


Andrea Gyger

From: Salter, Carol L (Loveland Admin-Hosp) <Carol.Salter1@bannerhealth.com>
Sent: Friday, July 25, 2014 11:43 AM
To: SoS Rulemaking
Subject: Comments Regarding Proposed Notary Rule Changes
Attachments: CS Comments regarding proposed Colorado Notary Program Rules 2014.docx

Importance: High

Attached please find my comments regarding proposed Notary rule changes. Thank you very much for the opportunity to participate in this process. I thoroughly enjoyed it and appreciate the chance to provide input.

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Comments regarding proposed Colorado Notary Program Rules

2.2.1

The issue I have with the proposed change of using the DAN OR another electronic signature is the same issue I had when we did not have a standard requirement for the physical seal. Before the seal requirements changed, we had all sorts of notary seals. There was no consistency or professionalism due to the lack of standardization. (Remember the notary seal that was in the middle of the heart shape?) I can understand why you are proposing a change to this to accommodate all the new electronic devices and software now available. However, I think you may open yourself up to the same issues we have had in the past. My recommendation would be to still require State issued DANs for all electronic notarizations.

2.2.6 (B)

How does one destroy electronic notarization software? Erase it? Uninstall? Recycle a disk? How would the Secretary of State ensure that happens?

3.1

The last sentence contains the phrase "and notarizations for the elderly." The current State approved Notary curriculum does not address the elderly. There is a slide (page 53) which addresses "abuse of persons at risk." However it does not mention the elderly. Colorado Senate Bill 13-111 was just enacted and there is now a state law requiring someone who suspects financial abuse of those over 70 years of age to report directly to law enforcement.

[Senate Bill 13-11 18-6.5-108. Mandatory reports of abuse and exploitation of at-risk elders - list of reporters - penalties. (1) (a) ON AND AFTER JULY 1, 2014, A PERSON SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (1) WHO OBSERVES THE ABUSE OR EXPLOITATION OF AN AT-RISK ELDER, OR WHO HAS REASONABLE CAUSE TO BELIEVE THAT AN AT-RISK ELDER HAS BEEN ABUSED OR HAS BEEN EXPLOITED OR IS AT IMMINENT RISK OF ABUSE OR EXPLOITATION, SHALL REPORT SUCH FACT TO A LAW ENFORCEMENT AGENCY NOT MORE THAN TWENTY-FOUR HOURS AFTER MAKING THE OBSERVATION OR DISCOVERY.

b) THE FOLLOWING PERSONS, WHETHER PAID OR UNPAID, SHALL REPORT AS REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (1):

(I) PHYSICIANS, SURGEONS, PHYSICIANS' ASSISTANTS, OSTEOPATHS, PHYSICIANS IN TRAINING, PODIATRISTS, OCCUPATIONAL THERAPISTS, AND PHYSICAL THERAPISTS;

(II) MEDICAL EXAMINERS AND CORONERS;

(III) REGISTERED NURSES, LICENSED PRACTICAL NURSES, AND NURSE PRACTITIONERS;

(IV) EMERGENCY MEDICAL SERVICE PROVIDERS;

(V) HOSPITAL AND LONG-TERM CARE FACILITY PERSONNEL ENGAGED IN THE ADMISSION, CARE, OR TREATMENT OF PATIENTS;

(VI) CHIROPRACTORS;
(VII) PSYCHOLOGISTS AND OTHER MENTAL HEALTH PROFESSIONALS;
(VIII) SOCIAL WORK PRACTITIONERS;
(IX) CLERGY MEMBERS; EXCEPT THAT THE REPORTING REQUIREMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL NOT APPLY TO A PERSON WHO ACQUIRES REASONABLE CAUSE TO BELIEVE THAT AN AT-RISK ELDER HAS BEEN MISTREATED OR HAS BEEN EXPLOITED OR IS AT IMMINENT RISK OF MISTREATMENT OR EXPLOITATION DURING A COMMUNICATION ABOUT WHICH THE PERSON MAY NOT BE EXAMINED AS A WITNESS PURSUANT TO SECTION 13-90-107 (1) (c), C.R.S., UNLESS THE PERSON ALSO ACQUIRES SUCH REASONABLE CAUSE FROM A SOURCE OTHER THAN SUCH A COMMUNICATION;
(X) DENTISTS;
(XI) LAW ENFORCEMENT OFFICIALS AND PERSONNEL;
(XII) COURT-APPOINTED GUARDIANS AND CONSERVATORS;
(XIII) FIRE PROTECTION PERSONNEL;
(XIV) PHARMACISTS;
(XV) COMMUNITY-CENTERED BOARD STAFF;
(XVI) **PERSONNEL OF BANKS, SAVINGS AND LOAN ASSOCIATIONS, CREDIT UNIONS, AND OTHER LENDING OR FINANCIAL INSTITUTIONS;**
(XVII) A CARETAKER, STAFF MEMBER, EMPLOYEE, OR CONSULTANT FOR A LICENSED OR CERTIFIED CARE FACILITY, AGENCY, HOME, OR GOVERNING BOARD, INCLUDING BUT NOT LIMITED TO HOME HEALTH PROVIDERS; AND
(XVIII) A CARETAKER, STAFF MEMBER, EMPLOYEE OF, OR A CONSULTANT FOR, A HOME CARE PLACEMENT AGENCY, AS DEFINED IN SECTION 25-27.5-102 (5), C.R.S.]

The two areas that would most affect notaries would be (V) those employed by hospitals and long term care facilities and (XVI) personnel of banks and other financial institutions. When employees of these institutions are asked to notarize documents for persons over the age of 70 and they suspect coercion or abuse, they are responsible to report it to law enforcement. I would recommend that this be mentioned in the revised rules.

I did not see anything in the proposed changes that address current vendors. Would they be grandfathered in or have to apply as a new vendor?

This concludes my comments. Thank you very much for the opportunity to review the proposed changes. I am very grateful to be a part of this.

Carol Salter