



**PRESS RELEASE**

**TITLE: CURBING ABUSE AND MISUSE OF MEDICAL SICK  
CERTIFICATES**

1. In the course of his professional responsibilities, a registered practitioner may be asked to issue a medical sick certificate (MSC) certifying an illness or injury for a person as a documentary evidence to his employer.
2. An MSC is a statement from a qualified practitioner attesting to the status of the health of an individual and his fitness for the job for which he is employed. It is issued when a patient's-state of health necessitates time away from the work-place.
3. In principle, medical leave should only be granted for such periods consistent with the anticipated incapacity of an employee , which is certified by a practitioner, to be unfit to discharge the normal duties of his office or deemed serious enough to warrant recuperation. MSC allows employees to stay home when they are sick without losing needed pay.
4. However, employees may also utilize medical leave to care for sick family members, to attend medical appointments, or to allow victims of domestic violence to address their health and safety needs. This approach contributes to improved long term health, reduced employee turnover, high workplace productivity and minimizes the spread of illnesses in public places.
5. Otherwise, an attendance certificate or time slip would be issued as a proof of the patient's attendance at a medical examination or treatment if his condition does not warrant leave.
6. In Malaysia, MSCs can only be issued by a fully registered medical practitioner or assistant medical officer for medical related conditions and by a registered dental officer if the origin of the injury or incapacity is dental-related.
7. Inevitably, medical leave is prone to abuse and misuse. Undeniably, when a staff is on sick leave, productivity is invariably affected. And when this happens too often, it becomes a concern for his organization.
8. The Malaysian Medical Council receives numerous complaints from employers, insurers, individuals and others regarding the quality, accuracy and truthfulness of MSC.

9. A doctor's obligations are to his patient and to the law as well. Whilst the patient can request for an MSC, it is, however, the sole right of any practitioner to decide on the patient's condition before issuing it. The practitioner should be careful when entertaining the patient's request and only if, in his opinion that the patient is unable to attend work because of illness should he issues the MSC. In other words, practitioners should not be pressurized into issuing MSCs. Practitioners can assist their patients by displaying a notice to this effect in their waiting rooms.
10. Likewise, doctors who deliberately issue a false, misleading or inaccurate MSC would face disciplinary action under the *Medical Act 1971*. Providing misleading or untrue information, either deliberately or negligently, is professionally unacceptable. MSCs are legal documents. Practitioners should be aware of the legal consequences of MSCs. It is not a sworn document, but its contents are generally given the same careful consideration as sworn testimony.
11. Hence, it is important to prevent abuse and misuse of MSC as it may eventually affect the economy of the nation due to unnecessary loss of man-hours.
12. The public are encouraged to report any wrongdoings of practitioners to their respective professional licensing authorities such as the Malaysian Medical Council or the Malaysian Dental Council. Practitioners who deliberately issue a false, misleading or inaccurate certificate could face disciplinary action under the relevant Acts. They may also expose themselves to civil or criminal legal action or even charged for fraud.
13. Last month, the Malaysian Medical Council had suspended a practitioner for one year for selling MSC over the counter. The Council frowns upon practitioners who issue MSC without examining their patients and would not hesitate to come down hard on these unscrupulous practitioners who tend to mire the good name of the majority of our honest practitioners.
14. However, before the punishment stage is reached, the best approach is to curb the abuse and misuse before it happens.
15. As such the practitioner should always ensure that the usual requirements for an MSC to be deemed valid as follows are strictly adhered to at all times:
  - a. issued only by practitioners fully registered with their professional licensing authority. For medical practitioners, the public can verify via MMC website;
  - b. The MSCs should reflect the real nature of the patient's condition. Hence, the patient need to be actually examined by the practitioner and that the practitioner was of the professional opinion that he was unfit to work for a certain period of time;
  - c. personally and originally signed by a practitioner next to his name.;

- d. contains the identity of the practitioner such as his name, professional licensing registration number and practice address;
  - e. Name of the patient;
  - f. The date on which the MSC was issued must be stated on the day it was written. Under no circumstances can this be breached;
  - g. the exact date(s) on which the patient is or was unfit for work;
  - h. A diagnosis is not required; and
  - i. The certificate should be written on stationery designed for the purpose.
16. On the part of the patients/employees, they have a responsibility to not only consult their practitioner in a timely manner but also to present valid justifications when requesting for an MSC in a manner that enables the doctor to make an accurate assessment of their eligibility for it.
17. With regards to employers:
- a. Employers should recognize their responsibility to inform employees regarding absence due to ill health through a clear policy or standing orders;
  - b. If abuse and misuse is suspected of a particular staff, or something amiss or abuses happen too often, they need to review and tighten the leave policies and procedures such as directing employees to seek treatment only at their panel doctors, et cetera;
  - c. It is not true that MSCs issued by a practitioner cannot be questioned. The employer can ask the employee to go for a second opinion. Alternatively, if the employer has proof that the employee was not ill enough not to work, disciplinary action can follow for abuse of MSC or absence without leave.
18. The perennial trends of pointing fingers to practitioners should be stopped. Not all problems of misuse and abuse are due to practitioners alone. Concerted efforts of all involved parties, namely practitioners, patients/ employees and employers are essential to curb misuse and abuse of MSCs.

Thank you.

Yours sincerely,



**(TAN SRI DATO' SERI DR. HJ, MOHD ISMAIL MERICAN)**  
Director General of Health Malaysia.

Dated: **28** Apri12009.