

## Health Information Compliance Alert

### Reader Question: ALL IN THE FAMILY

Question: One of our doctors signed an FMLA certification for a patient to request medical leave for surgery. The patient then cancelled the surgery. Can our physician notify the employer that the certification is no longer valid, hence informing the employer that the surgery has been cancelled, or is this a privacy violation?

- Utah subscriber

Answer: The physician should follow the same guidelines that he did when he signed the certification, says **Kathy LePar**, a senior consultant with Beacon Partners in Norwell, MA. "He should give notification to the employee and tell the employee to turn that notification back into the employer," LePar advises.

The Bottom Line: The physician is not required to notify employers when a procedure is cancelled. If he is concerned about possible FMLA misuse, he could state on all certifications that patients will return to work with written clearance, she recommends.