MALAYSIAN MEDICAL COUNCIL FREQUENTLY ASKED QUESTIONS MEDICAL SICK CERTIFICATE

INTRODUCTION

A Medical Sick Certificate is a legal document or certificate that can only be issued by a Registered Medical Practitioner, for the purpose of certifying that a patient is unfit to perform his/her duty due to illness (paid leave), and including students in schools and institutions of higher learning. An employee is entitled to use medical sick leave when he or she receives medical examination and treatment and is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth. It should only be issued after the Registered Medical Practitioner has performed an appropriate consultation with the patient, including history taking, physical examination and investigations where necessary.

This Frequently Asked Questions is to assist Practitioners on common questions raised about this matter. It is not meant to be comprehensive nor exhaustive. Medical Practitioners are advised to take each request for a Medical Sick Certificate as a unique request in its own right and exercise judgement accordingly.

1. MUST THE REGISTERED MEDICAL PRACTITIONER SEE A PATIENT BEFORE ISSUING A MEDICAL SICK CERTIFICATE?

It will be inappropriate for a Registered Medical Practitioner to issue a Medical Sick Certificate without a face-to-face consultation.Such consultation, and the Medical Cert subsequently issued, must be appropriately recorded in the patient's notes. Any message received through the electronic media or telephone call cannot justify the issuance of a Medical Sick Certificate.

2. SHOULD THE DIAGNOSIS AND OTHER DETAILS OF THE ILLNESS BE STATED IN THE MEDICAL SICK CERT?

The Registered Medical Practitioner must respect the rights of the patient to privacy and confidentiality. The diagnosis is not required in a Medical Sick Certificate normally. However, some employers may have a policy that requires the doctor to state the illness requiring a Medical Cert. The Registered Medical Practitioner MUST obtain consent from the patient before releasing such information, and to be recorded in the notes. If the patient does not give consent, or the Registered Medical Practitioner is unable to obtain consent (e.g. unable to contact the patient), then such information CANNOT be released.

3. MUST A DOCTOR ALWAYS GIVE A MEDICAL SICK CERTIFICATE?

The purpose of a Medical Sick Certificate is to certify that the patient suffers from an illness sufficiently severe enough to be excused from work with full pay, for information of, and action by the employer. If the Registered Medical Practitioner in his professional judgement feels the illness is so trivial as not to interfere with the patient's work, he may choose not to give a Medical Sick Certificate.

However, an attendance note may be given to certify attendance at the clinic. It may be good practice to ask a patient before concluding the consultation if he requires a Medical Sick Certificate to avoid later requests and accompanying issues.

4. WHAT DETAILS SHOULD BE ON THE MEDICAL SICK CERTIFICATE?

The Medical Sick Certificate MUST include the following:

- Name and details of the patient (R/No., NRIC No.)
- Date of examination and date of the certificate.
- Dates of the duration of sick leave. The number of days should also be stated, both in number and words.
- The name, address, contact numbers of the clinic, and Malaysian Medical Council registration number of the Registered Medical Practitioner.

The Medical Sick Certificate must have a serial number and a carbon copy of the Medical Sick Certificate must be retained by the Registered Medical Practitioner. Only the Registered Medical Practitioner whose name appears on the Medical Sick Certificate can sign the Medical Sick Certificate and it must be contemporaneous. The Medical Sick Certificate Book should be kept secured by the Registered Medical Practitioner.

5. CAN THE MEDICAL CERT BE BACKDATED?

A Medical Sick Certificate can be backdated under special circumstances. These include if the patient did not request for a Medical Sick Certificate or the practitioner had “forgotten” to provide the Medical Sick Certificate on the day of the initial consultation, or if the patient’s employer or insurance firm request for it at a later reasonable period after the consultation. The date of the issuance of the certificate MUST be the date the Registered Medical Practitioner issued the backdated Medical Cert, and not the date of initial consultation. The EFFECTIVE date of the period the patient is unable to perform the duty can be before the date of issuance or consultation, if the Registered Medical Practitioner can reasonably determine the start of the illness, as recorded in the patient’s notes, and is satisfied that the patient was unable to work.

It will off-set later queries if the REASON for the backdating is noted in the Medical Sick Cert. This can be in the form of “Back-dated to the date of initial consultation as recorded in the notes”.

6. CAN A MEDICAL SICK CERT BE OBTAINED IN A SOCIAL SETTING?

It is a legal document, and should only be issued by a Registered Medical Practitioner to his patient after an appropriate consultation. In a social setting, the condition of a doctor-patient consultation normally does not exist, therefore it would be inappropriate to issue a Medical Cert. The patient is advised to seek a proper consultation with a Registered Medical Practitioner to obtain the Medical Sick Cert.

