



**Health Care Agency
Mental Health and
Recovery Services
Policies and Procedures**

Section Name: Information Management
Section Number: 05.01.10
Sub Section: Clinical Records Documentation
Policy Status: ☐ New ☒ Revised

SIGNATURE	DATE APPROVED
Director of Operations Mental Health and Recovery Services <u>Signature on File</u>	<u>2/22/2023</u>

SUBJECT: Use of Electronic Signatures in the MHRS Electronic Health Record

PURPOSE:

To establish a process, compliant with federal and state requirements, for the use of electronic signatures in the Health Care Agency (HCA) Mental Health and Recovery Services (MHRS) Electronic Health Records (EHR).

POLICY:

It is the policy of HCA MHRS that any employee or contractor employee using electronic signatures in the EHR shall comply with federal and state requirements for such electronic signatures, including the signing of an Electronic Signature Agreement (ESA).

SCOPE:

This policy applies to all MHRS employees and contractor employees using an EHR for clinical documentation of services provided by MHRS.

REFERENCES:

Department of Health Care Services (DHCS), DMH – DMH Letter NO.: 08-10
Electronic Signature and Electronically Signed Records

California Department of Alcohol and Drug Programs (ADP) – ADP Letter NO.: 10-01
Electronic Signatures in Electronic Health Record Systems Used by Counties and Providers

Enclosure 1: County Behavioral Health Director's Electronic Signature Certification

Enclosure 2: MHRS Electronic Signature Agreement (ESA)

DEFINITIONS:

Electronic Signature – Federal law (15 USC § 7006) defines an electronic signature as “as electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.” Under California law (California Civil Code §1633, subsection f), “an electronic signature means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.” As specified in California Civil Code §1633, subsection h, “the use of an electronic signature or digital signature shall have the same force and effect as the use of a manual signature.”

Electronically Signed Record – For the purposes of these standards, an electronically signed record is a financial, program, or medical record that (1) is required to be signed under California or Federal law, California or Federal regulation, or organizational policy or procedure, and (2) may be requested during an audit by State auditor, federal audit contractor, or local audit organization or public accountant.

PROCEDURE:

- I. Each MHRS and/or Contractor employee who will electronically sign in the EHR shall sign an Electronic Signature Agreement (ESA). All employees shall sign an ESA prior to being granted access to and using the MHRS EHR.
- II. MHRS shall keep the signed agreement, paper or electronic, on file and available for audit upon request.
- III. The signed form shall be kept on file at the Iris Liaison location.
- IV. Signed forms shall be retained for 6 years after employee's separation from MHRS.