

Medical Certificates 2011. Revised 2016

1. Preamble

1.1 Medical certificates are usually required by third parties for a variety of reasons including certification of a patient's illness, certification of a patient's fitness or certification of a patient's recovery from a medical condition. For example, an employer may require that an employee obtain a medical certificate certifying illness to show the person was unable to attend work due to a medical condition.

1.2 Medical certificates may also be required to certify attendance at a medical appointment by the patient or their carer (to support carer's leave).

1.3 The purpose of this guideline is to clarify the responsibilities of doctors, patients and relevant third parties regarding medical certificates within the context of the doctor-patient relationship. This guideline is not intended to apply to workers compensation schemes, life insurance, accident compensation, superannuation or other legislative schemes that have their own regulatory mechanisms.

2. The Responsibilities of the Doctor

2.1 The doctor has an ethical, professional and legal obligation to be honest and impartial in their assessment of the patient's eligibility to receive a medical certificate. The doctor should be clear that their assessment of the patient is based on the patient's history and the examination findings. The certificate may include information provided by the patient but the doctor's assessment should be based on a medical condition observed by the doctor or reported by the patient and accepted by the doctor.

2.2 Medical certificates are legal documents. Doctors who deliberately issue a false, misleading or inaccurate certificate could face disciplinary action under the *Health Practitioner Regulation National Law*. Doctors may also expose themselves to civil or criminal legal action.

2.3 The basis of the doctor-patient relationship is trust and confidentiality. In relation to medical certificates, the doctor trusts the patient to provide information that is honest and accurate regarding their medical condition. The patient trusts the doctor to maintain the confidentiality of their personal information as it relates to medical certificates, only disclosing such information to a third party with the patient's express consent or where required by law. For example, an employer may, in reasonable circumstances, seek further information from the doctor who issued a certificate. Before providing any further information to the employer, the doctor should verify the employer's identity and obtain the patient's express consent prior to any disclosure. The doctor should not provide further information to the employer if the patient refuses consent or is unable to consent (for example, the doctor is unable to contact the patient).

2.4 Where a third party contacts the doctor to verify the veracity of a medical certificate (eg., to determine if it is fraudulent in any way), the doctor should verify the third party's identity, ask for a copy of the certificate and confirm the veracity of the certificate. The doctor should not provide any other information about the patient without the patient's express consent.

2.5 In the patient's medical record, the doctor should:

- record the information that formed the basis of the certificate;
- retain a copy of the certificate or document the content of the certificate;

- record the patient's consent (or refusal) to provide additional information to the third party (where applicable);
- record the reasons for not supplying a certificate (where applicable).

2.6 Where appropriate, the doctor should refer the patient to another doctor to assess the patient's medical condition and eligibility to obtain the relevant medical certificate.

2.7 Medical certificates certifying illness

2.7.1 The doctor should issue a certificate certifying illness for a period of time that is clinically justifiable.

2.7.2 At times, a patient may request an additional medical certificate when the period of time listed in the original medical certificate is due to expire and the patient's medical condition continues to affect their ability to participate in relevant activities. In such a case, the doctor should review the patient's condition to determine if an additional medical certificate certifying the patient's ongoing incapacity due to their medical condition is clinically justifiable.

2.7.3 In some cases, the doctor should consider whether the patient can return to their activities with altered duties while recovering from their condition.

2.7.4 Doctors should avoid participating in 'online medical certificate services' that certify illness, in the absence of a face-to-face consultation or a pre-existing doctor-patient relationship. This does not apply to appropriate tele-health consultations.

2.8 Other types of medical certificates

2.8.1 A Fitness Certificate - The doctor may be asked to provide a certificate certifying a patient's fitness to participate in a defined activity. Such certificates may serve as a 'medical clearance' and may put doctors at particular medico-legal risk if making a clinical judgement to 'clear' a patient for participation based on insufficient information regarding the activity. Relevant information would include not only the type of activity but also factors such as the duration, intensity and frequency of the activity. Environmental conditions in which the activity will take place can also be an important factor for consideration.

2.8.2 A Certificate of Recovery – The doctor may be asked to provide a certificate of recovery to certify a patient has sufficiently recovered from a medical condition to return to their activities without risking harm to the patient or others from that medical condition.

3. The Responsibilities of the Patient

3.1 The patient should consult their doctor in a timely manner when requesting a certificate. The patient must be honest when presenting their health information and present the reasons for requesting a certificate.

3.2 At the time the certificate is issued, it is the responsibility of the patient, not the doctor, to ensure that the third parties' requirements for leave have been met.

3.3 The patient must not alter the certificate in any way.

4. The Responsibilities of Third Parties

4.1 The third party is responsible for informing the patient of the requirements for sick leave.

4.2 The third party should recognise the right of individuals to keep details of their medical condition confidential. For example, employers should not expect to see a diagnosis on the employee's certificate.

4.3 The third party should also recognise that the certificate issued by the doctor of the patient's unfitness to participate in relevant activities (eg. attend work) is sufficient.

5. Certificate Requirements

5.1 The usual requirements for a medical certificate are:

5.1.1 Name and address of the doctor issuing the certificate;

5.1.2 Name of the patient;

5.1.3 Date on which the examination took place;

5.1.4 Date on which the certificate was issued;

5.1.5 Date(s) on which the patient is or was unfit for attendance.

5.2 A diagnosis is not usually required. If it is a requirement for a diagnosis to be provided, the doctor should inform the patient and only proceed to include the diagnosis following the express consent of the patient.

5.3 The certificate should be legible and written so that a non-medical person is able to read and understand it (eg., avoiding unnecessary abbreviations and medical jargon). The certificate should usually be written on stationery designed specifically for this purpose.

6. Date of Certificate

6.1 Certificates must be dated on the day on which they were written. Under **no** circumstances should certificates be backdated.

6.2 There may be circumstances where the doctor will certify that a period of illness occurred prior to the date of examination. The doctor needs to give careful consideration to the circumstances before issuing a certificate certifying a period of illness prior to the date of examination, particularly in relation to a patient with a minor short term illness which is not demonstrable on the day of examination and add supplementary remarks, where appropriate, to explain any discrepancy.

7. When a certificate should not be provided

7.1 A certificate should not be provided where the doctor believes that there is insufficient evidence of lack of fitness to participate in relevant activities.

7.2 Wherever possible, doctors should avoid issuing medical certificates to anyone with whom they have a close personal relationship.

8. Carer's certificates

8.1 A carer's certificate may be required by a third party where an individual needs to take time away from a particular activity to care for the patient (often an immediate family member) who is sick or injured.

8.2 Only the patient's treating doctor should issue a carer's certificate.

8.3 The treating doctor has a responsibility to ensure that the patient requires or required care by the carer but it is not the treating doctor's responsibility to determine who may qualify as a carer.