



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
www.mass.gov/masshealth

Eligibility Operations Memo 23-14
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TO: MassHealth Eligibility Operations Staff

FROM: Heather Rossi, Director of Eligibility Policy

RE: **Legal Requirements of Valid Electronic Signatures**

Background

Federal and Massachusetts laws provide guidance on what constitutes a valid signature for purposes of MassHealth applications. All initial applications must be signed “under penalty of perjury.” Federal and state laws reinforce that electronic signatures must be accepted and have the same effect as paper-based versions.¹ This EOM outlines the minimum threshold requirements for MassHealth to accept electronic signatures.

Electronic Signatures

An electronic signature is defined by the Massachusetts Uniform Electronic Transactions Act (MUETA) 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.²

Telephonic

Telephonic signatures, required by federal law, are signatures digitally recorded after verifying a member’s identity and then stored with a member’s file.

Handwritten

Handwritten signatures transmitted via any electronic transmission must be accepted, including facsimile.

¹ See 42 CFR § 435.907(f), 42 § 435.923(f), and Mass Gen. L. Ch. 110G.

² See Mass Gen. L. Ch. 110G and [Frequently Asked Questions Regarding Massachusetts’s Uniform Electronic Transactions Act \(“MUETA”\)](#).

Minimum Requirements for Valid Electronic Signatures

Here are the minimum requirements that MassHealth must follow for electronic signatures.

1. Authentication. The agency must be able to prove the identity of the person creating the signature or record. The agency must employ a technology that accounts for such an authentication process.
2. Capturing the Individual's Intent. An agency seeking to create a legally valid electronic signature must develop electronic forms that capture the intent of the authenticated individual with respect to the electronic signature or records.
3. Binding the electronic signature to the document. All electronic signatures must be attached to, or logically associated with, the relevant record. An agency must ensure that the technology it employs links and/or displays electronic signatures with their associated records.
4. Document Integrity. Massachusetts law requires that electronic records subject to records retention requirements must be retained in a manner that accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise. An agency should employ a technology that "memorializes" the transaction and provides for a record storage and archival process.

Questions

If you have any questions about this memo, please have your MEC designee contact the Policy Hotline.