



Policy on Medical Certificates

INTRODUCTION

In the course of professional responsibilities medical practitioners are commonly asked to issue medical certificates certifying sickness or a medical condition. Certificates are usually issued for the information of patients' employers, but may also be required by insurers, and in court proceedings.

Recipients of certificates must presume that any statement which a doctor may certify can be accepted without question. It is therefore essential that in issuing such certificates, practitioners do not certify statements which they have not taken appropriate steps to verify, or which are misleading or inaccurate.

Medical practitioners are expressly prohibited under the *Medical Practitioners Registration Act 2001* from signing or giving to another person, in their professional capacity, a certificate, report or other document which the practitioner knows is false or misleading in a material particular.

An offence in this respect may be prosecuted in the Magistrates Court and may attract a maximum penalty of 50 penalty units (\$3750).

Such an action might also be regarded by the Board as constituting unsatisfactory professional conduct and could lead to disciplinary action under the *Health Practitioners (Professional Standards) Act 2001*. Conviction of an offence against the *Medical Practitioners Registration Act 2001* is in any event a ground for disciplinary action. Disciplinary outcomes can range from advice, caution or reprimand to erasure from the register, depending on the seriousness of the case.

Medical practitioners are asked to consider the following guidelines in issuing a medical certificate. While the guidelines relate mainly to the issue of sickness certificates, similar principles apply to any other form of medical certificate.

GUIDELINES

1. The certificate should:

- be legible, written on a doctor's letterhead stationery or an appropriate certificate form bearing the doctor's name and practice address either by stamped imprint or legibly written;
- not contain abbreviations or medical jargon;
- be based on facts known to the medical practitioner. The certificate may include information provided by the patient but any medical statements must be based

upon the practitioner's own observations or must indicate the factual basis of those statements;

- indicate:
 - the date on which the examination took place;
 - the degree of incapacity of the patient (refer section 4 below); and
 - the date on which the patient is likely to be able to return to work;
- be addressed to the party for whom the certificate is forwarded as evidence of illness, eg. employer, insurer, magistrate.

2. Under no circumstances should the examination date:-

- be backdated or antedated or postdated to correspond with an existing or proposed absence from work;
- be other than the date on which the patient attended the doctor and at which consultation a genuine medical condition was observed or was
- considered, in the doctor's judgment, to have been suffered in the recent past;
- cater for days off work for holiday or special needs.

3. A diagnosis should not be included in a certificate without a patient's consent; patient rights to confidentiality must be respected.

4. A medical certificate may be issued by a medical practitioner subsequent to a patient taking sick leave. In these circumstances the certificate must:-

- state the date of the examination;
- clearly indicate whether it is based upon observations of signs and symptoms during the examination or upon information provided by the patient which the medical practitioner deems to be true; and
- cover the period during which the medical practitioner believes the illness would have incapacitated the patient.

5. When issuing a sickness certificate, medical practitioners may if requested indicate whether or not an injured or partially incapacitated patient could return to work with altered duties. In this case, the general nature of those duties which should not be undertaken should be noted on the certificate. Arrangements regarding altered duties are matters for negotiation between the patient and the employer.

6. Patients may request medical practitioners to withhold information regarding the diagnosis. In these circumstances the patient should be advised that the information provided on the certificate may not be sufficient to attract sick leave and that an employer has the ultimate right to accept or to reject a certificate.

The Medical Board of Queensland acknowledges the efforts of the Medical Board of New South Wales in developing these guidelines.