



## Health Care Provider Communication Guideline:

This guideline is used when an agency needs to communicate with a health care provider regarding the employee's medical or family leave of absence. The employee must provide complete and sufficient medical certification. At the time medical certification is requested, King County will advise the employee of the consequences of failing to provide adequate certification.

If the employee submits a medical certification that is incomplete (e.g., entries left blank) or insufficient (e.g., vague, ambiguous or non-responsive), King County will advise the employee in writing what additional information is necessary to make the certification complete and sufficient. King County will provide the employee seven (7) calendar days to cure the deficiency (provide documentation). If the requested information is not received in the resubmitted certification, King County may deny the taking of FMLA leave.

If the employee submits a complete and sufficient medical certification, King County may not request additional information from the health care provider. However, if the medical certification is not complete or sufficient, designated King County personnel may contact the health care provider for purposes of clarification (e.g., to understand handwriting or meaning of a response) or authentication (verification that health care provider authorized or completed certification). King County must first provide the employee an opportunity to cure any deficiencies as stated above.

It is the policy of King County that only designated agency personnel (typically an HR professional or disability services representative) may communicate with the employee's health care provider for purposes of clarification or authentication of the medical certification. The employee's direct supervisor may never communicate with the employee's healthcare provider.

King County cannot ask for information that is in addition to that required by the medical certification form and must comply with all HIPAA privacy rules.

If the employee is simultaneously using FMLA and on a workers' compensation claim, workers' compensation guidelines enable the employer to contact the employee's health care provider with health related questions -- in King County, these duties are exclusively performed by claim officers in HRD Safety and Claims. Questions that arise concerning the medical certification and other related issues should be directed to the designated claims officer.

## Summary

1. The employee is responsible for submitting a completed medical certification. If the employee submits a medical certification that is incomplete or insufficient, King County must provide a written list of the additional information needed for a complete and sufficient certification. The employee generally has seven (7) calendar days to return a completed and signed form.
2. After allowing the employee an opportunity to re-submit documentation (usually up to seven (7) calendar days) and the employee is unable to provide the information necessary to approve the leave. The employer, typically an HR professional or disability services representative, may then directly communicate with the employee's health care provider to clarify or authenticate a medical certification.
3. Under no circumstances may an employee's direct supervisor communicate with the employee's health care provider.
4. HRD Safety & Claims officers may contact the employee's health care provider when the employee is simultaneously using FMLA and on a workers' compensation claim.
5. General Deadlines:
  - a. Medical certification: due at the time the employee gives notice or within five (5) business days thereafter.
  - b. Medical certification: due within fifteen (15) days if requested by employer when questions of

- appropriateness or duration of leave exist.
- c. Incomplete or insufficient medical certification: due within seven (7) calendar days upon being notified in writing (unless not practicable under circumstances).

## Referenced Laws

29 CFR § 825.305(c), 29 CFR § 825.306(c), 29 CFR § 825.307(a)