

DMA ADMINISTRATIVE LETTER NO. 01-08, USE OF ELECTRONIC SIGNATURES

DATE: January 24, 2008

SUBJECT: Use of Electronic Signatures

DISTRIBUTION: County Directors of Social Services
Medicaid Eligibility Staff

I. BACKGROUND

During the past year, the issue of electronic signatures on Medicaid applications and related forms has been brought to the attention of the Division. Many county departments of social services are installing systems which use a digitized signature pad or they are imaging signed paper copies of records. There have been several requests that these electronic signature methods be allowed for Medicaid forms.

We have discussed this issue with a representative of the Office of the Attorney General (OAG) who reviewed the Electronic Commerce Act, North Carolina General Statute § 66-58.1, the Uniform Electronic Transactions Act, North Carolina General Statute (UETA), § 66-311 *et seq.*, and the Electronic Signatures in Global and National Commerce Act (ESIGN), 15 U.S.C. § 7001 *et seq.* The OAG representative found nothing in these Acts that would prohibit electronic signatures.

We then contacted the Centers for Medicare and Medicaid Services (CMS) for further guidance. While 42 CFR 435.907 requires a written signature on the Medicaid application, CMS has verified that a digitized or scanned signature is acceptable for purposes of the application process.

II. CHANGE

- A. Effective immediately, counties may use a digitized electronic signature on Medicaid applications and related forms or may scan paper forms with signatures. The electronic signature will have the same validity and effect as the use of a signature affixed by hand.
1. Policies for confidentiality and disclosure of information are the same for electronic records as for paper records.
 2. Counties must also ensure that measures comparable to those for the protection of paper records are in place to protect electronic records.
 3. The county must ensure that a copy of the records can be printed for the purposes of application monitoring, quality control reviews, record review by program representatives, hearings, and audits.

- B. For face-to-face interviews, all forms must be reviewed with the applicant as required by policy found in Family and Children's Medicaid Manual Section MA-3205 / Aged, Blind and Disabled Medicaid Manual Section MA-2301, Conducting a Face-to-Face Intake Interview. Each form that requires a signature must be signed individually by the applicant. Populating a set of applications/forms with one electronic signature is not allowable.

- C. Please note also that DMA staff will also be convening a work group in the near future to research and analyze the feasibility of accepting interactive Medicaid applications electronically.

If you have any questions regarding this information, please contact your Medicaid Program Representative. For any issues that are not able to be handled through that venue, Mrs. Angela Floyd, Assistant Director for Recipient and Provider Services, will be your point of contact and can be reached at (919) 855-4000.

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(This material was researched and written by Jon York, Field Staff Supervisor, Medicaid Eligibility Unit)