
President's Letter

February 24, 2014

NLMA position on third-party requested short-term medical certificates

Dear Colleagues:

The issue of employers' requests for short-term illness medical certificates has been under discussion by members for some time. This past fall, the College of Physicians and Surgeons met with NLMA representatives to discuss the issue after it was contacted by the Newfoundland and Labrador Employers' Council.

Members are, with increasing frequency, being asked by patients for "sick notes" or medical certificates to provide to their employers or schools for short absences due to self-limiting illness. In many cases, patients are presenting in physicians' offices after they have returned to work fully recovered, and the medical certificate is completed based on information provided by the patient and not an assessment by the physician.

We are advising physicians that they not write short-term medical certificates when they have not assessed the patient during the illness. These short-term illnesses are a matter between the employer and employee. Many collective agreements in Newfoundland and Labrador allow the employer to require a medical certificate for absences of as little of two days. Members should use their discretion in providing a medical certificate in these situations.

It is the NLMA's position that employers should encourage their employees to stay at home when they are sick to prevent the spread of infections to their co-workers and vulnerable populations who present at medical clinics and hospital emergency departments. Demanding that employees complete sick notes for short absences due to self-limiting illness is an inappropriate use of health care resources and contributes to increased wait times for patients requiring medically necessary services. Attendance to a physician should occur only if the illness requires medical diagnosis, education or intervention.

We are concerned that you are being asked to complete medical forms that are only being used for administrative purposes by the employer or school and not for the purposes of assisting the patient to return to work. In addition, they are requiring a medical diagnosis when health status is more appropriate. It is assumed that this information is used to manage employee productivity or attendance issues and is not used for assisting a patient to return to work.

The Employers' Council is concerned that physicians are either refusing to provide patients with medical certificates for short-term illnesses of less than five days or that the medical certificate does not provide enough information for the employer to determine if the employee was ill or the severity of the illness. We believe that these issues are between the employer and the employee and do not need a physician to provide a confirmation of illness.

Additionally, the Employers' Council is concerned that physicians are inappropriately giving sick notes and inappropriately putting employees off work for extended periods of time. Physicians should always provide accurate and complete information to third parties when a patient is off work for an extended period of time.



Yordan Karaivanov, MD
President



Newfoundland & Labrador Medical Association
164 MacDonald Dr.
St. John's, NL
A1A 4B3
(709) 726-7424
or 1-800-563-2003
Fax: (709) 726-7525
or 726-7456
www.nlma.nl.ca
president@nlma.nl.ca

NLMA position on third-party requested short-term medical certificates

February 24, 2014

Page 2 of 2

At its February 2014 Board of Directors meeting, the NLMA formally adopted the CMA policies on Short-Term Illness Certificate (2011) and Third-Party Forms: The Physician's Role (2010).

Physicians should follow the principles of these CMA policies, which are:

- Physicians have a professional responsibility to complete third-party medical forms requested by patients in a timely manner.
- The physician's role in completing these forms should be to provide a medical opinion on health status and prognosis when applicable.
- Physicians must not state that a patient has been under his or her care unless that is the case. The duration of care should be indicated.
- If the physician does not have satisfactory knowledge of an illness to provide information on health status, the physician should state such on the certificate.
- With respect to illness, third parties should only request a physician complete a medical certificate after a patient has been ill for at least five days.
- A physician must obtain consent from the patient to disclose information to any third party, whether an employer, school, government program or an insurer.
- The physician should explain to the patient that all the information on the form will accurately, completely and objectively report the patient's medical status.
- Confirmation of a short-term absence from work or school due to minor illness is a matter to be addressed between the employer/school and patient directly. Most minor illnesses are self-limiting and do not require medical diagnosis, education or intervention by a physician.

To assist you, we have created a new standard Third-Party Requested Medical Certificate form. The use of a standard form will save you time, reduce administrative errors and establish common definitions of terms. The form is available on the NLMA website listed under Documents in the Publications section. Use of the form is completely voluntary. It does not take the place of WHSCC, insurance and government program forms.

We have notified the Employers' Council and large employers in the province that physicians will be using the new **Third-Party Requested Medical Certificate** form for illness and non-work related injuries, and only after five days of illness. Any employer wishing physicians to use the employer's own form should have the form endorsed by the NLMA. Unique forms will be approved if the information requested is necessary for a patient to return to work, the form is easy to use, is available electronically, and there is compensation for physicians to complete the form. We will post endorsed forms from employers on the NLMA website.

The completion of medical certificates remains an uninsured service. You may charge the employer or the patient. If the patient is being charged, considerations should be given to the patient's ability to pay.

Regards,



Yordan Karaivanov, MD
President

Encl.