

EMPLOYER RESOURCE: WHAT IS A SERIOUS HEALTH CONDITION?

Federal and CT FMLA leave and the CT Paid Leave benefits may be needed when a serious health condition causes a period of incapacity.

- **“Serious Health Condition”** means an illness, injury or impairment or physical or mental condition that involves inpatient care or continuing treatment.
- **“Incapacity”** means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment of the serious health condition, or recovery from the serious health condition.
- **“Treatment”** refers to an in-person visit to a health care provider.
 - In addition to referring to medical care provided to an individual for a serious health condition, the term treatment also includes examinations to determine if a serious health condition exists and evaluations of that condition 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.
 - A **telemedicine visit** with a health care provider will qualify as an in-person visit provided the following criteria are met:
 - The telemedicine visit includes an examination, evaluation, or treatment by a health care provider
 - The telemedicine visit is permitted and accepted by state licensing authorities; and
 - The visit is performed by video conference or equivalent technology.
 - Communication methods that do not meet these criteria (e.g., a simple telephone call, letter, email, or text message) are insufficient, by themselves, to satisfy the requirement of the “in person visit.”
- A **“regime 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. It does NOT include taking 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.

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CONDITIONS REQUIRING INPATIENT CARE AND/OR CONTINUING TREATMENT

A person has a “serious health condition” if they have one or more of the following conditions summarized in the following chart.

Inpatient Care
• An overnight stay in a hospital, hospice, or residential medical care facility. • Includes any period of incapacity or any subsequent treatment in connection with the overnight stay.
OR
Continuing Treatment by a Health Care Provider (any one or more of the following)
1. Incapacity and Treatment: A period of incapacity of more than three consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves: - Two or more in-person visits to a health care provider for treatment within 30 days of the first day of incapacity, unless extenuating circumstances exist. The first visit must be within seven days of the first day of incapacity; or - At least one in-person visit to a health care provider for treatment within seven days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of the health care provider. <i>Examples: the health provider might prescribe a course of prescription medication or therapy requiring special equipment.</i> <i>NOTE: A telemedicine visit is the equivalent of an in-person visit to a medical provider if the telemedicine “visit” consists of an examination, evaluation, or treatment by a healthcare provider which is permitted and accepted by state licensing authorities. Generally, such visits must be performed by video conferencing.</i>
2. Pregnancy: Any period of incapacity due to pregnancy, including prenatal treatment.
3. Chronic Conditions Requiring Treatments: Any period of incapacity (including treatments) due to a chronic serious health condition which: - Requires periodic visits for treatment by a health care provider at least twice a year; and - Recurs over an extended period of time; and - May cause episodic rather than a continuing period of incapacity. <i>Examples: asthma, migraine headaches, diabetes, epilepsy</i>

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4. Permanent/Long-Term Conditions:

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continuing supervision of a health care provider.

Examples: Alzheimer's disease; terminal states of cancer; severe stroke.

5. Multiple Treatments (Non-Chronic Conditions):

Restorative surgery after an accident or other injury; or,
A condition that would likely result in a period of incapacity of more than three consecutive full calendar days if the employee or employee's family member did not receive treatment.

Examples: chemotherapy; physical therapy.

WHAT IS NOT CONSIDERED A SERIOUS HEALTH CONDITION?

The following ailments are NOT considered to be a "serious health condition" unless complications develop such that inpatient care or continuing treatment, as defined above, is required:

- routine physical examinations,
- common cold,
- flu,
- earaches,
- upset stomach,
- minor ulcers,
- headaches, other than migraines,
- routine dental work or orthodontia problems,
- periodontal disease, or
- minor cosmetic treatments, such as most treatments for acne or plastic surgery

Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions are met.

Alcohol and Substance Abuse: Leave under the Federal FMLA and/or CT FMLA may be taken only for **treatment** for alcohol or substance abuse by a health care provider or by a provider of health care services on referral by a health care provider.

An employee may not take leave under the federal FMLA or CT FMLA for absences caused by the employee's **use** of the substance.