



### Doctor's note

Carlindo de Souza Machado e Silva Filho<sup>1</sup>

The purpose of a doctor's note is to prove an employee's inability to perform work-related activities by justifying and/or supporting absence from work due to illness or workplace injury. In pediatrics, medical certificates are used in cases of absence from school-related activities due to illness.

It is a legally binding document and the information in it is assumed to be true. Because its use is directly linked to this assumption, it should not be rashly or unnecessarily provided. A doctor's note should be provided only after examining the patient and confirming their truthfulness. This requirement applies for both medical certificates that prove that the patient is unfit for work or for school-related activities as well as for certificates attesting to a person's fitness to participate in physical activities.

Although these documents are presumed to be true, there is no guarantee that the doctor's note will serve its purpose (justifying and guaranteeing the grounds for someone's absence from work or class).

Article 12, Paragraphs 1 and 2 of Brazilian Decree No. 27.048/49, which approves the regulations in Law No. 605/49, addresses the forms of support for absences that can be provided by a medical certificate:

**Article 12:**

**§1:** The illness shall be proven by a medical certificate provided by the company's physician or by a doctor chosen and paid for by the company.

**§2:** If there is no company physician provided by the social security institution with which the employee is affiliated, the doctor's note can be provided by a physician from the Industrial Social Services or Commerce Social Services a federal, state, or municipal authority physician, who is responsible for hygiene or health care. In case there is no physician available under

the conditions specified above, the note can be provided by a physician from the labor union to which the employee belongs or by a physician chosen by the employee.

The Brazilian Federal Board of Medicine (CFM) has stated that medical certificates from individuals must not be rejected unless determined to be cases of bias or falsification.

Chapter 3, Article 11 of the Brazilian Code of Medical Ethics (a chapter entitled "Professional Liability") states that physicians are prohibited from issuing doctor's notes, medical reports, or prescriptions that are clandestine or illegible (without the due identification of the doctor's medical license number as issued by the physician's jurisdiction of the Brazilian Federal Board of Medicine) and that physicians are also prohibited from signing blank doctor's notes, medical reports, prescriptions, or other medical documentation.

Moreover, Article 80 of Chapter 10 ("Medical Documentation") states that physicians are prohibited from issuing any medical documentation if they have not performed the professional procedures to justify it, if the documentation is biased, or if the information does not represent the truth.

Article 81 of Chapter 10 states that physicians are banned from providing medical certificates as a way to obtain any kind of benefit.

Article 91 of the same chapter states that physicians are banned from refusing to provide medical certificates attesting to measures performed within a professional capacity if this certificate is requested by the patient or by the patient's legal representative.

When requested, physicians are required to attest not to what the patient may want them to attest to, but to the care provided to the patient, regardless of whether that certification will satisfy the patient's wishes.

<sup>1</sup> Adjunct Professor. Child and Adolescent Health Course. Medical Bioethics Course. Universidade Iguaçu. Nova Iguaçu, RJ, Brazil.

**Correspondence to:**

Carlindo de Souza Machado e Silva Filho.  
Universidade Iguaçu. Rua Senador Vergueiro, nº 93, Apto 1101, Rio de Janeiro, RJ, Brazil. CEP: 22330-000.

It is also important to note that Article 82 of Chapter 10 states that physicians are prohibited from using forms from public institutions to provide false prescriptions or doctor's notes in the private sector.

In pediatric practice, parents and guardians commonly ask us to supply a doctor's note or medical certificate that they can present at their place of work.

Although it is their right to receive this documentation, Brazilian labor laws do not outline the details regarding support for absence from work on this declaration.

On providing this document, the time at which medical care was provided must be clearly stated, e.g., "Mr. Patient's Father, ID Number XXXX, was in my medical office on today's date from 2:00 pm to 2:40 pm due to his child's medical appointment." We must not attest to the parent's presence for the day or even for an unspecified period in the morning or the afternoon. If we do not provide the exact period of time during which care was received, we may be unwittingly providing an alibi for a crime.

The following are two examples of situations in which the physician provided this type of doctor's note without taking necessary precautions, and in doing so, put himself at risk, including the risk of being sued through the Rio de Janeiro State Medical Board (CREMERJ) or through the federal legal system.

Case 1: A patient is treated in the emergency department for complaints of significant lower back pain. After being treated, he exhibits an improvement in symptoms associated with his complaint and is discharged. The patient requests a doctor's note to prove his presence at the appointment and the doctor provides a declaration that covers the entire time period associated with his care. The patient then states that he needs a declaration that includes the two hours before his arrival and argues that the current declaration will hurt his chances of receiving a promotion at work. The physician agrees and writes the certificate in accordance with the patient's request. Later, the physician receives a subpoena to appear in court because the time stated on the medical certificate corresponds to the time at which the patient had murdered his wife.

Case 2: At the request of a lawyer friend, a physician provides a doctor's note so that her friend's client can miss a labor law hearing that the client is unable to attend. The doctor's note is sent to the judge to justify the client's absence. However, the lawyer is unable to speak with his client, who does, in fact, attend the hearing. Before the judge,

the client states that he is not ill and that he had never had an appointment with the doctor and that he does not even know her.

Another common situation in pediatric practice is the request for a medical certificate for a child to participate in sports.

Article 1 of Rio de Janeiro State Law No. 4978/2007 states that the presentation of a medical certificate declaring physical aptitude is required for enrollment in gyms and fitness centers involving martial arts, weight lifting, or any other type of physical exercise and that this medical certificate must be renewed every 12 months and filed in the student's or client's file.

CREMERJ Declaration No. 122/2003 states that every individual who participates in physical and/or recreational activities must undergo a clinical evaluation, and if deemed necessary by the physician, laboratory testing. Declaration: Only physicians (preferentially those who have specialized in sports medicine) are qualified to perform this evaluation and declare the patient fit to participate, and they are not required to perform an electrocardiogram in all teenagers and young adults. This procedure shall be performed only in patients whose clinical history or physical examination suggests the need for it. In these cases, the physician may request a specialist opinion if he or she deems it necessary.

Weidenbener et al.<sup>1</sup> performed 3,000 echocardiograms on adolescent athletes, and not a single condition was identified that would prevent their participation in physical activities (Clin J Sport Med 1995; 5:86-89).

CFM Declaration No. 22/13 states that any physician is capable of performing the physical examination of patients who request approval for physical activity and that the examination does not necessarily have to be performed by a cardiologist. However, physicians must send patients with diagnoses of clinical abnormalities or comorbidities to a cardiologist.

It is therefore the physician's responsibility to decide whether to request additional testing or not, to approve the patient for athletic activity with limitations, or to temporarily or definitively prohibit physical activity.

## REFERENCES

---

1. Weidenbener EJ, Krauss MD, Waller BF, Taliencio CP. Incorporation of screening echocardiography in the preparticipation exam. Clin J Sport Med. 1995;5(2):86-9. DOI: <http://dx.doi.org/10.1097/00042752-199504000-00003>