

Electronic signature guidance during the COVID-19 outbreak

In response to the COVID-19 pandemic, the Centers for Medicare & Medicaid Services has authorized the use of electronic signatures under commonly accepted Washington State procedures, when not already authorized by federal law, policy or rule.

RCW 19.360 authorizes HCA to accept electronic signatures with the same force and effect as that of a signature affixed by hand. However, it also sets the following parameters on what constitutes an electronic signature:

Methods of Electronic Signature

Electronic Signatures may include, as appropriate, any of the following approaches, each of which has an increased level of cost, integrity, authenticity, security, and non-repudiation:

1. Personal Identification Number (PIN) or Password: When using a PIN or password for an Electronic Signature, a person is required to enter identifying information, which may include an identification number, the person's name and a "shared secret" such as a PIN and/or password. The system checks that the PIN and/or password is in fact associated with the person accessing the system and "authenticates" the person.
2. Digitized Signature: A Digitized Signature is a graphical image of a handwritten signature. This approach may use specialized hardware or software for additional security.
3. Digital Signatures: A Digital Signature is created when the signer uses a private signing key to create a unique mark (called a "sign hash") on an electronic document. The recipient of the document uses the signer's public key to validate the authenticity of the private key and to verify that the document was not altered after signing.
4. Hybrid Approach: Hybrid Electronic Signature solutions are available by combining techniques from various approaches to provide increased security, authentication, record integrity and non-repudiation.

Relevant Authorities and other sources

State law: RCW 19.360 (Electronic Signatures and Records):

<http://app.leg.wa.gov/RCW/default.aspx?cite=19.360>

Federal law: Federal Electronic Signatures in Global and National Commerce Act (E-Sign): <https://www.fdic.gov/regulations/compliance/manual/10/x-3.1.pdf>