


Electronic Signature or E-Signature

	Department of Health (LDH)	
	Policy Number	133.1
	Content	Procedures for Issuing and Accepting Electronic Signatures for Internal and External Transactions
	Effective Date	August 19, 2020
	Inquiries to	LDH Office of the Secretary P.O. Box 629 Baton Rouge, LA (225) 342-6763

If there is a discrepancy between an LDH Policy and a Program Office or facility policy, the LDH policy shall govern/overrule/supersede the conflicting section within the Program Office or facility policy.

I. PURPOSE

The purpose of this policy is to allow the Louisiana Department of Health (LDH) to use e-signatures to authenticate a document with a uniquely identifiable electronic signature instead of a traditional ink signature. The use of e-signatures by LDH is authorized and regulated by La. R.S. 9:2601 *et seq.*; La. R.S. 39:1556(53); LAC 4: I.701 *et seq.*; LAC 34: V.307; and LAC 34: V.2509(G).

II. APPLICABILITY

This policy is applicable to transactions between third-parties and LDH and for LDH internal transactions, where each has agreed to conduct transactions by electronic means.

III. EFFECTIVE DATE

The effective date of this policy is (Date of Secretary's Signature)

IV. POLICY STATEMENT

Electronic signature, or e-signature, means an electronic 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. An e-signature is valid wherever a traditional ink signature by the same signer would be valid, except in those cases where another authority governs another aspect of the transaction, and such authority does not accept electronic signatures.

An electronic signature may be accepted whenever an ink signature/approval is required, except where laws specifically require a hand written signature. This policy does not limit the right or option to conduct

the transaction on paper or in non-electronic form or the right to have documents provided or made available on paper at no charge to the parties to the transaction.

The preferred form of electronic signature will be a signature applied through the electronic signature service contractor, a third-party service with which LDH has a contract to protect e-signature use and security. The e-signature must be protected by reasonable security measures as applicable to established terms and conditions within the agreement between the electronic signature service contractor and LDH.

The electronic signature service contractor, which is currently DocuSign, shall be used unless it is impractical or not feasible due to urgency or shortage of time, physical unavailability, lack of access to necessary hardware or software, or other exigent circumstances. In such cases, one of the following alternative forms of electronic signature may be used, at the discretion of each Assistant Secretary or Executive Director/Director:

1. A scanned ink signature (accompanied by a secondary validation document) such as email receipt provided that the email is sent by the signer or copy of valid driver's license or valid state issued ID).
2. A signature captured using a digital pen or pad; (accompanied by a digital certificate)
3. A signature applied by an approved and secure third-party software which uses a certified digital signature, currently Adobe Pro.
4. A typed signature on a document attached to an email providing that the email is sent by the signer.

For any document signed electronically, the signer must show clear intent to sign electronically. When any signer opts out of signing electronically, clear instructions on how to sign an agreement manually must be provided to the signer.

All signers should receive a copy of the fully executed agreement. This can be accomplished by providing a hardcopy or an electronic copy.

The standard record retention requirements apply to electronically signed documents.

Subject to all applicable laws and regulations, the following are examples of types of transactions that are eligible for an electronic signature:

1. Employment/Human Resources related transactions
2. Procurement/Contract related transactions
3. Medicaid Enrollment related transactions
4. Budget/Financial related transactions
5. Policy and/or Rule transactions

V. ROLES AND RESPONSIBILITIES

LDH Agency Discretion

Each LDH Agency has discretion to decide whether to permit the use of electronic signatures for documents specific to their Agency that are not specifically identified as approved by this policy. Each Agency should work with the Bureau of Legal Services to determine where applicable laws permit an electronic signature to be used. In addition, each Agency that opts to use electronic signatures must adopt/amend their business practices to support the requirements of this policy. Each Agency shall

identify the documents that will be processed for electronic signature and shall develop appropriate guidelines in accordance with this policy.

Individuals who falsify electronic records or electronic signatures may be subject to criminal penalties under La. R.S. 14:132 (Injuring Public Records) or La. R.S. 14:133 (Filing or Maintaining False Public Records) and additionally may be subject to disciplinary action, up to and including separation from employment in accordance with Civil Service Rules and LDH Employment policies.

VI. REFERENCES

Attachment 1: DOCUSign User/Signer Guide (<https://support.docusign.com/articles/Get-Started-with-DocuSign-eSignature-part-one>)

VII. REVISION HISTORY

Date	Revision
August 19, 2020	Policy created