



ELIGIBILITY AND PARTICIPATION

What is the health care provider's role in Paid Family Leave?

Health care providers provide certification for two types of Paid Family Leave: bonding with a child and caring for a family member with a serious health condition. In addition, health care providers play a key role in raising awareness of Paid Family Leave through your interaction with patients and their families.

Who is eligible to take Paid Family Leave for bonding?

Parents of children who were born, adopted or placed in foster care within the last 12 months are eligible for Paid Family Leave.

Who is covered under Paid Family Leave for family care?

Employees can request Paid Family Leave to care for the following family members with a serious health condition: their spouse, domestic partner, child, stepchild, parent, parent-in-law, stepparent, grandparent, or grandchild. Siblings are not covered.

How do patients become eligible for family care under Paid Family Leave?

To receive care under Paid Family Leave, your patient must have a serious health condition, which is certified by you as their health care provider, and be a qualifying family member of the employee requesting leave.

What is a serious health condition?

A serious health condition is defined as an illness, injury, impairment, or physical or mental condition requiring inpatient care in a hospital, hospice, or inpatient/outpatient residential health facility; or continuing treatment or supervision by a health care provider.

Examples of serious health conditions include:

- Chronic serious health condition requiring periodic treatment visits over an extended period of time such as asthma, diabetes, and epilepsy.
- Long-term or permanent periods of treatment in which the family member is under continuing supervision such as Alzheimer's, severe stroke, and terminal stage of a disease.
- Treatment or recovery from an accident, injury, or condition that would likely result in a period of incapacity of more than three consecutive full days in the absence of treatment such as cancer, severe arthritis, or kidney disease.
- A period of more than three consecutive full days involving treatment two or more times by a health care provider, or treatment on at least one occasion followed by continuing treatment under supervision such as a course of prescription medication as a regimen of continuing treatment.

What are some examples of non-serious medical conditions under Paid Family Leave?

Medical conditions like the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that are generally not included unless there are complications that meet the criteria.

CERTIFICATION

Which health care providers can complete the necessary documentation for Paid Family Leave?

If you have a license as one of the following health care providers, you may complete the necessary documentation within your scope of practice:

- Physician
- Nurse Practitioner
- Clinical Social Worker
- Physician Assistant
- Registered Professional Nurse
- Occupational Therapist
- Chiropractor
- Podiatrist
- Midwife
- Dentist
- Optometrist
- Mental Health Practitioner
- Physical Therapist
- Psychologist

What do you need to provide to certify the birth of a newborn or your patient's pregnancy?

You must provide a letter that includes your patient's name; the expected due date of the child's birth or the actual date of the child's birth; and your name, address, phone number, and medical credentials (information on letterhead is often sufficient).

What is your responsibility in completing certification for family care under Paid Family Leave?

Licensed health care providers:

- Determine whether your patient has a serious health condition that fulfills the requirements under Paid Family Leave.
- Confirm that a request for Paid Family Leave is medically justified. You will be asked to provide certification of the patient's medical condition and need for a caregiver.
- Submit additional medical records concerning your patient's serious health condition if a request for leave is denied by the insurer and the employee requesting leave requests arbitration.

What information do you need to include in the certification for family care?

The certification must include:

- Your name, address, telephone number, email address, license number and state of license, type of health care provider, and specialty.
- Timeframe (approximately when your patient's serious health condition began and the expected duration).
- Certification of your patient's serious health condition, including the appropriate *ICD-10 codes* (requested, but not required).
- The estimated duration and frequency of care the patient requires from the employee requesting leave, including whether the care will be continuing or intermittent.

Can a health care provider outside of the state or country complete medical certification for a patient?

Yes. If you are a health care provider outside of New York, including outside the United States, you must have a valid license in the state or country where you practice. You will need to provide a copy of your license from the state or country where you are licensed, your license number, and a description of your medical specialty.

Can you refuse to provide medical certification when the employee is the perpetrator of domestic violence?

Yes. You can refuse to provide certification for family care when the employee requesting leave is the perpetrator of domestic violence or child abuse against your patient. For example, if your patient has disclosed to you that injuries were the result of domestic violence perpetrated by their family member who is the employee requesting leave, you may refuse to complete certification for the employee requesting leave to care for your patient.

PAID FAMILY LEAVE REQUEST PROCESS

What is your role in the leave process for bonding?

The steps below outline an example of the request process and your role in it:

1. Your patient (the birth mother) may request a letter from you in order to submit a request for Paid Family Leave.
2. You complete the letter and return it to your patient.
3. Your patient then attaches the letter with her completed *Request For Paid Family Leave (Form-PFL -1)* and *Bonding Certification (Form PFL-2)* and submits it to her employer's insurance carrier.

What is your role in the leave process for family care?

The steps below outline an example of the request process and your role in it:

1. Your patient completes a *Release Of Personal Health Information (Form PFL-3)* and submits it to you. Your patient also submits *Health Care Provider Certification For Care Of Family Member With Serious Health Condition (Form PFL-4)* to you.
2. Keep a copy of *Form PFL-3* for your records. Complete your portion of the *Health Care Provider Certification For Care Of Family Member With Serious Health Condition (Form PFL-4)* and return it to your patient or their authorized representative.
3. Your patient then gives *Form PFL-4* to their family member, the employee requesting leave.
4. The employee requesting leave sends the completed *Health Care Provider Certification For Care Of Family Member With Serious Health Condition (Form PFL-4)* and supporting documentation to their employer's insurance carrier.

KEY DIFFERENCES WITH FMLA

How are Paid Family Leave and the federal Family Medical Leave Act (FMLA) different?

- Paid Family Leave is paid; FMLA is not paid.
- All private employers will carry Paid Family Leave insurance. FMLA does not include insurance and it has a 50-employee threshold for eligibility.
- The length of time an employee must work is different:
 - In Paid Family Leave, an employee who works a regular schedule of 20 or more hours per week will be eligible after working 26 consecutive weeks, or an employee who works a regular schedule of less than 20 hours per week will be eligible after working 175 days, which do not need to be consecutive;
 - In FMLA, employees must have worked for a full year and 1,250 hours in the last 52 weeks to qualify.
- Under Paid Family Leave, an employee is taking leave to care for someone else, not for their own health condition. FMLA allows employees to take leave for their own health condition.
- Paid Family Leave is only taken in full-day increments. FMLA may be taken hourly.

For more information:
ny.gov/PaidFamilyLeave
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