for by the ADA. Unfortunately, the mere mention of TAPNET often creates fear and doubt in the mind of a job interviewer or health case administrator. The interviewer or administrator may not be knowledgeable of the disease process of chemical dependency and mental illness or individuals who may not have succeeded in their recovery from these diseases. Such lack of information and negative stereotyping can present roadblocks for the TAPNET counselor who is applying for or returning to a job.

#### What is the ADA?

It is in part because problems like those mentioned above that the ADA was created. The ADA is a federal antidiscrimination statute designed to remove barriers, which prevent qualified individuals with disabilities from enjoying the same employment opportunities that are available to persons without disabilities. Employers with more than 15 employees must comply with the ADA. The ADA prohibits discrimination in all employment related practices and activities, e.g., job application, hiring, firing, advancement, training, compensation, and other terms, conditions, and privileges of employment.

### **Who is covered by the ADA?**

The ADA protects individuals with disabilities. Disabilities include people who have a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment. In this regard, an individual recovering from chemical dependency or mental illness would be classified as a person with a disability. Therefore, counselors participating in TAPNET, who are in good compliance, are protected by the ADA. In fact, TAPNET and drug treatment programs may be considered to be reasonable accommodations under the ADA. Under the ADA an employer may not discriminate against an individual with a chemical dependency problem who is not currently using drugs and who has been rehabilitated because of a history of chemical dependency. A qualified individual with a disability is a person who meets legitimate skill, experience, education or other requirements of an employment position that he or she holds or seeks, and who can perform the **essential functions** of the position without **reasonable accommodation**.

### **What are the Essential Functions of a Job under the ADA?**

A particular function is essential depending upon: whether or not the position exists; the availability of employees to perform that job function; and the degree of expertise or skill required to perform the function. Requiring the ability to perform “essential functions” assures that an individual will not be considered unqualified simply because of inability to perform marginal or incidental job functions. Thus, it would be advantageous for employers to prepare a written job description for all positions outlining the essential functions of the job. Even if a job function is considered “essential,” an employer may be required to provide a reasonable accommodation to allow an employee an opportunity to perform that function.

### **What is Reasonable Accommodation under the ADA?**

Reasonable accommodation is a modification or an adjustment to a job or work environment that will enable a qualified applicant or employee with a disability to perform essential job functions. Examples of reasonable accommodation include restructuring a job by reallocating or redistributing some functions of an employee’s job; modifying work schedules; or acquiring or modifying equipment. Typically, TAPNET work restrictions provide from accommodation by reallocating some functions and modifying the work schedule or restructuring the job to some degree. The individual with a disability requiring the accommodation must be otherwise qualified and the disability made known to the employer. An employer is not required to make an accommodation if it would impose an “undue hardship” on the operation of the employer’s business. Undue hardship is defined as, an action requiring significant difficulty or expense. In general, a large organization would be expected to make accommodations requiring greater effort or expense than a small organization. Applicants may be asked about their ability to perform specific job functions but may not be asked about the existence, nature or severity of a disability. A job offer may be conditioned on the results of a medical examination, but only if the exam is required for all entering employees in similar jobs.

### **What if the employee is unable to perform the Essential Functions of the job (even with Accommodation) and/ or relapses?**

A business may not discriminate against an applicant or employee with a history of drug or alcohol dependence out of a generalized fear that he or she will suffer a relapse. The ADA does not prevent an employer from discharging an employee with a disability (or refusing to hire an applicant with a disability), so long as the discharge (or refusal) is based upon individualized

judgments, based on reliable medical or other objective evidence. For example, a job applicant can be denied employment on the basis of similar evidence, e.g., a positive pre-employment drug screen that cannot be explained by a legitimate prescription. Moreover, an individual who evidences poor recovery while on the job, e.g., has a counseling practice violation related to substance abuse or mental illness, is not protected by the ADA and may be discharged.

### **Who enforces compliance with the ADA?**

The U.S. Equal Employment Opportunity Commission (EEOC) issued regulations to enforce Title I of the ADA. Charges of employment discrimination on the basis of disability, based on actions occurring on or after July 26, 1992 may be filed at any field office of the EEOC. Contact: [eee.eeoc.gov](http://eee.eeoc.gov) or 800-669-4000.

### **Confidentiality of Alcohol and Drug Abuse Patient Records**

Federal law and regulations protect the confidentiality of alcohol and drug abuse patient records maintained by this program. The program may not say to a person outside the program that a patient attends the program, or disclose any information identifying a patient as an alcohol or drug abuser unless:

- The patient consents in writing; OR
- The disclosure is allowed by court order; OR
- The disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit, or program evaluation.
- The patient commits or threatens to commit a crime either at the program or against any person who works for the program.
- Violation of the federal law and regulations by a program is a crime. Suspected violations may be reported to the US Attorney in a district where the violation occurs.
- Federal law and regulations do not protect any information about suspected child abuse or neglect from being reported under state law to appropriate state or local authorities. (See U.S.C. § 290dd-3 and 42 U.S.C. § 290ee-3 for federal laws and 42 CFR Part @ for federal regulations.)

### **Support Groups**

1. Alcoholics Anonymous: AA World Services, Inc., Grand Central Station, P.O. Box 459, New York, NY 10163. 212-870-3400. [www.alcoholics-anonymous.org](http://www.alcoholics-anonymous.org).
2. Narcotics Anonymous: World Service Office, P.O. Box 9999, Van Nuys, CA 91409. 818-773-9999. [www.na.org](http://www.na.org)
3. Al-anon: Al-anon Family Group Headquarters/World Service Office, 1600 Corporate Landing Pkwy, Virginia Beach, VA 23454. 757-563-1600. [www.al-anon.org](http://www.al-anon.org)
4. Co-Dependents Anonymous (CoDA): P.O. Box 33577, Phoenix, AZ 85067-3577. 602-277-7991. [www.codependents.org](http://www.codependents.org)
5. Emotions Anonymous: P.O. Box 4245, St. Paul, MN 55104. 651-647-9712. [www.emotionsanonymous.org](http://www.emotionsanonymous.org)
6. National Alliance for the Mentally Ill (NAMI): Colonial Place Three 2107 Wilson Blvd., Ste. 300, Arlington, VA 22201. 800-950-6264. [www.nami.org](http://www.nami.org)
7. Pride Institute: 800-54-PRIDE. [www.pride-institute.com](http://www.pride-institute.com)

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