IDAHO MEDICAID ELECTRONIC SIGNATURE POLICY

Policy Statement

Idaho Medicaid will adopt the current Medicare electronic signature policy for physician/midlevel orders and other medical record documentation for medical review purposes. This policy is applicable to all orders and other medical records for Idaho Medicaid participants.

Noted Exception

Facsimiles of original written or electronic signatures are acceptable if they are for certifications of terminal illness for hospice. (Facsimile and hard copies of a physician's electronic signature must be in the patient's medical record for the certification of terminal illness for hospice.)

Current Medicare Policy

- The individual whose name is on the electronic signature and the provider bear the responsibility for authenticity. Providers should check with their attorneys and malpractice insurers regarding these alternate signature methods.
- Each provider must develop written policies and procedures to assure complete, accurate, and authenticated records and at a minimum include the following:
 - Security provisions to protect the use of an electronic signature by anyone other than the person to which the electronic signature belongs; and
 - o The privacy and integrity of the record is protected; and
 - o A list of which records will be maintained and signed electronically; and
 - How and e-signature code is assigned and the code and associated staff identity are protected; and
 - o How passwords are assigned and the frequency for which they are changed; and
 - o Allows the participant access to his records; and
 - o Allows immediate access to records by the Department, and others who are authorized by law.
- As required by HIPAA-covered entities, the provider must assure that the software program they are using is set up so that:
 - o The signer cannot deny having signed the document in the future: and
 - o There is verification of the signer's identity at the time the signature was generated; and
 - o Certainty that the document has not been altered since it was signed.

Additional Provisions and Provider Responsibilities

- All other state and federal licensure and practice regulations continue to apply. Where other law or regulation is more restrictive, the provider must comply with the more restrictive policy. The signature requirements described here do not assure compliance with Medicare FI requirements or survey and certification requirements.
- Providers need to be aware of the potential for misuse or abuse with electronic signature systems. They need to have procedures and software in place to protect against modification, etc.
- Providers must apply administrative procedures that are adequate and correspond to recognized standards and laws.
- Electronic signatures do not include stamped signatures. Stamped signatures are not accepted by Idaho Medicaid.