I. POLICY

A. Oregon State Hospital (OSH) will support notary services when provided in accordance with applicable Oregon Revised Statute (ORS), Oregon Administrative Rules (OAR), and this policy. This policy applies to all health care personnel (HCP) and notary services provided to patients or at OSH.

B. Whenever possible, a notary should notarize within their scope of work and as authorized in their position description.

1. In accordance with ORS 194.350, a notary may not give advice regarding the subject to be notarized.

2. A notary is responsible to maintain their journals and stamp in accordance with this policy and applicable regulations, including ORS 194.290, ORS 194.295, and ORS 194.300.

C. A notary must follow standard notarial rules and regulations when performing notarial services for persons other than patients.

D. Health care personnel, including notaries, must follow Attachment A when requesting and providing notary services at OSH, for OSH business-related purposes, or during a notary's work hours.

E. When requesting notary services for a patient, HCP must obtain all necessary approvals before making the request in accordance with Attachment A.

F. A notary’s manager must follow the process in Attachment B.

1. The manager must notify Legal Services and Human Resources of a new notary.

2. The notary’s manager must notify Legal Services at the end of a notary’s employment with OSH.

G. Legal Services will maintain a list of notaries at OSH.
H. Legal Services will maintain journals after the end of the notary’s employment in accordance with applicable ORS.

I. OSH follows all applicable regulations, including federal and state statutes and rules; Oregon Department of Administrative Services, Shared Services, and Oregon Health Authority policies; and relevant accreditation standards. Such regulations supersede the provisions of this policy unless this policy is more restrictive.

J. A HCP who fails to comply with this policy or related procedures may be subject to disciplinary action, up to and including dismissal.

II. DEFINITIONS

A. “Health care personnel” for the purposes of this policy means the population of health care workers working in the OSH healthcare setting. HCP might include, but is not limited to: physicians, nurses, nursing assistants, therapists, technicians, dental personnel, pharmacists, laboratory personnel, students and volunteers, trainees, contractual staff not employed by the facility, and persons not directly involved in patient care (e.g., clerical, dietary, housekeeping, maintenance).

B. “Notary” in this policy means an OSH employee who is commissioned to be a notary with the State of Oregon.

III. ATTACHMENTS

Attachment A OSH Notarial Services Process
Attachment B OSH Notary Public Manager Duties

IV. REFERENCES

Oregon Administrative Rules § 160-100-0360.
Oregon Administrative Rules § 160-100-0310.
Oregon Administrative Rules § 160-100-0340.
Oregon Administrative Rules § 160-100-0110.
Oregon Administrative Rules § 160-100-0200.
Oregon Revised Statute § 194.
Notarial Services Employee Duties

START

1. Notary services are requested

1A. Patient

1A.1. Follow standard Notarial rules and regulations

1A.2. Patient must be present to proceed.

1A.3. Review document for notary certification

1A.4. Verify signer’s identity

1A.5. Verify IDT certified patient as competent or has capacity ORS 194.245

1A.6. Record Journal entry (see note)

1A.7. Complete Notarial certificate

1A.8. IDT verifies patient competence

1A.9. Journal Note

1. Journal must have bound pages.
2. Type of notarization.
3. Date of document.
4. Type of document.
5. Signature printed name of individual
6. Address of individual.
7. Address of individual.
8. Detailed identification of individual (with picture).
9. The right thumbprint of the signer.
10. Pertinent data (such as, signer appeared both willing and aware of the notarial act).
11. Journal is kept for a minimum of 10 years from the last entry and must be retrievable during an audit.

1A.10. Journal Note

BEST BUSINESS PRACTICE:

- For OSH, the IDT clinician should verify patient’s competency to participate in notary services.
- Maintain two journals, one for patients and another for all other notary customers. This allows you to protect patient PHI.
- Journal should be kept for a minimum of ten years from the last entry date.

Acronyms
CMS: Centers for Medicare & Medicaid Services
GASB: Governmental Accounting Standards Board
IDT: Interdisciplinary Treatment Team
OAR: Oregon Administrative Rule
ORS: Oregon Revised Statute
OSH: Oregon State Hospital
PHI: Personal Health Information

Guidance Key
- Policy
- ORS / OAR
- GASB
- CMS

END

At OSH, always use a picture ID
OSH Notary Public (Manager duties)

References
ORS 194.152(3) Journal of notarial acts
ORS 194.300 Journal
ORS 194.390 Disposition of records on vacancy in office; penalty for failure to properly dispose of records or for destroying or altering records.
OAR 160-100-0310 Disposition of Notarial Records Upon Termination of Commission Due to Resignation
OAR 160-100-0340 Disposition of Notarial Records Upon Termination of Commission Due to Death or Incompetency

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