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MEDICAL CERTIFICATES

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Doctors may be called upon from time to time to complete various forms of medical certificates for patients. These may include:

- Sick or Sickness Certificates - *to certify that a patient is unable to attend work, school or even to appear in court*
- Carer's Certificates – *to certify that an individual was providing care for your patient, and was unable to attend to their regular duties*
- Certificates of Capacity – *to certify that a patient who is being compensated by either WorkSafe Victoria or the Transport Accident Commission (TAC) is either eligible for payments, or able to return to work*
- Medical certificates for early release of Superannuation

There are unfortunately no statutory principles governing the issue of certificates per se. In each of the above circumstances, the general principle is that a certificate should only be issued where there is a clinical basis for doing so. *Doctor-patient confidentiality* is the second principle to bear in mind when dealing with issues relating to certificates.

The Code of Conduct issued by the Medical Board of Australia require doctors to only sign statements that they know or reasonably believe to be true¹, and call for them to:

- Be honest when dealing with such requests, and to not sign documents they believe to be misleading or inaccurate.
- Take reasonable steps to verify the authenticity of information presented to them by patients, and not to deliberately omit relevant information.

The following points should be taken into account when completing medical certificates:

¹ The Medical Board of Australia, *Good medical practice: a code of conduct for doctors in Australia*, 2009. Available at: http://www.health.nt.gov.au/library/scripts/objectifyMedia.aspx?file=pdf/39/02.pdf&siteID=1&str_title=Good%20medical%20practice%20guidelines%20policy.pdf [Accessed 22 August 2011].

- Keep a copy of all certificates (and information related to the issue of any certificates) that you issue.²
- A certificate must always be dated on the day on which it was written and should never be backdated.³
- A certificate should state the date/s on which illness is certified.
 - In some circumstances the practitioner may certify the patient incapacitated for work during a period prior to the date of consultation, but this should only be stated where unequivocal to the practitioner that the patient was incapacitated during that time.⁴
- If there is sufficient clinical basis to exempt a patient from attendance on a date prior to the day you saw the patient,⁵ you may indicate this on the certificate.
- The certificate should bear your name, practitioner registration number, and the name and address of the practice or hospital (as applicable)
- Diagnosis of the patient's condition should ordinarily not be included on the certificate, a statement that the patient has a 'medical condition' is sufficient. If it is a legal requirement for a diagnosis to be provided, the medical practitioner should inform the patient of the diagnosis and only proceed following the patient's express consent.⁶

In certain circumstances the employer might contact a medical practitioner to discuss the certificate or verify its veracity. In this circumstance the practitioner can confirm to the authenticity of the certificate but should not disclose the patient's medical condition without the patient's express consent.

Writing medical certificates for patients is considered a medical service and requires a real-time doctor patient consultation for the doctor assess the patient, provide treatment, and decide whether a certificate is warranted. Whilst it is possible to have a real-time telehealth consultation, the provision of "online medical certificates" without a consultation may be a breach of the Professional Standards.⁷

² Australian Medical Association, *AMA Guidelines for Medical Practitioners Certifying Illness*, 2011, s 8.4

³ Australian Medical Association, *AMA Guidelines for Medical Practitioners Certifying Illness*, 2011, s 8.1.

⁴ Australian Medical Association, *AMA Guidelines for Medical Practitioners Certifying Illness*, 2011, s 8.2.

⁵ Australian Medical Association, *AMA Guidelines for Medical Practitioners Certifying Illness*, 2011, s 8.1.

⁶ Australian Medical Association, *AMA Guidelines for Medical Practitioners Certifying Illness*, 2011, s 7.2.

⁷ The Medical Board of Australia, *Medical Board of Australia news: Online Medical Certificates*, July 2024. Available at < <https://www.medicalboard.gov.au/News/Newsletters/July-2024.aspx> > [Accessed 23/08/2024].