

## **Title 23: Division of Medicaid**

### **Part 200: General Provider Information**

#### **Chapter 5: General**

##### *Rule 5.7: Electronic Health Record and Electronic Signature*

- A. The Division of Medicaid recognizes an electronic health record (EHR) as an electronic version of a beneficiary's medical history and key administrative clinical data relevant to a beneficiary under the care of a particular provider, that is maintained by a provider over time, and may include, but is not limited to:
1. Demographics,
  2. Progress notes,
  3. Problems,
  4. Medications,
  5. Vital signs,
  6. Past medical history,
  7. Immunizations,
  8. Laboratory data, and
  9. Imaging data.
- B. EHR and electronic signatures must:
1. Meet certified electronic health record technology (CEHRT) criteria according to the National Institute of Standards and Technology (NIST) and the Office of the National Coordinator for Health Information Technology (ONC) standards,
  2. Be in compliance with both Uniform Electronic Transactions Act (UETA) and Electronic Signatures in Global and National Commerce Act (ESIGN Act) standards, and
  3. Maintain compliance with the Health Insurance Portability and Accountability Act (HIPAA) in regards to the access, transfer, storage and signing of EHRs.
- C. The Division of Medicaid recognizes an electronic signature as an electronic symbol or process attached to, or logically associated with, an EHR or medical document and executed

or adopted by a person with the intent to electronically sign an EHR or medical document when the application of the electronic signature:

1. Is made by the person whose electronic signature is being applied,
  2. Identifies a person as the signer of an EHR,
  3. Authenticates a person as the signer of an EHR, and
  4. Indicates intent of approval of information contained in the electronically signed EHR or medical document.
- D. The Division of Medicaid considers electronic signatures as the equivalent of full handwritten signatures or handwritten initials.
1. An electronic signature will not be denied solely on the grounds that it is in electronic form.
  2. A duplicate image of the original electronic signature or a signature stamp is not a valid electronic signature.
  3. A provider cannot refuse to accept a handwritten signature from a beneficiary.
- E. Providers must ensure that electronic signatures applied to an EHR and/or medical document cannot be excised, copied, or otherwise transferred to falsify an EHC or medical document.
- F. A beneficiary must:
1. Consent to the use of an electronic signature including, but not limited to, the consent for treatment.
  2. Be given the option to use an electronic or handwritten signature.
  3. Be furnished an electronic or printed copies of all documents electronically signed.

Source: 15 U.S.C. § 7001; 42 C.F.R. § 435.907; Miss. Code Ann. §§ 43-13-117, 75-12-1, *et seq.*

History: New Rule eff. 08/01/2019.