



Medical Certificate Guidelines

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Summary:	This document provides guidance to medical practitioners in NSW on the quality, accuracy and truthfulness of the information to be recorded on a medical certificate.		
Applies to:	Medical Practitioners in NSW		
Author:	Medical Council of NSW		
Owner:	Medical Council of NSW		
Related legislation, Awards, Policy and Agreements:	The Health Practitioner Regulation National Law (NSW) N0 86a Good Medical Practice: a code of conduct for doctors in Australia (This code was endorsed by all Australian State and Territory medical boards and the Australian Medical Council. It has been adopted by the Medical Board of Australia after minor revisions to ensure it is consistent with the Health Practitioner Regulation National Law Act 2009 (the National Law). It is issued under s 39 of the National Law.) Medical Council of NSW Guideline for self-treatment and treating relatives		
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Medical Certificate Guidelines

About this document

The Medical Council of New South Wales (the Council) receives complaints from employers, insurers, the courts, and others regarding the quality, accuracy and truthfulness of medical certificates. As registered medical practitioners are entrusted with the authority to sign medical certificates, this document sets out guidelines that the Council expects medical practitioners to adhere to when issuing medical certificates.

In essence, practitioners are to be honest and not misleading when issuing medical certificates and must only sign certificates they believe, or reasonably believe, to be accurate. (For further guidance refer also to Good Medical Practice: A Code of Conduct for Doctors in Australia).

Guidelines

Medical practitioners should consider the following points when a patient requests a medical certificate.

1. The certificate should be legible, written on the medical practitioner's letterhead and should not contain abbreviations or medical jargon.
2. The certificate should 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.
3. The certificate should:
 - (a) indicate the name and address of the medical practitioner issuing the certificate
 - (b) indicate the name of the patient
 - (c) indicate the date on which the examination took place
 - (d) indicate the degree of incapacity of the patient (refer section 6 below)
 - (e) indicate the date on which the medical practitioner considers the patient is likely to be able to return to work
 - (f) be addressed to the party requiring the certificate as evidence of illness, for example, employer, insurer, magistrate
 - (g) indicate the date the certificate was written and signed
4. The certificate should only be issued in respect of an illness or injury observed by the medical practitioner or reported by the patient and deemed to be true by the practitioner.
5. A certificate may be issued by a medical practitioner subsequent to a patient taking sick leave. However the certificate must:
 - (a) state the date the certificate was issued
 - (b) state the period during which the medical practitioner believes the patient would have been unfit for work

6. When issuing a certificate, medical practitioners 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.
7. Patient rights to confidentiality must be respected; a diagnosis should not be included in a certificate without a patient's consent.*

Patients may request medical practitioners 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.

8. A medical practitioner may decline to issue a certificate if they feel it is appropriate to do so.
9. It is not appropriate for medical practitioners to issue certificates for themselves. Moreover it is not advisable for medical practitioners to issue certificates for members of their family. (Refer to the Medical Council's Guideline for self-treatment and treating relatives).
10. Signing a false, inaccurate or misleading certificate may lead to legal consequences, including disciplinary action being taken under the *Health Practitioner Regulation National Law (NSW) No 86a*.
11. Medical practitioners should seek advice from their professional indemnity insurer, legal department or private solicitor if they have questions about the appropriateness of signing a medical certificate

Responsibilities

All registered medical practitioners practising in NSW are expected to adhere to this guideline when writing medical certificates.

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* Certain employers (for example, state instrumentalities) insist on this information