

NEW SOUTH WALES MEDICAL BOARD

POLICY

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| TITLE | Medical Certificates | FILE REF | DD10/10870 |
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1. PREAMBLE

The New South Wales Medical Board receives numerous complaints from employers, insurers, the courts, etc regarding the quality, accuracy and truthfulness of sickness certificates. Doctors who deliberately issue a false, misleading or inaccurate certificate could face disciplinary action under the Medical Practice Act.

Doctors should consider the following points when a patient requests a sickness certificate.

2. GUIDELINES

- 2.1 The certificate should be legible, written on the doctor's letterhead and should not contain abbreviations or medical jargon.
- 2.2 The certificate should be based on facts known to the doctor. The certificate may include information provided by the patient but any medical statements must be based upon the doctor's own observations or must indicate the factual basis of those statements.
- 2.3 The certificate should:
 - (a) indicate the date on which the examination took place
 - (b) indicate the degree of incapacity of the patient (refer section 6 below)
 - (c) indicate the date on which the doctor considers the patient is likely to be able to return to work
 - (d) be addressed to the party requiring the certificate as evidence of illness eg employer, insurer, magistrate
 - (e) indicate the date the Certificate was written and signed

- 2.4 The Certificate should only be issued in respect of an illness or injury observed by the doctor or reported by the patient and deemed to be true by the doctor.
- 2.5 A certificate may be issued by a doctor subsequent to a patient taking sick leave. However the certificate must:
- (a) state the date the Certificate was issued
 - (b) cover the period during which the doctor believes the patient would have been unfit for work
- 2.6 When issuing a sickness certificate, doctors should consider whether or not an injured or partially incapacitated patient could return to work with altered duties. Arrangements regarding altered duties are matters for negotiation between the patient and the employer.
- 2.7 Patient rights to confidentiality must be respected; a diagnosis should not be included in a certificate without a patient's consent.¹
- Patients may request doctors to withhold information regarding their diagnosis. In such cases it should be made clear to the patient 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.
- 2.8 Signing a false certificate may result in the doctor facing a charge of fraud. Furthermore, the issuing of a *deliberately* false, inaccurate or misleading certificate may lead to a complaint of unsatisfactory professional conduct or professional misconduct under the Medical Practice Act.

Revision Board meeting held 2 February 2005

¹ *Certain employers (eg state instrumentalities) insist on this information*