7. CAN A REGISTERED MEDICAL PRACTITIONER ISSUE A MEDICAL SICK CERT TO A CLOSE FAMILY MEMBER?

There is no rule that prohibits this. However, the Medical Council takes the view that a Registered Medical Practitioner may not have objectivity when dealing with a close family member, and discourages Registered Medical Practitioner from treating close relatives. Similarly, it would also be inappropriate for a Registered Medical Practitioner to issue Medical Sick Certificates to close relatives. Wherever possible, family members of Registered Medical Practitioner should obtain a Medical Cert from another Registered Medical Practitioner. Similarly, a staff or colleague must be recorded in the notes as having been examined and diagnosed by the Registered Medical Practitioner and given Medical Sick Certificate as indicated.

8. HOW TO DETERMINE IF THE MEDICAL SICK CERTIFICATE IS GENUINE?

Medical Sick Certificates can only be issued only by a Registered Medical Practitioner. To determine if the doctor who issued the Medical Cert is a Registered Medical Practitioner and has a valid current Annual Practicing Certificate, please check with the Malaysian Medical Council's website Registered Medical Practitioner search function. If the doctor is a Registered Medical Practitioner and has a valid Annual Practicing Certificate, but the stated clinic/hospital is not listed in the Registered Medical Practitioner's list of registered places of practice, it does NOT disqualify the Registered Medical Practitioner from issuing the Medical Sick Certificate.

9. WHAT IF AN EMPLOYER DISAGREES WITH A MEDICAL SICK CERTFICATE GIVEN TO A WORKER?

Where there are doubts, the employer should contact the issuing Registered Medical Practitioner to clarify. It should be stressed that the decision to accept a sick leave from an employee rests completely with the employer, and a Medical Sick Certificate issued by a Registered Medical Practitioner does not legally compel the employer to comply. However, non-compliance will open the employer to other laws governing the rights of workers.

10. IS IT ACCEPTABLE TO GIVE A MEDICAL SICK CERTIFICATE TO SOMEONE WHO ACCOMPANIES A PATIENT?

The purpose of a Medical Certificate is strictly to certify that a patient is sick and unable to work. It should not be given to an accompanying person. However, an attendance note or time-off slip may be given to the accompanying person.

11. THERE USED TO BE A RULE THAT THE MEDICAL SICK CERTIFICATE ISSUED BY A REGISTERED MEDICAL PRACTITIONER IN A PRIVATE CLINIC FOR MORE THAN 2 DAYS SHOULD BE ENDORSED/VALIDATED BY APRACTITIONER IN A GOVERNMENT HOSPITAL. IS THIS STILL A REQUIREMENT?

Peraturan berkaitan Penerimaan Siil Sakit Swasta Untuk Tujuan Kemudahan Cuti Sakit (CERAIAN SR.5.4.5) states:

i. Bagi pegawai yang menerima rawatan sebagai **pesakit luar** di hospital atau klinik swasta, sijil sakit yang dikeluarkan oleh doktor swasta **tanpa tandatangan timbal** oleh Pegawai Perubatan Kerajaan boleh diterima jika ia memberi jumlah Cuti Sakit yang **tidak melebihi 180 hari** dalam suatu tahun kalendar;

ii. Bagi pegawai yang menerima rawatan sebagai **pesakit dalam** di hospital atau klinik swasta, sijil sakit yang dikeluarkan oleh doktor swasta **tanpa**

tandatangan timbal oleh Pegawai Perubatan Kerajaan boleh diterima jika ia memberi jumlah Cuti Sakit yang **tidak melebihi 180 hari** dalam suatu tahun kalendar;

iii. Jumlah Cuti Sakit sama ada berasaskan sijil sakit swasta atau sijil sakit Kerajaan yang boleh diberikan adalah **tidak melebihi 180 hari** dalam suatu tahun kalendar dengan mengikut kelulusan seperti berikut:

(a) kelulusan Cuti Sakit bagi 90 hari pertama diluluskan oleh Ketua Jabatan;

(b) kelulusan Cuti Sakit 90 hari seterusnya hendaklah diluluskan oleh kuasa melulus seperti di Jadual 1 di bawah tertakluk kuasa melulus tersebut adalah lebih tinggi dari tahap pegawai seperti berikut:

Jadual 1: Penurunan Kuasa KPPA kepada Kuasa Melulus yang lain

Bil	Kuasa Melulus
1.	Ketua Setiausaha Kementerian; atau
2.	Timbalan Ketua Setiausaha (Pengurusan) Kementerian; atau
3.	Setiausaha Bahagian Kanan (SUBK) Pengurusan Kementerian; atau
4.	Ketua Pengarah.

iv. Penambahbaikan ini berkuat kuasa mulai **16 Mac 2025**

Based on the above entitlement, it is understood that sick certificate issued for periods stated above by a private Medical Officer does not require confirmation/endorsement.

