

Inappropriate issuing of medical certificates by GPs for COVID-19 vaccination exemption breaches the Code

21HDC02881 and 21HDC02883

Note: the events outlined in this report took place in 2021

In two reports published today, Deputy Health and Disability Commissioner Deborah James has found two GPs working separately breached the Code of Health and Disability Services Consumers' Rights (the Code) for inappropriately issuing medical certificates for COVID-19 vaccine exemption.

Neither GP was able to provide evidence that they had provided their patients with balanced, evidence-based information around the safety and efficacy of the vaccine. Failure to provide this was contrary to the expectations set by the Medical Council of New Zealand.

The first GP provided voluntary services at a community clinic and issued certificates to 12 patients stating that it was medically inappropriate for them to receive the COVID-19 vaccination due to underlying health conditions.

Ms James found that eleven of the medical certificates did not provide a sound reason for vaccine exemption, which did not comply with standards required by the Medical Council of New Zealand (MCNZ) on medical certification.

Ms James said, "I am critical that the GP prioritised their patients' desire for a medical certificate for vaccine exemption over adherence to the applicable law, guidance, and professional standards, including the MCNZ's expectations around medical certification and professional responsibility during the COVID-19 pandemic."

The second GP issued three exemption letters to patients which were based on insufficient information. The GP knew these were invalid as exemptions, due to the change in guidance from the Ministry of Health at this time.

Ms James said she was concerned that this GP's strongly held views about the ethics of the public health response to COVID-19 was a motive for his actions. "While I respect a health practitioner's right to their private opinions, professional health practice demands that practitioners behave in accordance with the law, standards, and guidance that apply to their profession."

Ms James found the second GP also breached the Code for failing to clinically manage the stress of the three patients who received exemption letters, despite certifying that they each required a month of leave due to workplace stress and his stated concern about their welfare.

In addition, the record-keeping by both GPs fell short of the accepted practice.

Ms James made recommendations for both GPs, outlined in the reports. She also recommended that the Medical Council of New Zealand consider if a review of both GPs competence is warranted.

25 November 2024

Editor's notes

Please only use the photo provided with this media release. For any questions about the photo, please contact the communications team.

The full report of this case can be viewed on HDC's website - see HDC's '[Latest Decisions](#)'.

Names have been removed from the report to protect privacy of the individuals involved in this case.

The Commissioner will usually name group providers and public hospitals found in breach of the Code unless it would not be in the public interest or would unfairly compromise the privacy interests of an individual provider or a consumer. More information for the media, including HDC's naming policy and why we don't comment on complaints, can be found on our website [here](#).

HDC promotes and protects the rights of people using health and disability services as set out in the [Code of Health and Disability Services Consumers' Rights](#) (the Code).

In 2022/23 HDC made 592 quality improvement recommendations to individual complaints and we have a high compliance rate of around 96%.

Health and disability service users can now access an [animated video](#) to help them understand their health and disability service rights under the Code.

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