

Telemedicine Visits Sufficient for FMLA Certifications Until December 31, 2020

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The U.S. Department of Labor (DOL) recently announced that telemedicine visits with a health care provider will be considered in-person visits for the purposes of establishing that an employee or an employee's family member has a serious health condition under the Family and Medical Leave Act (FMLA).

As a refresher, if a serious health condition does not involve inpatient care, in order to entitle an employee to FMLA leave, the serious health condition must be accompanied by an "in-person treatment visit" within seven days of the first day of incapacity. At least one additional in-person treatment visit may be required if the patient is not subject to a regimen of continuing treatment under the supervision of the health care provider.

The DOL updated its [COVID-19 and the Family and Medical Leave Act Questions and Answers](#) (question 12) to clarify that, until December 31, 2020, a telemedicine visit will be considered an in-person treatment visit if the telemedicine visit:

- includes an examination, evaluation, or treatment by a health care provider;
- is performed by video conference; and
- is permitted and accepted by state licensing authorities.

The DOL's new guidance also emphasizes that, during the same timeframe, electronic signatures are acceptable on documentation used to establish a serious health condition.

What Employers Should Do

Employers that administer FMLA leave for their employees should ensure their human resources personnel or other internal decision-makers are aware of the DOL's guidance and recognize qualifying telemedicine visits as satisfactory for purposes of certification of a serious health condition in 2020. Proactively informing the workforce that telemedicine visits are acceptable for FMLA purposes may also protect employees from potential COVID-19 exposure and help health care providers preserve personal protective equipment and patient-care supplies. Finally, employers should keep in mind that state family and medical leave laws may have corollary in-person treatment visit requirements, so employers shouldn't assume telemedicine visits are sufficient for state leave eligibility, especially for employees who may be seeking PFML or PFL benefits under a state-administered or private plan.

What ReedGroup Is Doing

Throughout the pandemic, ReedGroup has worked with its clients to maximize flexibility in connection with leave-related medical documentation while remaining compliant with all applicable laws. ReedGroup's operations team is up-to-date on the DOL's guidance

and will continue to ensure the appropriate standards are applied when evaluating the sufficiency of leave-related certifications and medical documentation.

If you're looking for assistance managing claims or to ensure compliance across your organization, ReedGroup has solutions for you. Check out our offerings [here](#).

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