12. IN SOME RURAL HEALTH CENTRES OR KLINIK KESIHATAN, WHERE A REGISTERED MEDICAL PRACTITIONER ONLY VISITS PERIODICALLY, THE MEDICAL SICK CERTIFICATE IS OFTEN GIVEN BY A REGISTERED NURSING STAFF (OR ASSISTANT MEDICAL OFFICER). IS THIS ALLOWED OR VALID?

Bahagian Perkembangan Perubatan has obtained clarifications from Bahagian

Pembangunan Kesihatan Keluarga and Bahagian Nursing, and the following circular by Ketua Pengarah Kesihatan Malaysia Bil. 1/2007 – Pemberian Cuti Sakit oleh Pembantu Perubatan is still in force, and clarifies that an Assistant Medical Officer (previously known as Pembantu Perubatan - Medical Assistant), is allowed to give leave and issue sick certificate, under the following conditions:

1. In situations where a Klinik Kesihatan does not have a Medical Officer and the Medical Officer only visits the Klinik Kesihatan periodically or when a Medical Officer is transiently not available.

2. The period of sick certificate issued does not exceed 2 days in a month for each case.

3. The Medical Officer is required to examine the duplicate copies of the sick certificates, and sign each of the copies issued by the Pembantu Perubatan after determining that the medical certificates issued are to his satisfaction.

4. The above provisions do not apply to cases with legal or worker's compensation (or indemnity) implications which in every case should be referred to the nearest Medical Officer.

In the meantime, a registered nurse is not permitted to issue sick certificate to a patient. At the present time, there is no proposal to allow a registered nurse to issue sick certificate.

13. PATIENTS OFTEN WORK IN SHIFTS, LIKE 7AM TO 7PM AND 7PMTO MORNING 7 AM. HOW IS THIS TO BE INDICATED IN THE MEDICAL SICK CERTIFICATE?

The duration the Medical Sick Certificate given is effective till midnight on the date given. Thus, if the employee is on a shift spanning 2 calendar days, example from 7pm till 7am the next day, the Medical Sick Certificate must cover the two days: the first day from 7pm- midnight and the next day from midnight till 7am.

14. HOW DOES THE NUMBER OF DAYS OF MEDICAL SICK CERTIFICATE COVER IF THE CERTIFICATE IS GIVEN FOR, SAY, 7 DAYS FROM THURSDAY TO FOLLOWING WEDNESDAY, WHICH INCLUDES NON-WORKING SATURDAY AND SUNDAY?

The number of days includes the off-days (as well as Public Holidays) which may fall during the duration of Medical Sick Certificate. Thus, in the example above, the total number of days given includes the off-days, which is 7 days (and not 5 days).

15. IS IT ACCEPTABLE TO INDICATE ON THE MEDICAL SICK CERTIFICATE THAT THE LEAVE GIVEN IS NOT APPLICABLE FOR COURT ATTENDANCE?

This conditional statement in the Medical Sick Certificate is improper as the order to appear in court is a mandatory requirement. If a patient uses the Medical Sick Certificate not to attend court, the Registered Medical Practitioner knowingly issuing the Medical Sick Certificate may be subpoenaed to appear personally in court to justify the patient's absence.

16. CAN A REGISTERED MEDICAL PRACTITIONER CHARGE A FEE FOR ISSUING MEDICAL SICK CERTIFICATE?

The issuance of the Medical Sick Certificate, whether on the date of initial consultation or back-dated is part and parcel of the management and no extra fee should be charged.

17. CAN THE EMPLOYER OR THE MANAGED CARE ORGANIZATIONS REQUEST FOR A BRIEF REPORT ON THE REASON FOR THE MEDICAL SICK CERTIFICATE AND CAN A FEE BE CHARGED?

Any explanatory letter in this respect is considered a medical report and the patient's consent must be obtained and an appropriate fee should be charged before issuance of the brief report.

18. CAN A PATIENT RETURN TO WORK ON EXPIRY OF THE MEDICAL SICK CERTIFICATE WITHOUT ANY FURTHER NOTIFICATION BY THE REGISTERED MEDICAL PRACTITIONER?

This is the standard practice, although in some instances a note to the employer that the employee is fit to return to work immediately or after some short duration of conditional light duty, may be helpful.

19. WHAT IS THE NORMAL DURATION OF LEAVE THAT CAN BE GRANTED TO AN EMPLOYEE?

The duration must be commensurate with the illness, and usually any extension must be given only after review of the illness. In such instances, the diagnosis may be entered in the Medical Sick Certificate with the employee's consent.

This Malaysian Medical Council Frequently Asked Questions on Medical Sick Certificate was endorsed by the Malaysian Medical Council

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