

DATE: December 10, 2024

TO: ALL COUNTY WELFARE DIRECTORS Letter No.:24-18
ALL COUNTY WELFARE ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS
ALL COUNTY HEALTH EXECUTIVES
ALL COUNTY MENTAL HEALTH DIRECTORS
ALL COUNTY MEDS LIAISONS

SUBJECT: ELECTRONIC SIGNATURES COLLECTED BY A THIRD PARTY
(Reference: All County Welfare Directors Letter (ACWDL) [19-17E](#) and Medi-Cal Eligibility Division Information Letter (MEDIL) [121-38](#))

The purpose of this All County Welfare Directors Letter (ACWDL) is to update the Department of Health Care Services (DHCS) policy on electronic signatures (e-signatures) of Medi-Cal applicants, members, or authorized representatives (AR) collected or initiated by a third party, such as community-based organizations (CBO) or advocacy groups and submitted to counties.

The guidance in this ACWDL includes:

- E-signature software requirements for third parties to use when submitting e-signature applications or other Medi-Cal forms to counties.
- E-signature software programs determined by DHCS to meet the policy requirements of this ACWDL; and
- Acceptable ways to submit the e-signature forms to counties.

The publication of this ACWDL supersedes previous guidance in Medi-Cal Eligibility Division Information Letter (MEDIL) [121-38](#) that counties could not accept applicant/ Medi-Cal member/authorized representative's e-signatures for Medi-Cal applications and forms collected and submitted by a third party.

Background

The Uniform Electronic Transactions Act, [California Civil Code section 1633.1](#) et seq., defines an e-signature as an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record. Cal. Civ. Code §1633.2(h).

DHCS issued MEDIL [121-38](#) to provide clarification on e-signatures and to remind counties that, per Title 42 of the Code of Federal Regulations (CFR) sections [435.907](#), [435.916](#), and [435.923](#), and [ACWDL 19-17E](#), counties are required to accept e-

signatures on any forms that must be signed for the Medi-Cal program. MEDIL [I 21-38](#) also required:

- Counties be the entity to establish and adopt an e-signature process to have a record of authentication of the e-signature; and
- Counties could not accept e-signatures for applications and Medi-Cal forms collected and submitted by a third party.

Updated Policy on Electronic Signatures Collected by a Third Party

With this updated policy, counties shall accept e-signatures from Medi-Cal applicants, members, or ARs initiated or collected by third parties through one of the e-signature software programs listed in the attachment of this letter. This policy applies to all e-signatures on any form that must be signed for the Medi-Cal program.

DHCS consulted with the Centers for Medicare and Medicaid Services (CMS) in development of MEDIL [I 21-38](#) and these new guidelines to ensure the policy is consistent with CMS' guidelines for reliable e-signatures.

Electronic Signature Requirements

E-signatures on Medi-Cal forms that are collected and submitted to the county by a third party are allowable and shall have the same force and effect as the use of a handwritten signature.

The e-Signature software companies listed in the attachment of this letter meet the provisions of the technologies known as Public Key Cryptography and/or Signature Dynamics, which is an acceptable technology for use by public entities in California, as outlined in [Cal. Code Regs. Tit. 2, § 22003 - Acceptable Technologies](#).

DHCS requires that third party entities that wish to collect e-signatures from Medi-Cal applicants, members, or ARs use one of the e-signature software companies listed in the attachment of this letter when collecting the e-signature. These e-signature programs meet the criteria of California [Government Code - GOV § 16.5](#) verifying:

- The e-signature is unique to the person using it.
- The e-signature is capable of verification.
- The e-signature is under the sole control of the person using it.
- The e-signature is linked to the data in such a manner that if the data is changed after the e-signature is attached, the e-signature is invalidated.

NOTE: A typed signature collected outside of an e-signature program, even in cursive font, is not considered an e-signature since it does not provide an audit trail or

certificate of completion.

Additional Guidance for Counties

This policy does not require counties to obtain an e-signature software account for any of the e-signature software programs. This policy requires counties to accept electronically signed Medi-Cal forms collected through one of the e-signature software companies listed in the attachment of this letter and submitted by third parties.

Implementation of this policy does not alter County Medi-Cal business practices and should not require additional technological support. Counties shall accept and store the e-signed Medi-Cal applications and forms that third parties collect and submit in the case file in the same manner as other Medi-Cal signed forms are accepted and stored in the case file.

If counties receive a Medi-Cal form where the signature has been typed and not collected through an e-signature software program listed in the attachment of this letter, the county shall notate in the case file and contact the applicant, member, or AR to obtain an acceptable handwritten, telephonic, or electronic signature.

Counties must follow the appropriate request for information and contact processes outlined in [ACWDL 22-12](#) for Medi-Cal applicants and [ACWDL 22-33](#) for Medi-Cal members. Counties may deny a Medi-Cal application or discontinue a Medi-Cal member only after the required attempts to obtain a valid signature have been.

