

Hospital Notary Work

When a notary public is asked to travel to a hospital, nursing home, or rehabilitation facility, this is referred to as hospital notary work. It is a type of mobile notary work that can be very rewarding or very frustrating, depending on the circumstances.

When someone contacts you to do hospital notary work, there are several issues/thoughts that you need to consider and discuss with the contact.

1. Rules of your State. You should check the rules of your state BEFORE you accept any requests for hospital notary work, as this is not something you want to be trying to look up while everyone is standing around at the hospital. Delaware does not have any written rules by which the notary public must follow, but the notary public laws as it relates to proper notarization of documents. The American Society of Notaries (ASN) has a reference handbook which serves as a great guide of what the Delaware notary can perform their notarial duties. They can be reached at (850)671-5164. One area to check into is whether there is a permissible process for someone who cannot write to direct someone else to sign on their behalf. If there is such a process, it may require one or two witnesses to sign a sworn statement (affidavit) about the circumstances. If so, the contact person will need to be sure that he has witnesses available and that the witnesses have proper ID. Any witness affidavit counts as a notarized document for which you will charge your usual fee. Delaware requires two (2) credible witnesses if the person needing notarial services does not have any type of valid acceptable identification. You can contact the Social Work area of the Hospital or medical facility to have them add your name as a contact notary public list of notaries. As a general rule of thumb, the medical facility cannot assume the duty of serving as a witness due to “conflict of interest”. They will need to provide their own witnesses or try to recruit non-employees (ie: visitors) of the medical facility to serve as witnesses. The notary public notarizing the document(s) CANNOT serve as a witness if they are they are notarizing. The notary public can serve ONLY in ONE (1) capacity – either as a witness or notarizing the document(s) – NOT BOTH.

2. Identification of the Signer. People in hospitals frequently do not have their ID with them. Unless you know the signer personally or can have one or two credible witnesses meet you there, the signer will have to produce ID. The contact person must be told that ID is essential. If he or she can't get the signer's ID to the hospital, the signing cannot proceed. As previously noted that in Delaware requires two (2) credible witnesses if the person needing notarial services does not have any type of valid acceptable identification. Otherwise current valid identification must be provided at the time of notarization.

3. Current Condition of the Signer. People in rehabilitation facilities and nursing homes are often there due to strokes or other debilitating conditions that may make communication difficult or impossible. Such people may be unable to speak; they may be unable to write; they may be so heavily medicated or ill that they simply cannot focus well enough to proceed. Those who are in a hospital may be in better shape but still have limited times during the day when they are fully awake and aware. Tell the contact person that you cannot notarize if the signer's condition raises any questions about his or her ability to conduct business and make decisions.

4. Communication with the Signer. When you arrive at the bedside of the signer, you should engage him/her in conversation to see if they appear to be aware of who he is, where he is, and the purpose of the document or documents that he is being asked to sign. As part of this, you will ask the signer if he wants to proceed and if he is signing by his own choice. If he is unable to speak, he can communicate with you via writing. If he is unable to write his name, he can make a mark, as long as he is able to speak. If even a mark is beyond his abilities, use whatever process is allowed in your state (if any) for him to designate someone else to sign on his behalf. If the signer cannot communicate with you via speech or writing, you cannot proceed, because you must have enough of a conversation with him to determine that he is signing freely and willingly. Delaware can use "Signature by Mark" as found in the Delaware Code – Title 6, §3.401. Your determination to proceed is based on your GUT feeling/instincts and NOT by a medical determination. (Please see the Notary Tip in 'What It Means to Sign a Document Freely and Willingly.')

Please notice this education topic in the List of Topics in this section.

