

# Advance Care Planning & Remote Notarization

As the nation now deals with the COVID-19 pandemic, many people want to ensure that their medical wishes are known if they are unable to speak for themselves. Advance Directives (AD) are legal documents that can be used to communicate wishes on life-sustaining treatment, and include health care proxies and medical orders, such as Practitioner Orders for Life-Sustaining Treatment (POLST). Most states require that ADs be signed, notarized, and/or witnessed, but remote interactions due to COVID restrictions make securing the necessary signatures and notarization difficult. Here are a few tips on how to maneuver around this new challenge.

## Start by Exploring Electronic Signatures

Many states allow electronic signatures on ADs.

- Applications, such as DocuSign and Adobe, support electronic signature management and routing. Your organization may be using such applications for other purposes.
- Advance care planning organizations, such as Vynca, incorporate electronic signatures, and are building electronic notary capabilities where allowed (see below).

## When Possible: Use Remote Online Notarization (RON)

Some states allow remote notarization of legal documents, and a few others are issuing temporary executive orders so that these procedures can be done over the internet. If RON is available in your state, search for a notary who is equipped for this process.

- The Mortgage Bankers Association has an [online map](#) that shows which states currently allow RON, as well as related news updates
- Governors' websites are posting the Executive Orders that have been issued during the crisis. Review or ask your state association to confirm whether RON is currently allowable
- The National Notary Association has an [online bulletin](#) to provide updates to notaries on the changing rules on RON in their state

## If Necessary: Get Creative with Physical Distancing

Once simple tasks now need creative solutions. If electronic signatures and notarization are not an option, people have found ways to have documents notarized or witnessed within physical distancing guidelines.

- An [article](#) on NOLO.com outlines creative ways for fulfilling legal requirements
- The New York Times recently published a [piece](#) on the current wave of advance care planning during the COVID-19 pandemic, which included stories of people using imaginative means to sign their documents

## Additional Resources:

- National Notary Association blog, *Notary Bulletin*, on [COVID-19](#)
- Your state's [Unit on Aging](#) may have additional resources specific to your local area