



## Medical certification

### Key points

Medical certificates are legal documents required for a variety of purposes including employment, insurance, death certification, court proceedings, or fitness to engage in a particular activity e.g. driving. They are often used by the receiving agency to guide ongoing management of your patient.

A range of factors beyond the underlying medical condition can influence your assessment of the patient and your decision to issue a medical certificate. You need to be aware of these influences and how they affect your decision-making processes.

If you decide to issue a medical certificate, you should do so in a timely and accurate manner. Ensure that you distinguish between what the patient tells you and your clinical assessment of the patient.

In most situations, doctors are bound by a duty of confidentiality to their patients. If a receiving agency seeks more information, you should discuss with your patient what information they give you permission to disclose, before providing it to the receiving agency.

### About this statement

This statement outlines what is expected of you when you issue a medical certificate.

Medical certificates are legal documents required for a range of purposes related to employment, insurance, to confirm fitness to drive or engage in a particular activity, for court proceedings, and to certify death. There are several factors to consider when completing a medical certificate, noting also that the certificate will have implications for the patient, the doctor, and the receiving agency.

The guidance in this statement is not intended to be exhaustive so you should familiarise yourself with any relevant laws or additional requirements a receiving agency may have.<sup>1</sup>

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<sup>1</sup> See also our statement on *Conducting medical assessments for third parties*.

This statement may be helpful for members of the public, including employers, insurers and external agencies who request a medical certificate from a patient.

## Professional obligations when issuing a medical certificate

1. Medical certificates are legal documents. When issuing a certificate, your obligation is to the patient and to any laws that may apply. Issues like who requested the certificate, and who is paying for the consultation, must not influence how you assess your patient and the decisions you make.
2. Completing a medical certificate can be a challenging aspect of practice. The following pointers are intended to help you complete the certificate accurately.

### **Be aware that a medical certificate has implications beyond the patient**

3. Issuing a medical certificate can have implications for the patient, their family/whānau, their community, and the receiving agency. For example, certifying a long period of absence could affect the patient's mental state and well-being, their financial situation, the patient's relationships with their family/whānau, increase the workload of their co-workers, and result in additional costs for an employer or insurer.
4. Before you issue a medical certificate or extend an existing medical certificate to cover absence from work or other activities, consider whether having a medical certificate is the most appropriate management plan for the patient. You should also clearly specify if review or follow up is required and in what timeframe.

### **Your statements should be accurate, truthful and based on objective information**

5. Receiving agencies rely on a doctor's assessment or judgement to guide that agency's ongoing input and management. Ensure that statements about your patient are accurate and truthful, and based on objective information. You should distinguish clearly between what the patient tells you, and your own observations and assessment of the patient.
6. If you are asked for your opinion on whether the patient is fit to perform a specific activity or role, you must ensure that you have sufficient information to understand the requirements of that activity or role. That may involve requesting and considering information from other sources, such as an occupational medicine specialist or employer about the patient's work environment, what support is available at the workplace, and what alternative duties the patient could safely engage in.
7. You and your patient may have different opinions about whether a medical certificate (or extension of an existing medical certificate) is appropriate. If you decline your patient's request for a medical certificate, you should explain your rationale to the patient and explore an alternative management plan. Ensure that you document these discussions.

### **Be aware of factors that can influence you when issuing a medical certificate**

8. Issuing a medical certificate may create tension between your role as patient advocate, and your professional responsibility to conduct and document an accurate assessment.
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9. Personal, financial, emotional, cultural and workplace factors affecting the patient and their family/whānau, as well as your own values and views, can influence your assessment of the patient. Be aware of these potential influences and regularly reflect on your approach and communication to ensure that the care you provide is fair, unbiased and culturally safe.<sup>2</sup>

#### **Complete medical certificates in a timely manner**

10. Medical certificates should be completed in a timely manner. This is because receiving agencies often require the certificate for a specific purpose such as to calculate sick leave entitlement or to determine whether your patient is eligible for insurance cover. A certificate may also be needed urgently, for example to facilitate funeral or tangihanga arrangements.

#### **Gain permission from your patient before disclosing information to a receiving agency**

11. In most situations, doctors are bound by a duty of confidentiality to their patients.<sup>3</sup> However, in the event of an agency requesting further information you should check patient consent has been obtained for further disclosure, if required. In general, any additional comments you provide should be limited to your assessment of relevant timeframes and your patient's capacity to undertake certain activities.
12. Receiving agencies could challenge a medical certificate and ask you to explain your rationale. Ensure that you only comment on the areas you are qualified to comment, and that you specify the limitation of your knowledge.

