

CLARIFICATION AND GENERAL INFORMATION ON FMLA HEALTH CONDITIONS

Serious Health Condition:

Definition:

- **One** - serious health condition involves more than three consecutive, full calendar days of incapacity plus “two visits to a health care provider.”
 - **the two visits to the health care provider must occur within 30 days the first day of incapacity**
- AND
- **the first visit to the health care provider must take place within seven days of the first day of incapacity.**

- **Two** - serious health condition involves more than three consecutive, full calendar days of incapacity **plus a regimen of continuing treatment.**
 - **The first visit to the health care provider must take place within seven days of the first day of incapacity.**

- **Three** - chronic serious health conditions “periodic visits” is **at least two visits to a health care provider per year**

Six individual definitions of serious health condition:

1. Hospital Care Inpatient care: (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity^{NOTE 2} or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment: (a) A period of incapacity^{NOTE 2} of **more than three consecutive calendar days** (including any subsequent treatment or period of incapacity^{NOTE 2} relating to the same condition), that also involves:

- (1) **Treatment**^{NOTE 3} **two or more times** by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider;

OR

- (2) **Treatment** by a health care provider on **at least one occasion** which results in a **regimen of continuing treatment**^{NOTE 4} under the supervision of the health care provider.

3. Pregnancy - Any period of incapacity due to **pregnancy**, or for **prenatal care**. **Health care Provider should specify on WH380 Form, the intermittent time for prenatal care.**

4. Chronic Conditions Requiring Treatments: (See below)

A chronic condition:

- (1) Requires **periodic visits** for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 - (2) Continues over an **extended period of time** (including recurring episodes of a single underlying condition);
- AND
- (3) May cause **episodic** rather than a continuing period of incapacity ^{NOTE 2} (e.g., asthma, diabetes, epilepsy, etc.).

5. Permanent/Long-term Conditions Requiring Supervision

A period of **Incapacity** ^{NOTE 2} which is **permanent (or long-term)** due to a condition for which treatment may not be effective. The employee or family member must be **under the continuing supervision of, but need not be receiving active treatment by, a health care provider**. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive **multiple treatments** (including any period of recovery there from) by a health care provider either for **restorative surgery** after an accident or other injury,

OR

for a condition that **would likely result in a period of Incapacity** ^{NOTE 2} **of more than three consecutive calendar days in the absence of medical intervention or treatment**, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

NOTES:

- (1) Here and elsewhere on this form, the information sought relates **only** to the condition for which the employee is taking FMLA leave.
- (2) Incapacity," for purposes of FMLA, is defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment of, or recovery from.
- (3) Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.
- (4) A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.