

From: [Vernon A Maas](#)
To: [WHDPRAComments](#)
Subject: FMLA Forms
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Attachments: [image001.png](#)

Comments on changes to DOL FMLA form

1. I support the structure of the revised form which clearly identifies the 6 major categories of incapacitation for a serious health condition with accompanying definitions on the last page. However, providers struggle with how to categorize a patient who has a procedure at an ambulatory surgical center, and therefore has no overnight stay in a hospital, hospice, or residential medical care facility, but has some period of incapacitation after the surgical procedure.

Can the definition of "Inpatient care" be expanded to a procedure in an ambulatory surgical center?

Or should this type of scenario be categorized under "Incapacity Plus Treatment," even though the patient may not have been incapacitated for 72 hours prior to treatment, but with treatment may have a recovery period lasting at least 72 hours and therefore is incapacitated for the 72 hour required minimum?

2. Recommend that section (9) – Appropriate Medical Facts, also describe the length of the medical certification, as not all medical certifications should be 12 months long, and may differ from the length that the medical condition is expected to last.

3. Recommend that Part C – Signature of Health Care Provider, include a statement that a physical signature is not required when an electronic signature of the provider is generated through an electronic medical record.

Best regards,

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