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**Rules of**  
**Department of Social Services**  
**Division 65—Missouri Medicaid Audit and Compliance**  
**Chapter 3—Providers and Participants—General Provider**  
**and Participant Policies**

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**Title 13—DEPARTMENT OF  
SOCIAL SERVICES**

**Division 65—Missouri Medicaid Audit  
and Compliance**

**Chapter 3—Providers and Participants—  
General Provider and Participant Policies**

**13 CSR 65-3.050 Electronic Signatures for  
Mo HealthNet Program**

*PURPOSE: This rule establishes the basis on which Health Care Providers and participants under Missouri Medicaid Title XIX Programs may utilize electronic signatures when validating services rendered and received.*

(1) As used in this rule, the following terms shall mean:

(A) “Electronic Medical Record” means a record from which symptoms, conditions, diagnosis, treatments, prognosis, and the identity of the patient to which these things relate can be readily discerned and verified with reasonable certainty. Electronic Medical Records may be referred to as “Electronic Health Records;”

(B) “Electronic Record” means an electronic record of health-related information on an individual, from which services rendered and the amount of reimbursement received by a provider can be readily discerned and verified with reasonable certainty;

(C) “Electronic Signature” means a computer data compilation of any symbol or series of symbols executed, adopted, or authorized by an individual with the intent to be the legally binding equivalent of the individual’s handwritten signature. The use of biometrics does not constitute an electronic signature; however, biometrics may be used as part of electronic signature verification. A signature stamp does not constitute an electronic signature;

(D) “Participant” means any individual who is a participant in the Missouri Medicaid Title XIX or Title XXI programs;

(E) “Provider” means any health care provider that participates or provides services under Title XIX and under Title XXI of the federal Social Security Act.

(2) This rule applies to any Electronic Record, Electronic Health Record or Electronic Medical Record, or Electronic Signature, as defined herein.

(3) If a law or regulation requires a record to be in writing, an electronic record shall satisfy such law for MO HealthNet purposes. If a law or regulation requires a signature to be in writing, an electronic signature shall satisfy such law for MO HealthNet purposes.

(4) An electronic signature has the same legal effect and can be enforced in the same manner as a written signature.

(5) Electronic records and electronic medical records are subject to the retention requirements set forth in 13 CSR 70-3.030 and 13 CSR 70-3.210.

(6) Nothing herein shall require a provider to conduct business electronically, but if a provider chooses to conduct business electronically, the following requirements shall apply:

(A) Only employees or agents designated by the provider may make entries in a participant’s electronic record or electronic medical record;

(B) All entries in a participant’s electronic record or electronic medical record must be authenticated with a method established to identify the author. The method utilized may include computer keys/codes or biometric identification systems that utilize a personal identification number (PIN). When computer key/code(s), biometric identification systems, or other codes are used, these methods must be under the sole control of the employee or agent using them. Providers must be able to demonstrate that adequate safeguards are maintained to protect against improper or unauthorized use of these methods;

(C) A provider shall have a process in place to deactivate and disable an employee’s or an agent’s access to electronic records and electronic medical records upon suspension or termination of an employee’s or agent’s employment or agency relationship;

(D) Providers’ electronic records and electronic medical records systems shall maintain an activity tracking system to monitor and record user activity for all documents in a participant’s record that are viewed, created, updated, or modified. The tracking system must record the following for each activity:

1. User log-in and log-out dates and times;

2. User identification;

3. Device identification, such as a Media Assigned Control (MAC) address; and

4. Dates and times when records are viewed, created, updated, or modified; and

(E) Providers shall ensure measures are in place to assure that the signer cannot deny having signed the record.

(7) Electronic medical records shall contain the following:

(A) The name, title, and electronic signature of the MO HealthNet enrolled provider delivering the service; and

(B) The date the electronic signature was executed.

(8) The process of affixing an electronic signature shall require at least two (2) distinct identification components, such as an identification code and a password.

(9) When a change is made to an electronic record or electronic health record, the following requirements apply:

(A) All original records shall be maintained; and

(B) Any edits or changes to the record shall be saved, and the record shall contain the date of the edit or change, the reason for the edit or change, and the author of the edit or change.

*AUTHORITY: sections 208.159 and 660.017, RSMo 2016.\* Original rule filed April 6, 2017, effective Nov. 30, 2017.*

*\*Original authority: 208.159, RSMo 1979 and 660.017, RSMo 1993, amended 1995.*