

Office of the Chief Nursing Officer



NURSE PRACTITIONERS Information Sheet No. 2

Medical Certificates for sick leave

Registered nurse practitioners may complete medical certificates under the Commonwealth *Workplace Relations Act 1996* ("the Act") for sick leave.

The Act defines:

- A medical certificate as a certificate signed by a registered health practitioner.
- A registered health practitioner as a health practitioner registered, or licensed, as a health practitioner (or as a health practitioner of a particular type) under a law of a State or Territory that provides for the registration or licensing of health practitioners (or health practitioners of that type).
- Sick leave has the meaning given by paragraph 244(a) which is "*paid leave (sick leave) taken by an employee because of a personal illness, or injury, of the employee*".

Section 253 of the Act provides that an employee must give his or her employer notice in accordance with this section that the employee is (or will be) absent from his her employment because of personal illness, or injury, of the employee.

Section 254(2) of the Act states "*to be entitled to sick leave during the period, the employee must, in accordance with this section, give the employer a document (the required document) of whichever of the following types applies:*

(a) *If it is reasonably practicable to do so—a medical certificate from a registered health practitioner.*

(b) *...*"

The required document (medical certificate) must include a statement to the effect that in the registered health practitioner's opinion, the employee was, is, or will be unfit for work during the period because of a personal illness or injury.

Therefore, if the nurse practitioner is registered with the Nurses Board of Western Australia they would meet the definition of a registered health practitioner, which would enable them to sign medical certificates for sick leave. However, this does not apply to other medical certificates, which must be completed by a medical practitioner for example under the *Workers Compensation and Injury Management Act 1981*. For further information please see *Nurse Practitioners Information Sheet No. 1*.

Copies of this legislation can be accessed at www.frli.gov.au

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The *Nurses and Midwives Act 2006* was passed by both Houses of Parliament and received the Royal Assent on 6 October 2006. Please note that the Act is awaiting proclamation and is therefore not operational.

Changes in relation to nurse practitioners include:

- Title protection - a person must not use the title "nurse practitioner" unless the person is a nurse practitioner.
- If the Nurses Board of Western Australia is satisfied that a nurse practitioner has not practiced as a nurse practitioner in the preceding 5 years their registration can be cancelled.
- The Nurses Board of Western Australia may impose as a condition of registration that the nurse practitioner hold professional indemnity insurance.



Office of the
Chief Nursing Officer
Phone (08) 9222 4075
Email: OCNO@health.wa.gov.au
Website:
www.ocno.health.wa.gov.au