

Witnessing Legal Documents

1. Introduction

Employees of Providence Health Care are often asked to witness legal documents that may or may not be related to patient/resident care. This policy provides guidance on their obligations in this regard.

1.1. Purpose

The purpose of witnessing a legal document is purely to provide evidence that the signature on the document is that of the person they purport to be. This policy outlines the responsibilities of an individual choosing to witness a document.

1.2. Scope

This policy applies to all [Staff](#) and all PHC sites.

2. Policy

2.1. Policy Statement

Any Providence Health Care (PHC) Staff member may be required to witness a PHC related document, for example, a consent form, as part of their employment. However, PHC Staff may *choose* to witness other legal documents, whether or not prepared by a lawyer, particularly if the matter is urgent and no one else is available, but they are not required to do so as a function of their employment.

2.2. Meaning of a witness signature

The purpose of witnessing a legal document is simply to provide evidence that the signature on the document is that of the person they purport to be. As such, any person witnessing a signature on a document **MUST** ensure they actually see the person signing it, and that steps have been taken to verify the person's identity.

2.3. Risks of witnessing legal documents

Although the risks of witnessing non-PHC documents are considered to be minimal, the person witnessing the document could be required to give evidence at trial or in some other legal forum at a later date that the person who signed the document was the person they purported to be. Questions could also be asked as to the capacity of the person at the time of the witnessed signature.

3. Responsibilities

Staff who choose to witness a non-PHC related document do so of their own accord. Witnesses **MUST** confirm the identity of the person signing the document, using either a hospital generated identification or by asking for photo ID. A contemporaneous chart note describing the

circumstances of the signature could prove useful in the event the legitimacy of the signature is ever questioned.

Anyone considering witnessing a patient's signature on a non-PHC document may contact Risk Management or Professional Practice Lead, Social Work with questions or concerns. Consult is particularly recommended if there are any concerns about the patient's ability to understand the document being signed.

4. Compliance

Compliance with this policy is expected. Anyone noting a violation of the policy may support others to locate and understand the policy and/or advise leadership of the need for education and support regarding the policy.

5. Supporting Documents

5.1. Related Policies

Patient, Client and Resident Identification [BCD-11-11-4002](#)

6. Definitions

"Legal document" in this policy means any document affecting the legal rights of any person including, but not limited to, a Representation Agreement, mortgage, will, contract or application for social assistance.

"Staff" means all employees (including management and leadership), medical staff, residents, fellows and trainees, health care professionals, students, volunteers, contractors, researchers and other service providers engaged by PHC, PHSA and VCH.

7. References

Health Care Protection Program Risk Note "Witnessing Documents" updated April 24, 2002.

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