Targeting the Medical Records Business

By Brenda Stone

Notaries, mobile notaries and notary signing agents can nicely supplement their income by developing a medical records and litigation support business. This type of work requires going to a place of business and notarizing an affidavit attached to records needed as evidence in a lawsuit.

Litigation of medical cases arises when a person sustains injuries allegedly caused by another’s act or failure to perform an act (omission) which caused harm to the claimant. In other words, litigation is about one party suing another party. Medical claims of this type can be broken down into (1) medical malpractice, (2) personal injury, (3) wrongful death, (4) products liability, (5) chemical exposure, and (6) worker’s compensation.

All of these types of cases can create the need for notaries to collect records and notarize affidavits relating to a lawsuit. If you see lawyers advertising these types of cases on television or in the local newspaper then there is likely medical records and litigation support work for you to seek in your service area. If you are a member of the American Association of Notaries your name appears in their Notary Locator Directory where lawyers or litigation support companies can find you online. However, there are at least four other ways you can aggressively seek this work to improve your chances of developing a steady stream of income from it.

Method One: Contact the lawyers’ offices who are advertising in the local media regarding these types of cases and ask to speak to the legal assistant or paralegal who is working on the cases you see advertised on television. (Be specific about the case you saw advertised.) Advise the legal assistant or paralegal of your mobile notary services and ask if you can fax or email your information to them in the event they need a notary to go to the defendants’ offices to collect medical records. Once you have their contact information, gently remind them every month or so that you are still interested in working for them.

Method Two: Find and target the lawyers working cases in your area who are not advertising yet on the media. There may be several. Go to your local courthouse in areas you serve and ask to look at the civil case indexes to find out what lawyers are filing lawsuits in your area against doctors, employers or other entities. Once you have gathered a list of lawyers who are working in your area contact them to let them know of your availability in the area you serve. Take note of the signature pages of the lawsuit filings wherein the lawyers have signed the court document. On that page you will find their address, fax number and/or email. Once you have their contact information, provide them information about your notary business.

Method Three: Search on the internet for “litigation support firms”, “legal discovery” and “court reporters”. Upon finding these types of firms do a little more research to see if they cover your service area. Even if the firms are not located in your area they may be working on cases in your area. There are several firms of this type in Houston, Texas which are working on cases from all over the United States. Contact them with your notary information and let them know where you are and that you are available for collecting medical records.

Method Four: This method is probably the most fruitful and returns the quickest results. You are going to have to leave your office and go door to door letting people know you are available for notarizing documents in their office. Market yourself directly to dentists, doctors, ambulance companies, pharmacies, clinics and other medical treatment providers. Go door to door dropping off business cards and an information sheet about your notary business. Medical treatment providers do not like getting requests for records from lawyers or litigation support firms. It is an unwelcome nuisance to leave the office to seek a notary. They often find that walk-in notaries at the usual places such as
Notary Venue vs. Property Venue on Real Estate Documents

Notaries know that each notary act they perform must have the accurate notary venue stated within the notary certificate. However, a notary, and in particular, a notary signing agent should be mindful that there are times when a document will come before them which has a statement at the top of the document that looks very much like a notary venue when in reality it is the property venue.

Filling in the notary venue is not new to any notary which has done one or two notarizations. The accurate notary venue is the state the notary is commissioned in followed by the county where the notarization is actually taking place. This is very basic notary procedure and it is common knowledge in the notary community that the notary venue appearing at the top of a notary certificate looks like this:

State of _______
County of _______

The confusion of the property venue vs. the notary venue on a document is that the property venue looks identical or very similar to the notary venue. To illustrate this point consider, for instance, that the notary is presented with a gift deed conveying property which is in Webb County, Texas and the notary is in Orange County, California. The California notary reviews the document and sees that at the top of the gift deed are the words:

State of Texas

KNOW ALL MEN BY THESE PRESENTS:
County of Webb

In this hypothetical situation if the California notary is not accustomed to seeing the property venue at the top of a deed they may not understand what they are seeing and be inclined to change the property venue at the top of the deed to reflect what is actually. Since the notary is located in Orange County, California when the notarization is taking place, the notary might decide to strike through the word “Texas” in State of Texas, and change it to reflect State of California, as well as to strike through “Webb” in County of Webb and change it to say County of Orange. This would not be the correct procedure because in this example the venue stated at the top of the document is actually the state and county where the property is located and the county and state in which the deed will ultimately be recorded. The notary should not change the property venue at the top of the gift deed.

At the end of the document a notary’s certificate will appear. If it bears a pre-printed notary venue stating the incorrect venue, it certainly should be corrected to reflect where the actual notarization is taking place. However, in this instance the property venue at the top of the deed should not be changed.

This example is an easy one. There are a couple of clues the notary can use to ascertain and assure themselves that the venue statement at the top of the document relates to the property and thus should not be changed. One is to take note if the words “Know all men by these presents:” or something similar is stated. If so, this is a clue that the venue preceding the statement is the venue of the property. The other clue a notary might use is to look at the property description within the deed to see where the property is located. The property description should bear the county and the state the property is in. If it matches the venue at the top of the document then that venue should not concern the notary.

