

Can your employer tell you where you can – and can't – see a doctor?

Question: The HR director has placed someone in my office on a 90-day probation. During this period, she cannot miss a single day of work, even after she got approval to take a personal day to visit her doctor. Her doctor's office is located 45 minutes from the office, and then she worked from home for the remainder of the workday.

The HR director has stated that one of the sacrifices when taking a corporate job is that you "must" switch doctors so your doctors' offices are near the office.

Can a corporate office dictate where its employees can go for health care? If she received pre-approval to take a personal day, is it the company's business where her doctor is located? How can HR tell her that she "must" switch to a doctor near the office? Is there any law that says a company can do this? There have been many similar incidents. -- *Concerned About Legality*

Comments

I know most insurance companies require the employee's doctor to be within a 20 mile radius from their home and I doubt it very much that HR can "require" them to be closer. My boss kept his family doctor of many years, and his office is over an hour away (from the office). The only website I can refer you to is: <http://www.eeoc.gov/>

Good luck!

Posted by: Sandy | February 09, 2007 at 05:35 PM

I have never heard of an employer specifying where you can go to the doctor. I'm not sure of the legality but I don't believe they can tell you to switch either.

Posted by: Sharon | February 09, 2007 at 05:40 PM

I've never heard of a "boss" dictating where employees go for medical care, even for probationary employees and especially if the employer does not provide health insurance until the employee becomes permanent. The employee should check her insurance policy if she has one to see if it dictates where she can go for medical care. I have an HMO which is located in several states and I can go to any provider in any one of them. However, if she is employed in an "employee-at-will" state, she can be fired for any reason (other than for illegal things like discrimination) and she may be out of luck unless she has a specific condition which must be treated by the doctor she went to. And then, the boss could be cruising for a lawsuit. Another thing to consider: if this is how HR treats employees, maybe she should be looking for another job where employees are treated with

respect and dignity.

Posted by: Anon | February 09, 2007 at 06:18 PM

I would find it fair that depending on the type of appointment you should be able to specify the allotted time frame for the appointment and when you should expect the employee back. Especially if it is paid personal time, if it was I would find a doctor close to the beach if I was given all the time I wanted. At my work you are casually instructed to make appointment convenience to you work schedule, like at the very very beginning of the shift or at the end. We do not however instruct anyone on who. That is a bit over the top. Also I have never heard on being on probation and cancelling appointments. What if she had a condition being discussed and you interrupted her care and awful as it would be something more serious came up in the time of her probation. That wouldn't exactly look good in court?

Posted by: | February 12, 2007 at 08:10 AM

I don't think that companies and/or organizations can dictate what you do and who you see in your personal life...especially someone as personal as a doctor. Over time, you develop a bond of trust with this person and I don't think ethically or legally a company can tell you that you must switch physicians so you can work there. I would think if you have vacation time to cover the time you're gone..it should be alright. I'm not sure...wouldn't that fall into the category of discrimination? If you don't switch doctors then you are fired or not hired at all?? Good luck!

Posted by: tERY | February 12, 2007 at 08:45 AM

If the employer is paying all expenses relating to the Dr.visit then I imagine they would have every right to tell you who to see. If, however, the employee is the responsible party then the employer really has no right to even know which Dr the employee is seeing, much less try to dictate who to see, probation or not.

Posted by: Pam | February 12, 2007 at 12:35 PM

I contacted a couple of attorneys that I work with and they stated that unless the employee is under a signed a contract for services that specifically state who this person can see and/or if there is a written policy before this incident that has already been put in place your HR Director is violating privacy and work standard laws and the employee especially if let go can file a complaint for the work environment. Your HR Director better be careful and really needs to consult the companies attorney before making this move.

Posted by: | February 12, 2007 at 02:35 PM

It sounds like that HR director might have some power issues. If you have a legal department, they might be interested in what is going on. While one must make certain adjustments for one's job, I do not feel that changing medical providers would be one of them. It doesn't sound like she's mandating she change providers nor does it sound like a company policy. It may be what she personally does, but I can't imagine that a company policy would mandate where one's medical care take place if it's not directly job related (worker's comp, employment screening, insurance plans, etc.). The potential with legal issues on that is simply too high.

The employee might be covered by FMLA or some other type of disability protection, depending on the nature of the visit regardless of being under probation.

As far as taking a personal day goes, it is not the company's concern what she is doing on her time off (in general).

Posted by: Anne S. | February 12, 2007 at 03:30 PM

I would suggest reviewing the HIPPA regulations. An employer can't ask you ANYTHING about medical conditions, much less dictate any medical care. The only time choice of physician can be determined by the employer is if it is a Workers Comp. situation, and even then, they can only "suggest". You still have the option to use any caregiver you choose. There are many legal ramifications based on the situation you described. The HR person, of all people, should be aware of these laws.

Posted by: Lydia Banks | February 15, 2007 at 01:56 PM

Get a recent copy of the employee handbook. Does it state that one must change doctors to within a certain radius of office? If it doesn't, then I don't think the HR director has a leg to stand on. It sounds like either a) she has control/power issues or b) she is hoping this person quits. Also, if someone uses their paid personal time to hang out on a beach or go to the doctor that is their business. That is why it is called PERSONAL TIME.

Posted by: | February 16, 2007 at 10:37 AM

I wouldn't think a company can tell an employee what doctor to go to, but a company does have the right to set limitations regarding how much time the employee is allowed out of the office. Doctor appointments at my firm must be approved by management just like vacation time or any other time off. I would think that they have a right to say that taking, for example, three hours off for a doctor appointment is not reasonable, especially if someone is on probation.

Posted by: Mark | February 16, 2007 at 08:27 PM