NOTE: Counties are not required to request the signature's audit trail or certificate of completion but may do so at their discretion if fraud is suspected.

If the submitting third party does not provide additional information to confirm the authenticity of who provided the e-signature, counties may directly request a handwritten signature or telephonic signature from the person who provided the e-signature.

Ways to Submit E-signature Documents to the County

Third parties may securely submit electronically signed Medi-Cal forms to the county through BenefitsCal, Covered California (CA) portal, fax, mail, in person or email, where email is available. CBO assistors with a registered BenefitsCal account may upload e-signed Medi-Cal forms through the BenefitsCal CBO portal.

BenefitsCal allows individuals to upload documents without an account. To upload documents without an account, the following details must be completed for the

individual for whom the document(s) are being submitted:

- BenefitsCal Application Number or Case Number
- County
- Name
- Date of Birth
- Document Type

Medi-Cal Form Submission Examples

Examples below provide several ways applicants, members, ARs and CBOs submit forms to county offices. Implementation of accepting e-signature forms from third parties does not change the county's process for accepting and storing signed Medi-Cal forms.

Example #1: Medi-Cal member A provides a handwritten signature on form X and faxes it to the county office. The county receives form X and stores the document in the case file.

Example #2: Medi-Cal member B is unable to physically sign form X. Member B is working with an advocacy group and signs form X by way of PandaDoc. The advocacy group faxes the electronically signed form X to the county office. The county receives form X and stores the document in the case file.

Example #3: Medi-Cal Applicant A provides a handwritten signature on Medi-Cal form X and submits it to the local county office by way of BenefitsCal. The uploaded document is stored to Applicant A's case file.

Example #4: Medi-Cal Applicant B has an AR and is working with a local CBO. The AR electronically signs Medi-Cal form X through Nitro. The CBO uploads the electronically signed form X through the BenefitsCal CBO portal on behalf of applicant B. The uploaded document is stored to Applicant B's case file.

In any of the above examples, the electronically signed form could have been submitted through BenefitsCal using the upload without an account option if the required information was provided. In which case, the uploaded document would have been stored to the applicant or member's case file.

As outlined in [ACWDL 19-17E](#), the use of e-signatures is allowed for Medi-Cal forms requiring a signature. However, this policy does not require any Medi-Cal applicant/member/AR to provide an e-signature. Medi-Cal applicants/members/ARs

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must be given the choice of all signature methods, including electronic, handwritten, or contacting the local county office to complete telephonic signatures.

In developing these e-signature processes, DHCS encourages counties, CBO, and advocacy groups to collaborate on best practices for submitting electronically-signed Medi-Cal applications and forms to the county.

If you have any questions, or if we can provide further information, please contact Danielle Walker, by phone at (916) 954-1249 or by email at Danielle.Walker@dhcs.ca.gov.

Sincerely,

Sarah Crow
Division Chief, Medi-Cal Eligibility
Department of Health Care Services

Enclosure

DHCS Approved Electronic Signatures Software Programs and Supported Formats

While the California Secretary of State previously maintained and make available the Approved List of Digital Signature Certificate Authorities, they will no longer do so. See [Approved List of Digital Signature Certification Authorities :: California Secretary of State](#) for additional information.

As a result, DHCS has identified the following Electronic Signature (e-signature) software companies that may be used when obtaining e-signatures on Medi-Cal forms:

- [Adobe Sign](#)
- [Clio Draft](#) (formerly Lawyaw)
- [DocuSign](#)
- [Nitro](#)
- [PandaDoc](#)

Supported File Formats and File Types

Understanding file formats and file types are important when submitting e-signed forms to the counties through [BenefitsCal](#) and/or the [Covered CA](#) portal.

BenefitsCal accepts most file types such as images, PDFs, word, and spreadsheets. Each file cannot be more than 8MB and should be uploaded one at a time.

BenefitsCal provides the ability for individuals to upload documents of the following types: .GIF, .GIF, .JPEG, .JPG, .JPE, .JIF, .MDI, .BMP, .PNG, .TIF, .TIFF, .TXT, .RTF, .ONE, .ONETOC, .PDF, .DOC, .DOCX, .DOX, .PAGES, .ODT, .WPD, .XLS, .XLSX, .PPT, .PPTX, .PSD, .EPS, .AI, .LOG, .WPS.

BenefitsCal does not send password protected or encrypted files to CalSAWS. BenefitsCal will issue a failure notification to individuals with a BenefitsCal account advising them to contact their county for additional options, as their document was not successfully submitted.

The CoveredCalifornia.com portal accepts the following file formats: Excel, Word, PowerPoint, JPEG, JPG, TIFF, PDF, and RTF. One of the following supported file types should be uploaded: doc, docx, rtf, xls, xlsx, ppt, pptx, jpeg, jpg, tif, and pdf.

The maximum document size for the CoveredCalifornia.com portal is 10MB. The CoveredCalifornia.com portal does not allow for password protected documents to be submitted.