

## *memorandum*

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To: All NSHA Staff

From: Legal Services Department

Date: May 7, 2020

Re: Interpretation of CDHA Policy Witnessing of Non-Capital Health Generated Documents  
CH 30-060 during COVID-19 restrictions

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The Legal Services Department has received a number of questions surrounding staff witnessing non-NSHA patient documents in light of the significant restrictions placed on patient visitation.

CDHA Policy 30-060 “Witnessing of Non-Capital Health Generated Documents” confirms that staff should not be witnessing any non-CDHA documentation for patients. This limitation includes, but is not limited to witnessing, wills, powers of attorney or property deeds prepared for patients. Further, in cases where a document is prepared by a lawyer, the relevant lawyer is responsible for providing any necessary witnesses.

The policy directs that in exceptional circumstances, where it is necessary, non-clinical employees may be used as witnesses with assistance from Legal Services.

Legal Services is advising that current COVID-19 measures meet the criteria of exceptional circumstances under CDHA Policy 30-060. **Therefore, during the COVID-19 visitation restrictions, NSHA employees may act as a witness to a patient’s non-NSHA generated documentation, including wills and power of attorneys. This policy exception shall also apply to lawyer prepared documents.** NSHA employees should not explain, interpret, or provide advice on the content of non-NSHA documents they have been requested to witness. This direction does not change on account of COVID-19 measures.

If at all possible, non-clinical NSHA employees should first act as a witness. If a document must be sworn, the document may be sworn by a NSHA employee who holds a valid Commissionaires of Oath. The above advice shall apply to any documents which may be sworn by a Commissionaires of Oath.

Legal Services Department