

Regarding viewing EAP benefits as preventive care

The undersigned organizations in the Mental Health Liaison Group, a coalition of national organizations representing the diverse interests of the behavioral health community, are writing in response to IRS Notice 2004-23.

We strongly support the Department of Treasury's proposed inclusion of screening services for mental health and substance abuse as part of preventive care. Mental disorders are the second leading cause of disability and premature death in the country. Untreated mental illnesses cost businesses as much as \$79 billion annually in lost productivity and increased sick leave. Early detection and treatment holds great promise of reducing those costs.

We also believe that in cases where Employee Assistance Program (EAP) services are considered health care services then these services should be considered preventive in nature and should therefore be included in the safe harbor for "preventive care" benefits in high deductible health plans (HDHP), section 223(c)(2)(c) .

EAPs are workplace based programs that have traditionally been provided at no cost to employees. EAPs provide employees and others residing in their household a means to identify and resolve a wide range of employee and employer concerns such as health, marital, family, financial, legal, safety and substance abuse (including drug free workplace), stress, and other personal issues. EAPs have had great success in the prevention of workplace violence, in critical incident stress debriefings and in assisting employees affected by corporate restructuring. The federal government's recognition of the importance and value of EAPs is demonstrated by its mandate that EAPs be offered to federal employees. EAPs provide services that are substantially different from the services covered by traditional health plans. EAPs focus primarily on identification and assessment of an employee's issue or concern and identification and referral to the appropriate resource (be it an organization, facility or program) to assist the employee.

The choice should not have to be made between choosing an HSA or an EAP. The way to solve this problem is to recognize that EAP services constitute "preventive care" as defined in section 223. We encourage the IRS to issue additional guidance establishing an explicit "preventive care" safe harbor for EAPs or issue some other type of exception for EAPs. Thank you for your attention to this important issue.