

MEMORANDUM



DATE: 4/22/2010

PHONE: (909) 382-3127

FROM: Marina Espinosa, Compliance Officer

Office of Compliance, Department of Behavioral Health

TO: DBH Contract Providers

SUBJECT: Use of Electronic Signatures

During a recent review by the California Department of Mental Health (DMH), DBH became aware that some of our contract providers are using electronic signatures and/or electronic medical records. Per the applicable State letter(s), DMH Letter 08-10 or ADP Bulletin 10-01, contract providers must obtain approval prior to the use of electronic signatures. The enclosed Interim Instruction Notice 10-003 provides instructions regarding the process to request the use of electronic signatures.

To ensure that contract providers are in compliance with State requirements, DBH requests contract providers using any of the following methods contact the DBH Office of Compliance:

- Electronic medical records with electronic signatures,
- Hard copy medical records with electronic signatures,
- Hybrid medical records (hard copy, electronic and scans), or
- Hard copy medical records with hard copy signatures that are scanned.

Contact may be completed via email: Compliance_Questions@dbh.sbcounty.gov or telephone (909) 382-3195, no later than April 30, 2010.

Should you have any questions related to the request, please call the DBH Office of Compliance at (909) 382-3083.

ME:DA

Enclosure: Interim Instruction Notice #10-003

INTERIM INSTRUCTION NOTICE #10-003

April 22, 2010

SUBJECT: Use of Electronic Signatures

DISTRIBUTION: All Department of Behavioral Health (DBH) Contract Providers

OBSOLETE: Upon completion of related policy and/or procedure

Effective Date **April 22, 2010**

Introduction The State of California Department of Mental Health (DMH) and the Department of Alcohol and Drug Programs (ADP) have issued requirements regarding electronic signatures that must be adhered to by providers and approved by the County Mental Health Director/County Drug Program Administrator, respectively, or his/her designee.

Background Under California law, Civil Code, Section 1633(f), an e-signature is defined as 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 Civil Code, Section 1633(h), the use of an e-signature or digital signature shall have the same force or effect as a manual signature.

Contract agencies shall inform the Department of Behavioral Health (DBH) on its intention and use of electronic signatures (e-signatures) for health records (paper or electronic). Prior approval from DBH is necessary to ascertain whether electronic methods of signing records is in compliance with State requirements.

Authorization to Use E-Signatures DBH has sole discretion to authorize contractors to use e-signatures as applicable. If a contractor desires to use e-signatures, the contractor shall complete the following prior to implementation:

- Submit the request in writing to:
DBH Office of Compliance
268 W. Hospitality Lane, Suite 400
San Bernardino, CA 92415
 - Fulfill all requisite pre-conditions and meet all the latest requirements of the applicable State letter(s),
 - Obtain the approval of DBH Information Technology and
 - Obtain written approval from the Director of DBH or his designee.
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INTERIM INSTRUCTION NOTICE #10-003, Continued

Authorization to Use E-Signatures
(continued)

DBH will review documentation and systems for adherence to standards set forth by DMH and/or ADP. Should DBH authorize the contractor to use e-signatures, the contractor must remain in compliance of all State requirements while contracted with DBH. DBH reserves the right to terminate e-signature authorization at will.

Note: See References for detailed requirements related to e- signatures.

Questions

Questions regarding this Information Notice should be directed to the DBH Office of Compliance (909) 382-3195 or via email at Compliance_Questions@dbh.sbcounty.gov

References

Department of Alcohol and Drug Programs, [ADP Bulletin 10-01](#)
Department of Mental Health, [DMH Letter No.: 08-10](#)
