

Monterey County Behavioral Health Quality Improvement

Re:	Wet/Electronic Signatures Clarification
Form Reference	Behavioral Health Information Notice No.: 21-046 & 21-046e Supersedes BHIN 20-009 & QI Memo No: 20-03 45 CFR 164.508
Effective	August 9, 2021
Release Date	October 4, 2024

Topic

The Department of Health Care Services (DHCS) was given the authority to grant flexibility for certain requirements through Executive Orders in response to the COVID-19 pandemic, specifically around obtaining “wet” or electronic signatures from persons in care. These flexibilities have been lifted due to the lessening of the pandemic.

The purpose of this memo is to clarify the requirement for “wet” or electronic signatures and what forms this applies to. This information applies to both Monterey County Behavioral Health (MCBH) and all Contracted Providers.

Procedure

WITHIN & GENERAL Authorization Release of Information

HIPAA requires all authorizations for release of information to have a signature in order to be valid per 45 CFR 164.508.

1. Ensure you have provided a verbal explanation of the elements of the GENERAL & WITHIN Authorization for Release of Information and complete required elements.
2. Complete electronic signature in AVATAR GENERAL and/or WITHIN* Authorization for Disclosure of Information, OR
3. Wet signature on printed forms and then scan into the chart.

**Note: For Substance Use Disorder residential and inpatient treatment prior authorization requests, “verbal consent” on the WITHIN is acceptable. Once admitted to treatment the Provider shall obtain a wet or electronic signature.*

Onset of Services & Informed Consent

1. Ensure you have provided a verbal explanation of the elements of informed consent including informed consent, consumer rights, notice of privacy practices, and payment authorization as applicable.
2. If beneficiary agrees, obtain signature electronically in AVATAR, OR
3. Wet signature on printed forms and then scan into the chart.
4. If electronic or wet signature cannot be collected, document in client’s chart a clinical progress note detailing informed consent was reviewed verbally, why signature was not obtained, and *efforts that will be made to obtain signature at the next in person service.* Ultimately a signature must be obtained for the paperwork to be valid and chart to be compliant.