#### **Do not complete a medical certificate for yourself or someone close to you**

13. You must not issue a medical certificate for yourself or someone you have a close relationship with. Issuing a certificate in that situation could compromise clinical objectivity and continuity of care<sup>4</sup> and is not good medical practice.

### **What to include in a medical certificate**

14. The content of a medical certificate should be clear, legible, and written in plain language so that it can be understood by a lay person. It should also meet relevant legislative requirements and contain sufficient detail such as:
  - a. the name of the patient
  - b. the date of your examination
  - c. your findings, for example, a statement that the patient is unwell/unfit for work/school
  - d. the period of absence (if applicable)
  - e. the period of treatment (if any)
  - f. the name of the doctor who issued the medical certificate
  - g. expected review date (if applicable).

#### **Disclosing a diagnosis**

15. A receiving agency may use a medical certificate to guide their decisions about a patient. However, the receiving agency is only entitled to know your clinical opinion on restrictions, timeframes and safe activities that your patient is able to engage in.

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<sup>2</sup> See also our statement on *Cultural safety*.

<sup>3</sup> The duty of confidentiality is not absolute. See Rule 10(1)(d) of the Health Information Privacy Code, which allows doctors to disclose information about a patient without the patient's consent in a limited range of circumstances; including when "disclosure is necessary to prevent or lessen a serious threat to public health or public safety, or the life and health of an individual."

<sup>4</sup> See our statement on *Providing care to yourself and those close to you* for more information.

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16. You do not have to disclose a diagnosis on the medical certificate unless it has direct implications for the receiving agency. An example of a direct implication is if the diagnosis relates to a workplace injury or illness, or where your patient's injury or illness could impact on their co-workers and/or the public.<sup>5</sup> However, before disclosing that diagnosis, you must seek your patient's permission to include it on the medical certificate along with any workplace factors that may have contributed to the injury or illness.

#### **Backdating a medical certificate**

17. In some situations, it may be appropriate to backdate a medical certificate.<sup>6</sup> If this is the case, clearly identify that the certificate is backdated, and document the circumstances that resulted in your decision to backdate in the patient's notes.
18. If you backdate a medical certificate, you should clearly document what the patient tells you and your own clinical assessment of the patient. Avoid providing an opinion about the patient's incapacity during an earlier period if you do not have sufficient clinical evidence to form a judgement or opinion.

#### **Situations where you may be asked to issue a medical certificate**

19. The information you provide on a medical certificate will vary, depending on the purpose of the medical certificate. In the following common situations, we have highlighted specific factors or requirements that apply. These examples are not exhaustive.

#### **Illness or injury**

20. A sickness certificate exempts the patient from their normal duties or responsibilities for a specified period while they recover from, or receive treatment for, an illness or injury. Consider not only whether the patient has any functional limitations but also their risk from a public health perspective.
21. Any comments on fitness for work should be based on your clinical opinion and should be discussed with the patient. The certificate should outline:
  - a. what activities are safe for them to engage in;
  - b. any timeframes and restrictions on those activities;
  - c. any activities or duties that you consider would be unsafe for them to engage in.
22. It may be difficult to fully understand the type of work a patient does if you are unfamiliar with the requirements of their role. The patient and their employer are usually better placed to apply your clinical opinion to their particular situation. As such, you should focus on the tasks/types of activities the patient can and cannot safely engage in rather than whether the patient is capable of working.

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<sup>5</sup> For example, where the patient works as a chef and is suffering from a food-borne illness.

<sup>6</sup> For example, if it was reasonable that there was a lapse of time from when the patient started feeling unwell to when the patient sought medical attention.

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### **Fitness to drive**

23. Driving is an activity that combines sensory, motor, cognitive and perceptual skills. Each time a person applies for, renews or replaces their driver licence, they have to confirm that they are medically fit. In some situations, a medical certificate is required to support this application such as when a person has a medical condition that could affect their ability to drive safely, or for drivers aged 75 and over.
24. If you are asked to complete a medical certificate for a driver licence, you should follow the guidance provided by Waka Kotahi/New Zealand Transport Agency. Any assessments about a patient's fitness to drive should take into account factors related to that patient as well as the safety of other road users. Ensure that you undertake an appropriate level of assessment/examination, and that you note any medications, cognitive or psychiatric issues, or defects of mental capacity sufficient to affect driver safety. You should accurately document all examination findings in the patient's notes.

