

## Practice Guidelines

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### Issuing certificates of sickness or injury

#### Introduction

[Section 68\(3\)](#) of the [Holidays Act \(2003\)](#) provides that osteopaths, as registered health practitioners under the [Health Practitioners Competence Assurance Act \(2003\)](#), may issue certificates where proof of sickness or injury is required under section 68(1) of the Holidays Act.

This guidance document is intended to assist osteopaths in ensuring they meet their legal and professional obligations if they are issuing such a certificate to, or in relation to, a patient.

This guidance outlines the standards osteopaths are expected to follow when providing certificates for proof of sickness or injury. It may be used by the Health Practitioners Disciplinary Tribunal, the Council, and the Health and Disability Commissioner as a standard by which an osteopath's conduct is measured.

#### Legal and professional obligations

1. Certificates are legal documents. Any statement you certify should be completed in good faith, promptly, honestly, accurately, objectively and based on clear and relevant evidence.
2. You may only provide a certificate for sickness, injury or other conditions that are relevant to the osteopathic scope of practice.
3. You are not obliged to complete a certificate upon request from a patient.
4. You must not complete a certificate for yourself or somebody close to you.
5. You should be aware that an employer may wish to contact you to discuss any certificate you prepare. When you provide your patient with a certificate, clarify what information the patient authorises you to provide to their employer, and document this in the patient's notes at the time of the discussion with the patient.
6. Keep a copy of any certificate you issue in the patient's notes, together with a clear record of your clinical findings and your reasons for issuing the certificate.
7. The Holidays Act includes provision that an employer may pay for a medical certificate where the employer has requested the patient to provide one. Be aware that any payment related to your consultation with the patient and/or preparation of your certificate does not give the employer any right to the patient's personal information, without the patient's consent.
8. The Council considers it unwise for you to use the term "medical certificate" in relation to any certificate you issue. Use of this phrase may lead members of the public (including the employer who receives your certificate) to believe that you are a registered medical practitioner; this may expose you to risk under section 7 of the Health Practitioners Competence Assurance Act.

### **Content of certificates**

The certificate should be typed or written legibly in plain English on your practice letterhead. It should include:

- a) Your identity (First name, Surname)
- b) Your profession (i.e., registered osteopath)
- c) Your contact details
- d) The date that the patient was seen by you
- e) Your clinical opinion as to the patient's fitness for work, including any limitations on duties if the patient is fit to work in a limited capacity
- f) The expected duration of the current sickness or injury, or the date at which you expect the patient's condition should be reviewed
- g) Your signature.

You do not have to provide a diagnosis, or any other clinical information, in the certificate, and should not do so without the patient's consent.

### **Charging for certificates**

Completing a certificate entails investigation and responsibility. If you charge an additional fee for this service, that fee must be reasonable. Information about charges must be clearly displayed or given to the person paying for the service prior to consultation or preparation of the certificate.

### **ACC and WINZ**

The ability to provide certification applies to the Holidays Act only. ACC and WINZ both still only accept certificates issued by specified health professions for patients who require financial assistance on the basis of sickness or injury.

**Acknowledgements:** This guidance acknowledges the New Zealand Chiropractic Board's *Guidance for Chiropractors – Issuing Certificates of Sickness or Injury*, and the Medical Council of New Zealand's *Statement on Medical Certification*.