



Center for Medicaid and State Operations/Survey & Certification Group

Ref: S&C-07-14

DATE: January 26, 2007

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: Electronic Signature Guidance in Inpatient Rehabilitation Facilities (IRFs)

Letter Summary

- Discusses the use of electronic signatures by administrators or CEOs of IRFs for required Centers for Medicare & Medicaid Services (CMS) forms.
- Forms CMS-437A and CMS 437B (for IRFs) can be completed online.

This letter provides guidance regarding the use of electronic signatures by IRF administrators/chief executive officers on the *Attestation Statement for Exclusion from IPPS* (Exhibit 127 in the State Operations Manual (SOM)) and the completion of the Forms CMS-437A and CMS-437B online.

Background

The use of electronic signatures is becoming commonplace. Organizations set up a system with safeguards in place to prevent unauthorized access and use of electronic signatures by individuals other than to which the electronic signature belongs. CMS has adopted the hospital guidelines for electronic medical records and electronic signatures for providers that do not have specific regulations governing the use of electronic signatures.

Electronic or fillable pdf format files are used extensively by government and private industry. CMS has received requests from facilities for authorization to complete Forms CMS 437A (Rehabilitation Unit Criteria Work Sheet) and 437B (Rehabilitation Hospital Criteria Work Sheet) online. CMS has also received requests to sign the Attestation Statement for Exclusion from IPPS electronically.

Discussion

Based on existing precedence set by CMS, there appears to be no legal impediments to IRFs completing electronic CMS forms. As the use of hard copies declines and the automation of many systems advances, it seems reasonable that facilities would want to maintain their records in this manner.

Decision

IRFs may use electronic signatures to complete the *Attestation Statement for Exclusion from IPPS*. They may also complete the Forms CMS-437A or CMS-437B online as these forms are currently available and set up in a fillable pdf. format (meaning the provider can now complete the “yes/no” or “explanatory statement” columns). These sections were previously unavailable for use by providers. IRFs must work in conjunction with their State survey agencies (SAs) to develop such policies and procedures regarding unauthorized use of electronic signatures, and follow them for the protection and safeguarding of the electronic signature to whom it belongs. IRFs must also follow any State statutes, regulations, or guidance regarding the use of electronic signatures. The SAs will decide whether a particular electronic signature complies with those requirements. Even if a State does not address electronic signatures in their statutes or regulations, a fiscal intermediary or State authority might still approve electronic signature usage.

Although the IRFs can complete the forms online, this does not mean that the SAs have to accept the forms or the attestation statement as electronic copies. The SAs can decide whether they want to receive hard copies (as has been done in the past) or move toward receiving the forms or signatures electronically. SAs can complete their portion of the CMS 437-A or CMS-437B on line as well. However, the tags for those forms cannot be entered in ASPEN, at this time. SAs will be notified when the tags have been entered in ASPEN.

For questions on this memo, please contact Georgia Johnson at (410) 786-6859 or e-mail at georgia.johnson@cms.hhs.gov.

Effective Date: Immediately. Please ensure that all appropriate staff are fully informed within 30 days of the date of this memorandum.

Training: The information contained in this announcement should be shared with all survey and certification staff, their managers, the State/RO training coordinators.

/s/
Thomas E. Hamilton

cc: Survey and Certification Regional Office Management (G-5)