### **Mental disorders**

25. You may be asked to assess whether a person has a mental disorder. A mental disorder refers to an abnormal state of mind that may be continuous or sporadic, and where that state of mind could pose a serious danger to the health or safety of that person or of others, or could seriously reduce someone's ability to take care of themselves. Anyone who believes that a person may be suffering from a mental disorder may ask the Director of Area Mental Health Services to assess that person. The applicant must meet several requirements including being over 18 years old, and have seen that person within the last three days before the application<sup>7</sup>.
26. An application for assessment must be accompanied by a medical certificate. If you are asked to assess someone who may be suffering from a mental disorder, you should follow the legislative requirements. This includes examining the person and explaining in what way you believe that person's condition may come within the statutory definition of mental disorder.
27. After considering the application and the certificate you have completed, the Director of Area Mental Health Services will determine whether an assessment examination is necessary. If so, a doctor (usually a psychiatrist) approved by the Director will conduct an assessment examination to establish whether a person has a mental disorder, and whether they may require further assessment or treatment.

### **Death**

28. When preparing any documents relating to a person's death, you should be respectful in your approach and communication, and be mindful of the loss and grief experienced by the surviving family/whānau.
29. A Medical Certificate of Cause of Death is a statutory obligation.<sup>8</sup> This document identifies the underlying cause of death, and the information in it is used to identify mortality trends and the occurrence and prevalence of diseases. Doctors have a key role in providing accurate and complete information to facilitate this.
30. A doctor or nurse practitioner who attends a patient during their illness must give a Medical Certificate of Cause of Death immediately after learning of the death if satisfied that the death

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<sup>7</sup> Refer to the Ministry of Health's website for guidance on assessing mental disorders and the circumstances in which a person may be subject to compulsory assessment and treatment.

<sup>8</sup> In cases where deaths do not need to be referred to the Coroner.

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was a natural consequence of that illness.<sup>9 10 11</sup> The time frame is important because a body cannot be disposed of (by cremation or burial) until the cause of death has been certified. For some cultures and faiths, it is very important for the body to be returned promptly, and for the bereaved family/whānau to be reunited with the person who has died.

31. Alternatively, another doctor or nurse practitioner may give a Medical Certificate of Cause of Death if they are satisfied that the patient's death was a natural consequences of the illness, and the doctor or nurse practitioner who last attended the patient during their illness:
  - a. is unavailable; or
  - b. unlikely to be able to give a certificate within 24 hours of the death; or
  - c. has not given a certificate and 24 hours has passed since the death.
32. Before you complete a Medical Certificate of Cause of Death for a patient who was not under your care, you must:
  - a. give due consideration to the patient's medical records from the last attending doctor; and
  - b. give regard to the circumstances of the patient's death; and
  - c. examine the patient's body.
33. If you are asked to complete a cremation certificate, there are additional requirements that apply such as completing a form about pacemakers and biomechanical aids. Ensure that you refer to current guidelines and regulations on cremation certificates.<sup>12</sup>

### Charging for medical certificates

34. Completion of a medical certificate often requires additional time during and beyond the consultation, for example if you need to request and review specific investigations and complete additional forms. If you charge a fee for completing a certificate, that fee must be fair and reasonable and reflect the services you provide. Information about charges must be clearly displayed and/or discussed with the person who requested the certificate.

### If someone who is not your patient requests a medical certificate

35. You may be asked to provide a medical certificate for someone who has a close relationship with your patient. For example, if the patient is a child, the parent/caregiver may ask for a medical certificate to cover their absence from work. You should not provide a medical certificate unless you have examined or assessed the person making the request. Instead, you could consider providing a supporting statement about their circumstances.

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<sup>9</sup> For guidance on how to complete the Medical Certificate of Cause of Death form, refer to the Ministry of Health's website.

<sup>10</sup> There are occasions when a doctor is required to report a death to the Coroner. This includes death without a known cause, self-inflicted, unnatural or violent deaths. Refer to the Ministry of Health and the Coronial Services' website for guidance.

<sup>11</sup> A Medical Certificate of Cause of Death is required by law to facilitate disposal of the body (usually through burial or cremation). Following disposal of the body, the death must be officially registered with Births, Deaths and Marriages at the Department of Internal Affairs who will issue an official death certificate.

<sup>12</sup> Such as the Ministry of Health's website on cremation certificates.

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## **If you are a member of the public and have concerns about the content of a medical certificate**

36. Sometimes, members of the public such as employers or other agencies, may have questions or concerns about the content of a medical certificate. In that situation, they should approach the patient in the first instance. Before contacting the doctor for information, they must obtain the patient's agreement to do so.
37. If you have concerns that a doctor has not complied with the requirements of this statement, you can consider notifying the Medical Council or the Health and Disability Commissioner.

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