



POLICY

Completion of Third Party Forms and Certification of Work Absence/ Accommodation due to Illness or Injury

STATUS:	APPROVED IN PRINCIPLE
Approved by Council:	June 24, 2016
Amended:	September 2016
	TBD 2022
To be reviewed:	TBD

1. Purpose and scope of this Policy

Practising medicine involves much more than preventing, diagnosing and treating illness. Caring about the patients' well-being is an attribute of a physician. In the course of providing patient care, physicians are often called upon to complete third party forms and to certify a patient's absence from work or their need for accommodation at work due to illness or injury.

Completing third party forms and certifying work absences/accommodations are very important matters. Stakeholders rely on a physician's expertise in making decisions concerning financial and other entitlements. The same parties work under the assumption that a treating physician has had specific training in determining disability and work accommodation. This assumption is, in most circumstances, inaccurate. Therefore, it becomes incumbent on the physician to ensure the contents of the note or form are objective and formulated within the physician's scope of practice, based on their accurate assessment of patient-reported complaints and a careful physical examination.

This policy is intended to clarify physicians' professional and ethical obligations when performing this important role.

2. Definitions

For the purposes of this Policy, the following definitions apply:

Third party forms – These are any documents the physician is requested to complete by any person or organization other than the physician and patient, such as a government department or agency (e.g., WCB), private non-governmental sectors such as lawyers, SGI or private insurance companies, employer, educational institution, etc.

Certificate of absence - Sometimes referred to as a 'sick note', this is a note documenting a patient's absence from work due to illness.

Accommodation – This references modifications that can be made at a patient’s workplace to permit the patient to return to work (on a full or limited basis) despite functional limitations.

For the purposes of this Policy, a “**physician**” is any individual licensed by the CPSS, including individuals licensed on the educational register.

3. Expectations

Physicians are ethically and legally required to provide reports on patients they have attended. This obligation extends to providing details of their findings, assessment, advice and treatment given to a patient when requested by the patient, an authorized third party or required to do so by law. When a patient has not been seen for some time, the forms should be completed based on historical findings with an indication on the report that it is based on the clinical findings at that time. If current information is required, an assessment should be arranged.

In completing third party forms and/or certification of work absence/accommodation, physicians **must**:

- a. ensure the patient has provided valid and documented consent to disclose information to any third party, including the patient’s employer or insurer. Consent must include discussion about the scope, purpose, and likely consequences of the disclosure of their personal health information and the fact that relevant information must be provided.
- b. respond to the authorized request as soon as possible, generally within thirty (30) days of receiving the request, in one of the following ways:
 - providing the requested information;
 - acknowledging the request and providing an estimated date for provision of the information; or
 - explaining why all or part of the information will not be provided.
- c. provide a logical and truthful report based as much as possible on objective clinical information.
- d. specify if the questions posed fall outside their area of expertise or scope of practice.
- e. communicate the expected fees in advance to the party from whom payment will be expected, as well as any terms of payment. The fees must be fair and reasonable reflecting the work required. Physicians should refer to the CPSS policy “[Uninsured Services](#)” and the [Saskatchewan Medical Association Fee Guide for Uninsured Services](#), as well as the [Medical Services Branch Physician Payment Schedule](#) to confirm whether completion of particular forms constitutes insured services.
- f. not withhold a report contingent on payment if payment is the patient’s responsibility. Physicians are expected to accommodate patients’ ability to pay.

Physicians are **not** obligated to:

- provide a report containing a medico-legal opinion,

- provide an expert opinion, or
- become an independent/litigation¹ expert witness in a legal proceeding.

¹ An independent/litigation expert witness is retained by one of the parties after the events to act as an expert witness at a trial or hearing. This differs from the role of a participant expert, which physicians are obliged to do if requested. A participant expert witness is typically a professional who was actually involved in the relevant events, for example providing treatment to one of the parties.

OTHER RESOURCES

CPSS Regulatory Bylaw 7.1 – [The Code of Ethics](#)

CPSS Regulatory Bylaw 7.2 – [Code of Conduct](#)

CPSS Regulatory Bylaw 8.1- [Bylaws Defining Unbecoming, Improper, Unprofessional or Discreditable Conduct, see 8.1\(b\)\(xii\)](#)

CPSS Regulatory Bylaw 9.1 – [Conflict of Interest](#)

CPSS Policy “[Uninsured Services](#)”

CPSS Policy “[Informed Consent and Determining Capacity to Consent](#)”

CPSS Guideline “[Confidentiality of Patient Information](#)”

CPSS Guideline “[Conflict of Interest](#)”

Canadian Medical Protective Association (CMPA) publications:

[“Treating physician reports, IME reports, and expert opinions: The way forward”](#), June 2019

[“Medical letters, forms, and reports”](#), May 2022

[“Writing with care”](#), March 2020

[“Did you know? You need authorization to provide medical records to lawyers”](#), January 2018

[Medico-legal handbook for physicians in Canada, Version 9.0 – May 2021, “Medical certificates”](#)

Canadian Medical Association (CMA) publications:

CMA Policy “[Third-Party Forms](#)”, 2017

CMA Policy “[The Treating Physician’s Role in Helping Patients Return to Work after an Illness or Injury](#)”, 2013

ACKNOWLEDGEMENTS

In developing amendments to this policy, the College of Physicians and Surgeons of Saskatchewan referenced the following documents:

- The College of Physicians and Surgeons of Alberta Standard of Practice “Responding to Third Party Requests”

- The College of Physicians and Surgeons of British Columbia Practice Standard “Medical Certificates and Other Third-party Reports”

The College recognizes, with thanks, the contributions of those organizations to the development of this amended policy.

DRAFT