



Checklist for Curing a Deficient Medical Certificate or Improper Usage of Leave (HCC1003)

Curing = getting clarification of the CFRA Medical Certificate, including duration or need for leave, especially as it relates to the actual use of intermittent leave.

Common reasons a medical certificate needs to be cured:

- The medical certificate indicates there is a need for leave but the duration of the leave is not specified
- The employee use of leave is suspect as it relates to when the leave is taken (i.e. the employee always seems to need leave on Monday/Fridays for episodic illness)
- The medical certificate is not signed
- There is question about the authenticity of the health care provider's expertise (i.e. it's a podiatrist and they employee has a back injury)
- There is a question about the authenticity of the health care provider's signature (i.e. fraud is suspected)
- The employee is exceeding (using more that allowed) the leave indicated on the medical certificate

If you checked any but the last box above,

- Prepare CFRA Medical Certificate Curing Request Letter or Seek Second Opinion General (FDC2105)

If the employee is exceeding her/his CFRA usage:

Example: The medical certificate indicates the employee should be out on intermittent leave 2-3 days a month however, when you check the actual usage, the employee is taking 5-6 days per month on a consistent basis.

- Prepare CFRA Exceeding Medical Certificate - Advise to Cure or Seek Second Option (FDC2106)

In both cases (**General or Exceeding**), the employee has 7 days to provide an updated medical certificate to "cure" the particular issue with the medical certificate. If the employee indicates that more time is needed (within that initial 7 day period) they are allowed one extension:

- Prepare the CFRA Medical Certificate Curing Extension Letter (FDC2107)

If the employee does not comply with this request, you can move the Second Opinion process (see CFRA Second and Third Opinion Checklist - HCC1004) OR Deny CFRA and transition to FEHA/ADA (see The CFRA to FEHA/ADA Transition Checklist - HCC1007).

NOTE: You cannot obtain 2nd & 3rd opinions for the EE family member under CFRA, just curing! However you can deny the leave if they are exceeding the CFRA Medical Certificate for family leave and they fail to cure the certificate.



If the updated medical certificate does not cure or clarify the actual time off the employee is taking it is time to request a second opinion:

- Prepare CFRA Exceeding Medical Certificate - Advise to Cure or Seek Second Opinion – Medical Certificate Did Not Cure (FDC2108)

Things to Remember:

1. These letters are for the employee to give to the doctor.
2. IT IS NOT RECOMMENDED THAT YOU CALL THE DOCTOR YOURSELF, however if you are just requesting clarification of a signature you cannot read, or text on the document that is illegible in that limited circumstance it would be ok. But be sure to not discuss anything related to the medical condition.
3. If the employee indicates to you that the health care provider is being difficult, there is nothing that prevents you, with the employee present, from calling the medical provider or offering to go with them to the health care providers office to explain the need for the medical certificate with them to get the questions resolved. This however is not recommended, BUT if you do so, only do this if you have a signed HIPPA compliant medical release.
4. The employee is solely responsible at all time to provide ongoing documentation confirming the need for leave.
5. If #3 does not resolve the health care provider's lack of cooperation, the employer may request a second opinion and go to a different health care provider to get the issue resolved.
6. **See Helpful Checklist:**
 - a. CFRA Second and Third Opinion Checklist (HCC1004)