



# KING COUNTY LEAVE ADMINISTRATION GUIDELINE

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## **Health Care Provider Communication During Use of Family and Medical Leave Act (FMLA)/ Washington Family Leave Act (WFLA)/ King County Family Medical Leave (KCFML)**

It is unlawful for department personnel to communicate directly with the health care provider of an employee. A health care provider representing the employer may contact the employee's health care provider, with the employee's written permission, for purposes of clarification and verifying authenticity of the medical certification. Alternatively, if the employee is engaged in the interactive process with the department and Disability Services, the Disability Services Specialist may contact the employee's medical provider for purposes of clarification of the medical certification and accommodation issues if the employee has signed a medical release for Disability Services.

If legibility or questions surrounding the adequacy of the medical certification remain, the employer may ask the employee for updated and detailed information or may provide the employee with a detailed list of questions to ask their health care provider during their next medical appointment. If a medical certification form is illegible, then the employer may also ask the employee to submit a legible medical certification form before use of family medical leave entitlements are approved.

If the employee is simultaneously using FMLA and on a workers' compensation claim, the regulations regarding health care provider communications are less restrictive. Workers' compensation guidelines enable the employer to contact the employee's health care provider with health related questions. In King County, these duties are performed by claim officers in the department of Safety and Claims. Questions that arise concerning the medical certification and other related issues should be directed to the claim officer of the employee on leave.

### **Summary**

1. Communication with the employee's medical provider by department personnel is prohibited.
2. Employer appointed health care provider can directly communicate with the employee's health care provider given written consent of employee.
3. Disability Services Specialist may contact the employee's medical provider for purposes of clarification of the medical certification and accommodation issues if the employee has signed a medical release for Disability Services.
4. King County claim officers can contact the employee's medical provider during simultaneous use of FMLA and workers' compensation

### **Referenced Laws**

29 CFR 825.307(a), RCW 51.28.070

\* Title I of the FMLA was amended by the National Defense Authorization Act for FY 2008. The US Department of Labor has proposed new FMLA regulations which will modify current regulations that dictate employer communication with medical providers. New regulations are expected to take effect by Fall 2008. This guideline will be updated to reflect any necessary changes.