Others are not as easy to distinguish between property venue and notary venue. When confused the way for a notary to assuredly properly identify the notary venue is to simply make sure it is on the top of the notary acknowledgment or jurat which the notary is completing. Check to see if the notary venue exists on the certificate.

If not, notary should include that information at the top of the certificate no matter what is at the top of the document. Seasoned notary professionals have encountered many documents which are missing notary venue statements. In order to neatly and professionally complete the notary venue when it is missing a notary may want to obtain what’s known as a “venue stamp” to add to their notary signing agent equipment.

VENUE STAMP TIP: The American Association of Notaries can custom-create a notary venue stamp for your personal use for a very affordable price. On the http://usnotaries.com website is a stamp called the Custom Address Stamp. If you would like to have a venue stamp to neatly add the notary venue to documents for which the notary venue has been left off, simply go to the website and rather than putting in an address for the Custom Address Stamp, fill in your order with:

State of Your State
County of _______

Notary signing agents with years of experience utilize these types of stamps almost daily with stacks of loan documents because it gives a more professional appearance than writing in the missing venue; and, it saves time and energy. With this stamp you will be able to quickly add a neatly printed venue to all notary certificates which come to you without proper notary venue wording without concern relating to the property venue statement at the top of the document.

Marketing for Medical Records and Litigation Support Work

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banks and parcel/mail stores are reluctant to notarize documents tied to a lawsuit. Therefore, it is important to create a different type of marketing information sheet for going to the medical treatment provider’s office. It should say something like this: “If you will give the lawyer or company requesting the records my number it is likely they will hire me to come and notarize the documents at no cost or inconvenience to you. Alternatively, if you want me to call them and set it up with them for you, you can simply let me know the contact information of the company requesting the records and the patient’s name and I can take it from there.”

If they choose the latter method and call you then you should contact the lawyer or company involved and tell them, “Dr. Smith’s office contacted me today to notarize medical records you requested from their office. If I go take care of this today will you pay my fee?” It would be an unusual case for the company to say no if you quote them a reasonable fee.

What usually happens in these cases is that the medical treatment providers put off the notarization until the very last minute and then they call the company and tells them they do not have a notary. The company will then frantically look for a notary to go to the medical treatment provider and take care of the notarization. By being pro-active and letting medical treatment providers know you are available, then calling the companies who need the records, you are a welcomed convenience to both parties. It is almost guaranteed that both the medical treatment provider and the company will become repeat callers for your services.

Helpful things to know before you do this type of work:

◆ When talking to the medical treatment provider’s office staff be sure to mention that the person who signs the documents will need to do so when you are present. They will also need to present identification.

◆ The type of document you will be notarizing is usually in the form of

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an affidavit. It will generally have a jurat for the notary to complete.
- Even though you have an “appointment” with someone in a medical office you may have to wait while they see patients, or fill prescriptions.
- If the medical treatment provider has misplaced the documents they originally received, the company hiring you may want to send scans or a fax to you for you to print and take with you. There will generally be no more than ten pages.
- The company who has requested the records may want you to send the records back by fax and then by mail or courier. Account for the postage you will spend in the fee you quote. Consider using Priority Mail with Delivery Confirmation tracking so that you will have proof of delivery. This will cost $5.65 in most cases and the delivery can be tracked at USPS.com. Be sure to ask for their FedEx or UPS account number if they request courier service.
- The medical treatment provider may not want to release the records to you. That should not be a problem. Do the notarization and advise the lawyer or company you are working for that you have completed the job.
- Prepare an invoice to submit to the company immediately. They generally pay immediately and do not want to wait until the first of the next month.
- You should offer same day service or 24-hour turn around for this type of work.
- These types of jobs usually pay quickly. Especially litigation support firms. Attorneys may take a little longer, usually within two weeks to thirty days.
- Treat both the medical treatment provider and the company who will pay you with the utmost respect and patience. Do so and they will likely be repeat clients.
- Understanding the above decide how much you will charge before you are in contact with the lawyers and hiring companies. The company may already have a fee in mind. Ask them, “What is your usual fee for this type of service?” They may surprise you and offer more than you were going to charge.

FedEx and UPS Pointers for Notary Signing Agent

Being a notary signing agent requires that the notary utilize courier services. Most often the courier services are FedEx and United Parcel Service (UPS). Below are ten pointers for the notary signing agent when working with the courier service aspect of their business.

1. Locate all the local drop boxes for both FedEx and UPS at their websites. Print out copies of the pages you find with the locations and times for latest pick up and keep these in a three-ring binder where you keep other important information about your notary business. Bookmark these sites on your computer. As time goes on you will memorize this information but you need to know which drop boxes or courier offices stay open the latest and when the last pick up takes place.

2. Open an account with both FedEx and UPS at their websites. The reason for doing this is because you will need certain sizes of envelopes which you will not be able to easily locate in drop boxes. Certain title companies require certain sizes of envelopes. It is a common situation that if the notary does not use the correct envelope the notary’s fee may be penalized by as much as $25.00.

