


QUALITY AND PATIENT SAFETY STANDARDS

CATEGORY: System-Level Non-Clinical
ISSUE DATE: May 30, 2001
SUBJECT: **WITNESSING WILLS AND OTHER LEGAL DOCUMENTS**

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PURPOSE

To provide guidelines for staff members when requested by solicitors, patients or their families to witness wills or other legal documents.

STANDARDS

Guidelines and Rationale	<p>It is the responsibility of the patient/family to locate a lawyer to prepare a will or complete Power of Attorney (personal care or property). The patient/family is responsible for the costs associated with this.</p> <p>In order not to prejudice HSN's ability to benefit under the terms of a patient's will, all employees and medical staff are strongly discouraged from witnessing or signing any wills, living documents, legal documents or other files unrelated to consent and treatment of a patient.</p> <p>If a request is made by the family, the unit social worker will be contacted to help facilitate the process in extraordinary circumstances only. The patient/family is responsible for the cost.</p> <p><u>Important Information</u> An employee or medical professional that is asked to act as a witness may be called upon to:</p> <ul style="list-style-type: none"> • Provide evidence in court to the physical and/or mental status of the patient; • Attend on his/her own time to court, resulting in financial impact due to lost time; • Give evidence or determine whether or not coercion was used on the patient to execute his/her will.
Extraordinary Circumstances	Where time is of the essence and/or extraordinary circumstances exist, the following applies:

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	<p>If a staff member witnesses a legal document at the request of a patient, this must be recorded in the patient's medical chart detailing the circumstances supporting the requirements for execution in this fashion.</p> <p>During normal business hours, <u>where time is of the essence and where a lawyer cannot attend to the patient in a timely fashion</u>, the social worker may, in collaboration with either the Patient Relations Representative, Risk Manager or the Chief Nursing Officer (or delegate) act as a witness to POA for Personal Care or Property.</p> <p>After business hours, <u>where time is of the essence</u>, the manager on-call may, in collaboration with another available witness, act as a witness to POA for Personal Care or Property.</p> <p>Never act as a witness or sign any documents for a patient/family if you believe the patient is incapable of understanding the document, is unwilling to do so or is being coerced to do so.</p>
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