

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

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

#### **Part 200 Chapter 1: General Administrative Rules for Providers**

##### *Rule 1.10: Electronic Signatures*

- A. The Division of Medicaid defines an electronic signature (e-signature) as an electronic symbol attached to or logically associated with a document or communication to be transmitted or submitted to the Division of Medicaid.
1. The Division of Medicaid recognizes an electronic signature as an electronic symbol or process attached to, or logically associated with, a document or communication with the Division of Medicaid when executed or adopted by a person with the intent to electronically sign a document or communication when the application of the electronic signature:
    - a) Is made by the person whose electronic signature is being applied,
    - b) Identifies a person as the signer,
    - c) Authenticates a person as the signer,
    - d) Includes the date and time of the application of the electronic signature, and
    - e) Indicates intent of approval of information contained in the electronically signed document or communication.
  2. The Division of Medicaid considers electronic signatures the equivalent of full handwritten signatures or handwritten initials.
    - a) An electronic signature will not be denied solely on the grounds that it is in electronic form.
    - b) A duplicative image of the original electronic signature or a signature stamp is not a valid electronic signature.
    - c) A provider cannot refuse to accept a handwritten signature from a beneficiary.
- B. Providers must ensure that electronic signatures applied to an electronic health record EHR and/or medical document cannot be excised, copied, or otherwise transferred to falsify an EHR or medical document.
- C. Providers are permitted to use e-signatures in submissions to the Division of Medicaid including, but not limited to, Provider Enrollment Applications and claim forms.

1. Provider e-signatures must be created using e-signature software including, but not limited to, the following:
    - a) Right Signature™,
    - b) Adobe E-Sign,
    - c) Electronic health record (EHR) software. [Refer to Miss. Admin. Code Part 200, Rule 5.7], or
    - d) Any technology solution provided by the Mississippi Division of Medicaid and utilized by providers to conduct business with the Mississippi Division of Medicaid.
  2. An authorized provider representative may use a provider's e-signature to make submissions for payment to the Division of Medicaid at the provider's direction. The authorized provider representative must print their name next to the provider's e-signature. [Refer to Miss. Admin. Code Part 200, Rule 1.9.]
  3. Any e-signature appearing on an EHR must be made by the treating practitioner.
    - a) EHR e-signature-making authority may not be delegated to any other party.
    - b) E-signatures appearing on an EHR must comply with Division of Medicaid requirements regarding EHR. [Refer to Miss. Admin. Code Part 200, Rule 5.7.]
- D. Beneficiaries are permitted to use e-signatures in submissions, including Medicaid applications, to the Division of Medicaid.
1. Beneficiaries may create e-signatures through touchscreen technology, online verification systems, and other methods regularly used for beneficiary applications and receipt of benefits in accordance with applicable state and federal laws.
  2. Beneficiaries may use e-signatures in records that normally appear in an EHR including, but not limited to, consent for treatment. [Refer to Miss. Admin. Code Part 200, Rule 5.7.]
  3. A beneficiary's representative may use an e-signature for purposes of both application and receipt of benefits.
    - a) The representative must sign both the beneficiary's name and the representative's name when using an e-signature.
    - b) A representative's use of an e-signature must comply with Division of Medicaid requirements regarding applicant and beneficiary representatives. [Refer to Miss. Admin. Code Part 101, Rules 3.3 and 3.4.]

Source: 12 C.F.R. § 609.910, 42 C.F.R § 435.907, Miss. Code Ann. §§ 43-13-117, 43-13-121, 75-12-3, 75-12-9.

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