



**IMPORTANT INFORMATION FOR
HEALTH CARE PROVIDER**

- Family and Medical Leave Act (FMLA) •California Family rights Act (CFRA)
- California Pregnancy Disability Law (PDL)

Definition of Serious Health Condition under FMLA

As of January 16, 2009, the Family Medical Leave Act (FMLA) regulations were revised, including specific revisions to the definition of the term "Serious Health Condition." Accordingly, the County of Riverside's family and medical leave request forms have been updated, with the goal of compliance with federal FMLA and HIPAA regulations, as well as state California Family Rights Act (CFRA) and Pregnancy Disability Leave (PDL) laws.

Your completion of the *Certification of Health Care Provider* form will assist the County in determining whether the employee's request for family and medical leave is protected under the above-mentioned leave laws. Please note that a diagnosis is not required in order to make this determination.

A summary of the revised FMLA definition of serious health condition¹ follows:

A serious health condition entitling an employee to FMLA leave means an illness, injury, impairment or physical or mental condition that involves one or more of the following:

1. **Inpatient care:** An overnight stay (or an expected overnight stay) in a hospital, hospice, or residential medical care facility.
2. **Continuing treatment plus incapacity:** Continuing treatment by a health care provider and incapacity of more than three full consecutive calendar days that also involves:
 - In-person treatment at least once within 7 days of first day of incapacity; AND
 - Either a regimen of continuing treatment (such as a course of prescription medication or therapy) initiated by the Health Care Provider during first treatment; OR
 - A second in-person visit for treatment (the necessity of which is determined by the Health Care Provider) within 30 days of the first day of incapacity.
3. **Pregnancy or prenatal care:** Prenatal care appointments, as well as any period of incapacity due to pregnancy.
4. **Chronic conditions:** Any period of incapacity for a chronic condition which:
 - Requires periodic visits (at least twice per year) for treatment by a health care provider; AND
 - Continues over an extended period of time; AND
 - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy).
5. **Conditions requiring multiple treatments:** Any period of absence to receive multiple treatments for:
 - Restorative surgery after an accident or other injury; OR
 - A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment (e.g., cancer, severe arthritis, kidney disease).

Availability of Modified Duty Program

The County of Riverside offers a Return-to-Work program which provides modified/transitional duty to employees recovering from work-related illnesses and injuries. Participating employees earn their regular, hourly wage and accrue benefits as applicable in their regular assignments. The employee's voluntary participation in this program offers the advantage that hours worked in a modified duty capacity do not count against their FMLA, CFRA, or PDL entitlements.

¹ See 29 CFR § 825.113 - § 825.115 for specific regulations.