



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.

Receiving agencies will have specific requirements when they request a medical certificate. It is important that you understand that agency's requirements and your obligations as set out in any relevant legislation.

A range of factors beyond the underlying medical condition or injury 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 own clinical observations.

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 and the receiving agency.

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

¹ 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 the receiving agency as set out in any laws that may apply. Issues like who requested the certificate, and who is paying for any consultation or related costs, 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, a long period of absence from work or other activities may affect the patient's mental well-being, their financial situation and the patient's relationships with their family/whānau. It could also increase the workload of their co-workers, and result in additional costs for an employer or insurer. As such, aim to take a holistic view of your patient's well-being, and consider the wider impact of the medical certificate.
4. Before you issue or extend a medical certificate to cover absence from work or other activities, consider whether a medical certificate is appropriate management. 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, truthful and based on objective information. You should distinguish clearly between what the patient tells you, and your own clinical observations.
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 including the support available at the workplace and what alternative duties the patient could safely engage in.² If you are unable to access sufficient information to determine your patient's fitness to perform a role or specific activity, limit your comments to the patient's health condition and the impact of that.
7. You and your patient may have different opinions about whether a medical certificate (or extension of an existing medical certificate) is appropriate. In that event, it may be helpful to provide information in the certificate about the patient's health condition without expressing a clinical opinion. However, you should not issue a medical certificate on the basis of the patient's request alone. 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 and any management plan agreed.

² For example, ACC has published guidance on 'Issuing medical certificates' which discusses the importance of issuing the right medical certificate for the patient.

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 perform and document an accurate assessment. 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.³

Complete medical certificates in a timely manner

9. Medical certificates should be completed in a timely manner. Receiving agencies often require the certificate for a specific purpose such as to support treatment and rehabilitation, make accommodations in the workplace, calculate sick leave or weekly compensation entitlements, 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

10. In most situations, doctors are bound by a duty of confidentiality to their patients.^{4 5} 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.

11. Receiving agencies could challenge a medical certificate and ask you to explain your rationale. Ensure that you only comment on areas where you are qualified to comment, and that you specify the scope of the information on which you have based the certificate.

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

12. You must not issue a medical certificate for yourself or someone with whom you have a close relationship. Issuing a certificate in that situation is not good medical practice, for example it could compromise clinical objectivity and continuity of care.⁶

What to include in a medical certificate

13. 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 about the patient's capacity to work including any limitations, or that the patient is unwell/unfit for work/school
 - d. the period of absence (if applicable)

³ See also our statement on *Cultural safety*.

⁴ 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."

⁵ In some situations, doctors may have a legal obligation to disclose information to the receiving agency even if the patient disagrees with the doctor's assessment. For example, a doctor notifying Waka Kotahi/New Zealand Transport Authority that someone is unfit to drive.

⁶ See our statement on *Providing care to yourself and those close to you* for more information.

- 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

14. 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 activities that your patient is able to engage in safely.
15. You do not have to disclose a diagnosis on the medical certificate unless it has direct implications for the receiving agency. The patient should be informed of that diagnosis. 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.⁷
16. Before providing information about a patient to a receiving agency, ensure that you obtain your patient's permission. This includes disclosing information about any workplace factors that may have contributed to the patient's injury or illness. The patient should also be made aware that if they limit or withhold certain information about themselves or their health, this could affect the receiving agency's decisions. For example, the receiving agency may revoke a driver's licence, or decide against paying sick leave for the patient's absence.

Backdating a medical certificate

17. In some situations, it may be appropriate to backdate a medical certificate.⁸ If this is the case, clearly identify that the certificate is backdated and state the date the patient was seen, to make it clear that the matter that the certificate relates to precedes the date of examination. Document the circumstances that resulted in your decision to backdate the certificate 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 medical certificate can exempt the patient from their normal duties or responsibilities for a specified period while they recover from, or receive treatment for, an illness or injury.⁹ Consider not only whether the patient has any functional or psychological limitations but also their risk from a public health perspective.

⁷ For example, where the patient works as a chef and is suffering from a food-borne illness.

⁸ 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.

⁹ If your patient works for several employers and/or holds several roles, discuss with your patient whether the sickness certificate is intended to exempt the patient from all their normal duties or only from certain duties.

21. Any comments on fitness for work should be based on your clinical opinion and be discussed with the patient. Considerations include:
 - a. the nature of the activities the patient can safely engage in, taking into account the physical or mental effort that may be required;
 - 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.

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 must 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 conduct an appropriate level of assessment/examination taking into account the type of licence held and the type of driving your patient undertakes,¹⁰ and note any medications, visual, cognitive or psychiatric issues, or defects of mental capacity with the potential to affect driver safety. You should accurately document all examination findings in the patient's notes.
25. There may be occasions where you and your patient differ about their fitness to drive. In situations where the patient disagrees with your assessment, consider referring them for a professional assessment of their fitness to drive.

Death

26. 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.
27. A Medical Certificate of Cause of Death identifies the underlying cause of death, and the information it contains 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.
28. A Medical Certificate of Cause of Death is a statutory obligation.¹¹ 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 was a natural consequence of

¹⁰ Examination requirements will differ depending on whether someone is a private or commercial driver. Commercial drivers are expected to meet higher safety standards than other motorists.

¹¹ In cases where deaths do not need to be referred to the Coroner.

that illness.^{12 13 14} 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.

29. 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 consequence 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.
30. 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.
31. 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.¹⁵

Charging for medical certificates

32. 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

33. 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. In these situations, you could consider providing the parent with a supporting statement about their circumstances, rather than a medical certificate.

¹² For guidance on how to complete the Medical Certificate of Cause of Death form, refer to the Ministry of Health's website.

¹³ 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.

¹⁴ 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.

¹⁵ Such as the Ministry of Health's website on cremation certificates.

If you have concerns about the content of a medical certificate

If you want to verify the validity of a medical certificate

34. A receiving agency may contact the doctor to verify whether a medical certificate they received was the same medical certificate the doctor issued to the patient. In that event, it is appropriate for a doctor to verify that they issued that medical certificate to the patient. However, beyond that verification, no further information should be provided without the patient's consent.

If you want to query the content of a medical certificate

35. 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:

- a. the party querying the medical certificate must obtain the patient's agreement to contact their doctor;
- b. the doctor must obtain the patient's consent to provide information to the third party, and be clear what information the doctor is permitted to disclose in that situation.

36. 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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*Any changes to the law before our next review date may make parts of this statement obsolete	