

Telehealth Electronic Signature Guidance

Definitions

55 Pa. Code § 1101.66a clarifies the terms “written” and “signature” in the following manner:

(c) The term “signature” in § 1101.66(b)(2) includes a handwritten or electronic signature that is made in accordance with the Electronic Transactions Act (73 P. S. §§ 2260.101—2260.5101).

The Electronic Transactions Act enacted in 1999 covers most forms of electronic records, transactions, and signatures and includes these definitions:

An *electronic signature* is defined as “an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record”.

A *security procedure* is defined as “a procedure employed for the purpose of verifying that an electronic signature, record or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure which requires the use of algorithms or other codes, identifying words or numbers, encryption or callback or other acknowledgment procedures.”

Signature Requirements under the Electronic Transactions Act must meet the following:

- 1) Electronic signatures must have appropriate *attribution* that is established through a “commercially reasonable” *security procedure*.
- 2) An electronic record or electronic signature is attributable to a person if it was the act of the person.
- 3) The act of the person may be shown in any manner, including a showing of the efficacy of any *security procedure* applied to determine the person to which the electronic record or electronic signature was attributable.
- 4) A provider must have appropriate safeguards and protocols in place to show that the *electronic signature* was the actual act of that individual.
- 5) It is not allowable nor meets these requirements to electronically store a “signature” for use on multiple forms.

Provider should also review OMHSAS Telehealth FAQ dated 8.16.22 for additional guidance and options to meet the electronic signature requirements.