



Health Care Agency	Section Name:	Information Management
Behavioral Health Services	Section Number:	05.01.10
Policies and Procedures	Sub Section:	Clinic Records Documentation
	Policy Status:	<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised

	SIGNATURE	DATE APPROVED
Chief of Operations Behavioral Health Services	_____	_____

SUBJECT: Use of Electronic Signatures in the BHS 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) Behavioral Health Services (BHS) Electronic Health Records (EHR).

POLICY:

It is the policy of HCA BHS 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 BHS employees and contractor employees using an EHR for clinical documentation of services provided by BHS.

REFERENCES:

The Department of Health Care Services (DHCS), DMH – DMH LETTER NO.: 08-10
Electronic Signature and Electronically Signed Records
<http://www.dhcs.ca.gov/formsandpubs/Pages/MH-Letters-Archive2008.aspx>

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
http://cojac.ca.gov/ADPLTRS/PDF/ADP_Bulletin_10-01.pdf

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

Enclosure 2: BHS Electronic Signature Agreement (ESA)

DEFINITIONS:

Electronic Signature: Federal law (15 USC ss 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 ss 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 ss 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 BHS 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 BHS EHR.
- II. BHS 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 BHS.