

Is It A Serious Health Condition Under Federal or Wisconsin FMLA?



For purposes of Family Medical Leave Act (FMLA) requirements, it is necessary to understand the qualifying reasons and definitions of a serious health condition. A serious health condition may be physical or mental and involve an injury, illness or impairment. The chart below outlines what is covered under Federal and Wisconsin law.

Does It Involve	Federal (Includes Illinois, Iowa, and Minnesota)	Wisconsin
<p>Inpatient care (overnight stay): hospital, hospice, or residential medical care facility?</p>	<p>Includes:</p> <ul style="list-style-type: none"> any period of incapacity – meaning the inability to work, attend school or perform other regular daily activities due to condition, treatment or recovery any subsequent treatment or incapacity in connection with inpatient care <p>825.113(b) and 825.114</p>	<p>Same as federal</p> <p>103.10(1)(g)1</p>
<p>Continuing treatment by a healthcare provider?</p>	<p>Includes:</p> <ul style="list-style-type: none"> a period of incapacity of more than three consecutive full calendar days AND treatment* (in-person) two or more times by a healthcare provider within 30 days of start of incapacity (first visit within 7 days) OR treatment* (in-person) once by a healthcare provider which results in regimen of continuing treatment** <p>*Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical exams, eye exams, dental exams, over-the-counter medications, bed rest, drinking fluids, or exercise.</p> <p>**A regimen of continuing treatment includes prescription medication or therapy requiring special equipment to resolve or alleviate the condition.</p>	<p>Includes:</p> <ul style="list-style-type: none"> outpatient care that requires continuing treatment or supervision by a healthcare provider direct, continuous contact with healthcare provider subsequent to the initial outpatient contact (there is no minimum days of incapacity required) condition is disabling - meaning incapacitation or inability to pursue occupation because of physical or mental impairment <p>Note: a prescription is not considered continuing treatment.</p> <p>103.10(1)(g)2</p>

<p>Continuing treatment by a healthcare provider?</p>	<p>Note: Unless complications arise, the common cold, flu, allergies, ear aches, upset stomach, minor ulcers, headaches (other than migraine), routine dental or orthodontia problems, and periodontal disease are examples of conditions that do not typically meet the definition of a serious health condition.</p> <p>825.115(a)(1-5) and 825.113(c)</p>	
<p>Pregnancy or prenatal care?</p>	<p>Includes:</p> <ul style="list-style-type: none"> any period of incapacity (there is no minimum number of days for incapacity) severe morning sickness <p>825.115(b) and (f)</p>	<p>Includes:</p> <ul style="list-style-type: none"> inpatient or outpatient care severe morning sickness <p>103.10(1)(g)1&2</p>
<p>Chronic condition?</p>	<p>Includes:</p> <ul style="list-style-type: none"> condition must continue over an extended period of time any period of incapacity (there is no minimum number of days for incapacity) requirement of periodic visits for treatment by healthcare provider (at least twice/year) may cause episodic incapacity (ex: asthma, diabetes, epilepsy, rheumatoid arthritis, migraines) <p>825.115(c)(1-3) and (f)</p>	<p>Includes:</p> <ul style="list-style-type: none"> inpatient or outpatient care <p>103.10(1)(g)1&2</p>
<p>Permanent or long-term condition?</p>	<p>Includes:</p> <ul style="list-style-type: none"> any period of incapacity (there is no minimum amount of days for incapacity) requirement of continuing supervision of healthcare provider, even though may not be actively treated (ex: Alzheimer's, severe stroke, terminal stage of disease) <p>825.115(d)</p>	<p>Includes:</p> <ul style="list-style-type: none"> inpatient or outpatient care <p>103.10(1)(g)1&2</p>
<p>Condition requiring multiple treatments?</p>	<p>Includes:</p> <ul style="list-style-type: none"> any period of incapacity (there is no minimum number of days for incapacity) severe morning sickness <p>825.115(3) and 825.113(d)</p>	<p>Includes:</p> <ul style="list-style-type: none"> inpatient or outpatient care severe morning sickness <p>103.10(1)(g)1&2</p>

<p>Substance abuse?</p>	<p>Includes:</p> <ul style="list-style-type: none"> treatment by a health care provider or by a provider of health care services referred to by a health care provider <p>Note: Use of a substance without treatment and absence due to abuse do not qualify.</p> <p>825.119</p>	<p>Includes:</p> <ul style="list-style-type: none"> inpatient or outpatient care <p>103.10(1)(g)1&2</p>
<p>Mental illness?</p>	<p>Includes:</p> <ul style="list-style-type: none"> in-patient care or continuing treatment by a healthcare provider (if all conditions of continuing treatment are met) <p>825.113</p>	<p>Includes:</p> <ul style="list-style-type: none"> inpatient or outpatient care <p>103.10(1)(g)1&2</p>
<p>Cosmetic surgery?</p>	<p>Includes:</p> <ul style="list-style-type: none"> in-patient hospitalization <p>Note: cosmetic treatments for acne or plastic surgery generally will not qualify unless complications develop.</p> <p>825.113(d)</p>	<p>Includes:</p> <ul style="list-style-type: none"> inpatient or outpatient care <p>103.10(1)(g)1&2</p>

This sample document is only an example and is based on the laws in effect at the time it was written. MRA-The Management Association, Inc. does not make any representations or warranties regarding the appropriateness or prudence of using this information for any particular individual or situation. Your company should add, delete, or modify the content of this document as needed to suit your purposes. This material is for your information only and should not be construed as legal advice. In some circumstances it may be advisable to have legal counsel review final documents prior to implementation.

© MRA – The Management Association, Inc.

As one of the largest nonprofit employer associations in the nation, MRA:

Serves 4,000 employers

covering one million employees worldwide.

Holds more than **2,000 Training** events annually.

200 HR experts

with more than 2,000 years of collective knowledge, experience and expertise.

Offers more than **1,000 HR Guides** templates, toolkits, and more.

HR SERVICES



LEARNING & ORGANIZATION DEVELOPMENT



TALENT MANAGEMENT



TOTAL REWARDS



MRA is Your TotalHR[®] Resource.

MRA helps you create powerful teams and a safe, successful workplace with talent, tools, and training.



Wisconsin

Minnesota

Illinois

Iowa

www.mranet.org 800.488.4845