



MEMORANDUM

To: All Certified Providers of Long-Term Services and Supports (home and community-based waiver, personal care, Community First Choice, and targeted case management services)

From: Anthony Newman, Acting Director, Senior and Disabilities Services ^{AJN}

Date: February 16, 2023

RE: Use of Electronic Signatures

SDS is issuing this memo to clarify the allowable uses of electronic signatures.

With one exception ([7 AAC 130.217 Support plan development and amendment](#)), SDS regulations are silent on the use and acceptance of electronic signatures.

During COVID, SDS, providers, and recipients experienced the many benefits of providing and accepting consent via electronic signatures. Consequently, SDS changed its practice in May, 2022, to allow electronic signatures in addition to original (handwritten or "wet") signatures:

All current or potential recipients and providers may use electronic signatures to sign official SDS documents submitted by any method. Examples include but are not limited to support plans, SDS Release of Information forms, provider certification forms...

This practice will remain in effect post-COVID and post-public health emergency.

Approval via signature (whether original or electronic) is different from approval via attestation. Attestations are allowed only while the Appendix K flexibilities approved by CMS remain in effect. SDS guidance on attestations is this:

The requirement for signatures is suspended due to rules for social distancing under the COVID-19 Public Health Emergency. Providers and individuals may submit documentation of attestation instead. SDS will require documents authorized by attestation to be signed and documented in providers' records. SDS no longer requires signed attestations to be resubmitted to SDS. However, providers may need to produce records upon request.

These updated guidance documents were distributed in 2022, and are included as Appendices to this Director's Memo. We hope you find this information helpful.

Appendix A

Accepted Signatures Electronic Signatures

Senior and Disabilities Services (SDS) accepts electronic signatures on documents that require legal authorization. This change went into effect May 2020.

All current or potential recipients and providers may use electronic signatures to sign official SDS documents submitted by any method. Examples include but are not limited to support plans, SDS Release of Information forms, provider certification forms, and Personal Care Services timekeeping.

A signature is a symbol of intention:

Signatures represent a person or agency's intention to agree, authorize, or give permission on a legal document.

A signature may be:

- A wet signature, resulting from physically signing it with a pen, stylus, stamp or finger.
- Electronically written or typed through a proprietary signature software program.

Methods for Obtaining a Signature:

- A care coordinator or provider:
 - Hand delivers, mails, or sends the document in “.pdf” or similar non-editable format by secure encrypted email to the recipient/representative.
 - The recipient or representative draws, types, or places their signature on the signature line using a mouse cursor, stylus, or finger on touchpad or touchscreen to indicate their agreement.
 - Date of approval must be filled in on the document.

SDS Does Not Accept:

- Documents missing signatures:
 - Current legal guardians must be signers, even when the client signs for themselves.
- Generally, clients age 18+ with POA may sign for themselves.
- Screenshots of partial pages. It needs to be clear what document the person is signing.
- Documents reusing signatures from previously approved documents.
- SMS Text messages or emails authorizing documents.

Common Questions:

What if I take a picture of the whole signed page?

SDS may accept a picture file of the entire signature page of a physically signed document, if the photo is clear, bright, in focus and the entire document is the only visible object in the photo.

What if multiple providers sign different pages and the signatures are not on the same page?

It is ok to turn in all the separate pages. SDS will accept them if all required signatures are included with the document.

What if I am missing just one signature? Should I turn it in?

No. All parties must sign the document before submission to SDS.

Can electronic signatures be used on VODs and QDCs?

Yes, diagnosing professionals may use electronic signatures on VODs and QDCs.