5. Confirming the Appointment. If you are a notary who does general notary work or mobile notary work, you will run across people who simply do not consider the time of the notary as valuable. Such people may make an appointment with you and then not show up, run late, or find another notary who will do the work for a few dollars less -- and in any of these cases, the person who contacted you may not call you to let you know. Your time, gas, wear and tear on your vehicle is worth money. Don't throw them away. Tell the contact person that he needs to confirm the appointment before you add it to your calendar. He/she can do this by texting you or emailing you his name, the signer's name, the exact location of the signing (which facility and room number), and his understanding that your trip fee is \$X and your per-notarized-document fee is \$Y and that he will have the cash or check available when you arrive. If you accept PayPal or some other means of paying by credit card, you may require him to pay you up front before you confirm the appointment. Getting him to put this information in a text or an email makes it seem more official, and he is much less likely to cause you to waste a trip. It is of best practices to discuss and confirm fees prior to traveling to the agreed location and make known your forms of acceptable payments you accept.

6. Your Fees. As travel to a signing location is an additional service above and beyond simply notarizing a document that is presented to you, most states allow their notaries and set your trip fee accordingly. Be very clear with the contact person as to what your total fees will be and what the breakdown is, as he may present a larger or smaller number of documents than originally stated or you may be unable to proceed with the notarization once you arrive. If all you tell the contact person is "I will do this for X," and you arrive to find that the signer is heavily-medicated, the contact person may refuse to pay you anything. It is best to give the contact a separate trip fee and per-notarized-document fee, so that he knows each additional document costs more and that they will owe you at least the trip fee merely for showing up. The maximum fee for notarizing a document in Delaware is \$5.00. There are NO written rules for travel fees in Delaware but to charge a reasonable fee in addition to your notarization fee when speaking to your client. How you come up with you fee is up to you but be consistent is important. Some examples is having a flat rate based on distant traveled (possibly by zip code or by town/city), roundtrip mileage using a fee per mile traveled based on mileage allowance set up by the IRS for that tax year. Consider if any roadways that have toll fees. You may choose not to charge a travel fee but just your charge for each notarization. Remember that in Delaware \$5.00 is that maximum you can charge per document notarized. Veteran notarizations are Pro Bono but you could possibly discuss a reasonable and minimal travel fee with the client. You can offer to provide (or ask) the client/contact person a receipt if needed for services rendered.

7. Pay attention to what the contact person says. While the contact person would not call unless he wanted you to come and do this, he may well say something that gives you a reason to say no or to take additional steps before accepting the appointment. If he says anything about a stroke or the signer being unable to write or talk, this is a red flag that you may not be able to notarize for the signer. If the contact tells you that the signer cannot write, ask to speak with the signer before you make the trip. You don't need to have a long conversation, just enough to know that the signer can speak well enough to communicate as necessary (see above). If the contact person cannot or will not get the signer on the phone, you will want to emphasize with him that your trip fee will be due upon arrival and you will not be able to notarize if the signer cannot communicate in your presence.

8. Visiting Hours. When you make the appointment, be sure that the contact person knows the visiting hours and where in the facility you will meet with him. Some hospitals restrict when visitors are allowed and many nursing homes require that you meet in the lobby or another designated area and then be escorted back to the room. Suggest/offer to meet the contact person at a location in the facility where the notarization is taking place and walk to the room together if possible. Sometimes the patient may be out of their room getting some kind of treatment that cannot be done in the room.

9. Parking. Depending on where the facility is located, free visitor parking may not be available. If you are going to have to pay to park, you will want to add the cost of that to your fee. Ask the contact person if there is free parking at the facility if you are unfamiliar with it. You will need to arrive early for hospital notary work, as the visitor parking often requires a good bit of walking. If you are signing at an actual hospital, there will be a lot of walking to get to the room where the signing is taking place.

Despite these issues, hospital notary work is a crucial service to the public and one that can be rewarding, both financially and emotionally. There is nothing like the feeling of walking out of a hospital with an extra wad of cash in your pocket, knowing that you just helped someone solve a major problem in his life.

The American Society of Notaries supplies rubber stamps containing the standard short form jurat and acknowledgment notarial certificates along with all of your notarial needs. They also carry loose paper notary certificates that the Delaware notary can use if the document does not have the pre-printed wording on the document that you are notarizing. They can be reached at (850)671-5164 or online at www.ASNNotary.org.

NOTE: This article serves as information purposes to broaden the knowledge of the notary public. The Delaware Notary Association is dedicated in keeping the Delaware Notary with working information in performing their duties to the best they can and to the fullest.