



Medical Certificate Guideline

A Guideline establishes best practice in relation to implementing policy or legislation for members, staff or delegates of the Council and/or Medical Practitioners practicing in NSW. Whilst mandatory compliance is not strictly required, the intended audience must have sound reasons for not following the guideline.

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Date of Endorsement	Endorsed By	Publication Date	Review Date
5 June 2018	Medical Council NSW	8 June 2018	5 June 2023

Summary

This guideline outlines what medical practitioners should consider when writing medical certificates for patients

Applies to (Scope)

- NSW Medical Practitioners
- Patients
- All those who request medical certificates such as employers, Law courts and insurers.

Document Owner	Functional Group/Subgroup
Medical Director MCNSW	Medical

Medical Certificate Guideline

Purpose

The Medical Council of NSW often receives complaints from employers, insurers and the courts regarding the quality, accuracy and truthfulness of medical certificates. Doctors who deliberately write a false, misleading or inaccurate medical certificate could face disciplinary action under the Health Practitioner Regulation National Law (NSW).

Key Principles

1. When a doctor is asked to write a medical certificate they should:
 - 1.1 Be honest, not mislead and only write certificates they believe to be accurate.
 - 1.2 Take reasonable steps to verify information from patients on which they base the certificate;
 - 1.3 Not deliberately leave out relevant information;
 - 1.4 Only certify a period of time off work that is medically justifiable;
 - 1.5 Ensure the certificate:
 - 1.5.1 Includes the name and address of the doctor writing the certificate and the patient;
 - 1.5.2 Includes the date of the examination and the date on which the certificate was written;
 - 1.5.3 Includes the date/s on which the patient is or was unfit for work;
 - 1.6 Not use abbreviations or medical jargon;
 - 1.7 Indicate the degree of incapacity of the patient. Consider whether the patient could return to work with altered duties (Arrangements regarding altered duties are negotiated between the patient and the employer).
 - 1.8 If required, address the certificate to the party requiring the certificate e.g. employer, insurer, magistrate;
 - 1.9 Write the certificate within an agreed and reasonable timeframe;
 - 1.10 Have medical records which substantiate the certificate.
 - 1.11 Ensure that the patient's right to confidentiality is respected. A diagnosis should not be included in a certificate or discussed with an employer or third party without the patient's consent. A certificate should not be forwarded to a third party without the patient's consent. In some circumstances, patients may request that doctors withhold information on a certificate. In these cases it must be explained to the patient that the information provided may not be sufficient to attract sick leave and that an employer has the ultimate right to accept or to reject a certificate.

2. If a certificate is written by a doctor after the patient has taken sick leave the certificate must:
 - 2.1 State the date the certificate was written;
 - 2.2 Cover the medically justifiable period during which the doctor believes the patient would have been unfit for work.
3. When a doctor is asked to write a medical certificate they should not:
 - 3.1 Provide a medical certificate when they believe there is not enough evidence that the patient is unfit to participate in the relevant activities;
 - 3.2 Issue medical certificates to anyone with whom they have a close personal relationship such as a family member;
 - 3.3 Issue a *deliberately* false, inaccurate or misleading certificate as this may lead to a complaint of unsatisfactory professional conduct or professional misconduct under the Health Practitioner Regulation National Law (NSW).
 - 3.4 Issue a carer's certificate to a third party unless they are the patient's treating doctor

Use of this guideline

This guideline should be read in conjunction with the recommendations in “Good Medical Practice – A Code of Conduct”

Legislation and References

AMA guidelines on Medical Certificates

<https://ama.com.au/position-statement/ama-guidelines-medical-certificates-2011-revised-2016>

Good Medical Practice – A Code of Conduct <http://www.medicalboard.gov.au/Codes-Guidelines-Policies/Code-of-conduct.aspx>

Related Policies

Medical Reports

Definitions

Word	Meaning
Medical Certificate	A certificate from a doctor confirming the state of someone's health.

Revision History

Version	Approved By	Amendment notes
June 2012	Medical Council NSW	DD10/10870[v2]
September 1997	NSW Medical Board	
February 2005	NSW Medical Board	