Appendix B
Certification of Health Care Provider for Family Member's Serious Health Condition (Family and Medical Leave Act)

**SECTION I: To be Completed by the EMPLOYER**

**INSTRUCTIONS to the EMPLOYER:** The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Employer name and contact: Sheri Knight, HR Professional, Emporia State University

Phone: (620) 341-5077 Fax: (620) 341-6014

**SECTION II: To be Completed by the EMPLOYEE**

**INSTRUCTIONS to the EMPLOYEE:** Please complete Section II before giving this form to your family member or his/her medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave to care for a covered family member with a serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form to your employer. 29 C.F.R. § 825.305.

Your name:  
First  Middle  Last

Name of family member for whom you will provide care: ________________________________

Relationship of family member to you:  
First  Middle  Last

If family member is your son or daughter, date of birth:  
________________________________________

Describe care you will provide to your family member and estimate leave needed to provide care: ________________________________

________________________________________

________________________________________

Employee Signature  ___________________________  Date  ____________________

Form WH-380-F November 2008
INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Page 3 provides space for additional information, should you need it. Please be sure to sign the form on the last page.

Provider’s name and business address: ____________________________________________________________

Type of practice / Medical specialty: _____________________________________________________________

Telephone: (_____) __________________________ Fax: (_____) __________________________

PARTIAL MEDICAL FACTS

1. Approximate date condition commenced: _______________________________________________________

Probable duration of condition: _________________________________________________________________

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?  
No  Yes. If so, dates of admission: _____________________________________________________________

Date(s) you treated the patient for condition: _______________________________________________________

Was medication, other than over-the-counter medication, prescribed?  No  Yes.

Will the patient need to have treatment visits at least twice per year due to the condition?  No  Yes

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?  
No  Yes. If so, state the nature of such treatments and expected duration of treatment:

___________________________________________________________________________________________

2. Is the medical condition pregnancy?  No  Yes. If so, expected delivery date: _______________________

3. Describe other relevant medical facts, if any, related to the condition for which the patient needs care (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

___________________________________________________________________________________________

___________________________________________________________________________________________

___________________________________________________________________________________________
4. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery?  ____No  ____Yes.

Estimate the beginning and ending dates for the period of incapacity: ________________________________

During this time, will the patient need care?  ____No  ____Yes.

Explain the care needed by the patient and why such care is medically necessary: ________________________________

______________________________________________________________________________________

______________________________________________________________________________________

______________________________________________________________________________________

______________________________________________________________________________________

5. Will the patient require follow-up treatments, including any time for recovery?  ____No  ____Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

______________________________________________________________________________________

______________________________________________________________________________________

______________________________________________________________________________________

______________________________________________________________________________________

Explain the care needed by the patient, and why such care is medically necessary: ________________________________

______________________________________________________________________________________

______________________________________________________________________________________

______________________________________________________________________________________

6. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery?  ____No  ____Yes.

Estimate the hours the patient needs care on an intermittent basis, if any:

______ hour(s) per day; ________ days per week  from ________ through ________

Explain the care needed by the patient, and why such care is medically necessary: ________________________________

______________________________________________________________________________________

______________________________________________________________________________________

______________________________________________________________________________________

______________________________________________________________________________________
7. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities?  ____No  ____Yes.

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: ____ times per ____ week(s) ____ month(s)

Duration: ____ hours or ____ day(s) per episode

Does the patient need care during these flare-ups?  ____ No  ____ Yes.

Explain the care needed by the patient, and why such care is medically necessary: 

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

ADDITIONAL INFORMATION: Identify question number with your additional answer.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Signature of Health Care Provider   Date

PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

**Completed forms can be faxed to Sheri Knight at (620) 341-6014 followed by mailing the original to Human Resources at Emporia State University, 1200 Commercial Street, Plumb Hall Room 211, Emporia, KS 66801.