3. Place orders for supplies from both FedEx and UPS through your online account. The supplies are free. From each courier you will need to know and order the following:
   - Legal sized envelopes. These are very popular with at least a few title companies who regularly hire notary signing agents. Make certain that you order the legal sized “envelopes” and not the legal sized “packs”. Order at least 50 to 100 of each of these.
   - Air bill pouches for domestic use. Order at least 50 to 100 of each of these. Use these pouches. Do not use tape to apply the courier air bill. If the air bill has adhesive on the back it is permissible to use the adhesive.
   - If you want to, you can order their letter-sized envelopes but you will rarely need these. If you do need one you can generally find these in the supplies section of the drop boxes. Whether or not you order these depends on how much storage you have available to you.
The Courtesy of Embossing a Seal

Most states which require a notary to utilize a state mandated notary seal also sets forth in law that the notary's seal be placed in the form of a stamp in black or dark-colored ink which is easily copied or reproduced by a scanner into a digitized document. This is in contrast to the past when notaries used embossers to place their seal on documents. The embosser crimped the paper so that the notary's seal was raised and could be felt by running fingers over it, or it could be seen by holding the document up to the light. Such an indentation in the paper assured the recipient of the notarized document that the document was a notarized original. As time went on the need for multiple copies of documents increased and copying or scanning of the notary's seal became necessary to accommodate business and commerce transactions requiring a reproducible seal. However, there are times when a mobile notary will be requested or expected to use an embosser.

When working as a notary signing agent the notary will find that an embosser is seldom requested, if ever, for notarizing loan documents. On the other hand, a mobile notary, especially if the notary lives in a town with a significant population of immigrants, will find the embosser useful. When the presenter of the document is a citizen, or has been a citizen, of another country and is sending a document to a foreign country the client might feel more satisfied with the notary using an embosser whether it is required or not. The reasons for clients presenting these types of documents vary. One instance of this type of embossing request could be related to a marriage in a foreign country.

In China, marriage is not a fast or easy process. Since there is a large population of Chinese students in universities across the U.S. this type of notary work may be requested of a mobile notary if they perform notary work in an area where there is also a population of Chinese students or young Chinese adults. China requires that candidates for marriage apply for a Certificate of Marriageability. If the applicant is in the U.S. but intends to marry in China he or she will seek out a local notary to notarize one or more documents related to the application process. Since the process is not a fast or easy one to complete the applicants want to assure that nothing is left undone. A notary who is sensitive to this kind of client will accommodate them by not only stamping the seal on the document but by also adding a crimped notary seal either over the stamped seal, or by adding a gold foil seal in another area of the notary certificate and embossing over it. The crimping or the embossed gold seal does not add anything to the act itself from the U.S. notary's perspective but it is a courteous measure added by a sensitive notary. Experienced notaries find it adds to the satisfaction level of the foreign citizen who is seeking something of great value to them in their own country.

Other instances of when a notary might want to have an embosser for use also relates to sending foreign documents to another country. For instance, notarizing papers regarding foreign commerce and business transactions or foreign adoption papers may benefit from embossing. Another type of request may come in the form of a statement by a student regarding school transcripts which will be sent to a foreign country. One way to decide if your business would benefit by having an embosser is to consider whether or not you have been told that documents you have notarized will require an apostille.

As you know, a completed apostille certifies the authenticity of the signature, the capacity in which the person signing the document has acted, and identifies the seal/stamp which the document bears. Even though embossers are not necessarily required in instances of a notarized document which will be sent for authentication it can raise the satisfaction level of the client who has presented the document to the notary that every measure has been taken by the notary so that their important documents will be acceptable to the country of destination.

If an embosser is not a requirement of your state in order to place your seal, you do not actually need one to be in compliance with your state's notary requirements. If your notary work is restricted to only handling loan documents or you only perform notary services for an employer within an office environment where foreign correspondence is not the norm you probably will not ever encounter the need for one. However, even though the embosser may not be a requirement for use by the notary, it can be a courtesy provided by a mobile notary in business for themselves to clients who expect it may not be a requirement for use by the notary, it can be a courtesy provided by a mobile notary in business for themselves to clients who expect it and whose countries are still using raised seals to verify the importance of documents. You should check with the attorney of your choice or your state's commissioning office if you have questions about using an embosser, or anything related to your notary procedures.

If an embosser is something you feel your notary business would benefit from the American Association of Notaries has embossers and gold foil seals listed in the Notary Supplies section of their website. Go to http://usnotaries.com to learn more.

EMBOSSEr CARE TIP: Since it seems to be made entirely of metal an embosser does not seem like a tool which will be harmed by the summer heat in a parked and locked car, however, that is not the case. The imprinting plate of the embosser is attached by the use of glue. Leaving an embosser in a place where it will be subjected to heat can melt and loosen the glue and cause the embosser's imprinting plate to slip around a bit rendering it useless. Do not expose your embosser to the excessive sunlight or heat.