

MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

KATHLEEN E. WALSH
Secretary, Executive Office
of Health & Human Services

ROBIN LIPSON
Secretary, Executive Office of
Aging & Independence

PROGRAM INSTRUCTION (PI)

EOEA PI – 25-07

TO: Aging Service Access Points (ASAPs)

FROM: Lynn C. Vidler, Assistant Secretary, Care Continuum, MBA, BSW

DATE: June 20, 2025

RE: Requirements for the use of Electronic Signatures for Home Care

Purpose:

This Program Instruction (PI) is to provide guidance on the use of electronic signatures in documents utilized within the Executive Office of Aging & Independence's (AGE) Home Care Program.

Background and Program Implications:

- I. Definitions:
 - a. **Electronic Signature:** An electronic sound, symbol, or process attached to or logically associated with a record and executed by a person with the intent to sign the record.¹
- II. Minimum Requirements for Valid Electronic Signatures:
 - a. Authentication
 - i. An ASAP must use a technology, system, or process, or combination, to authenticate the identity of the person signing the record. For purposes of electronic signatures, to "authenticate" an identity means to "verify" or "prove" the identity of the individual signing the record.
 - b. Capturing the Individual's Intent
 - i. An ASAP seeking to create a legally valid electronic signature must develop electronic forms that capture the intent of the authenticated individual with respect to the electronic signature or record.

¹ As defined in Massachusetts Uniform Electronic Transactions Act (MUETA), MGL c. 110G

MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

KATHLEEN E. WALSH
Secretary, Executive Office
of Health & Human Services

ROBIN LIPSON
Secretary, Executive Office of
Aging & Independence

- c. Binding the electronic signature to the document
 - i. All electronic signatures must be attached to, or logically associated with, the relevant record. An ASAP must ensure that the technology, system, or process it uses to electronically sign records links and/or displays electronic signatures with their associated records.
- d. Document Integrity
 - i. Electronic records subject to records retention requirements must be retained in a manner that accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise. An ASAP should use a technology, system, or process that “memorializes” the transaction and provides for a record storage and archival process.

Required Actions:

Aging Services Access Points (ASAPs) can use electronic signatures that meet the *Minimum Requirements for Valid Electronic Signatures* outlined in Section II of Background and Program Implications of this PI. The ASAP must evaluate and ensure the technology, system, or process it uses to make and maintain electronic signatures meets the aforementioned *Minimum Requirements for Valid Electronic Signatures*.

Use of electronic signatures meeting the *Minimum Requirements for Valid Electronic Signatures* may be utilized for Home Care Program documents including but not limited to:

- Applicant Consent and Disclosure Form
- HIV-Authorization for Disclosure of Status
- Initial Service Plan
- Intent to Refer
- Recipient Choice Form
- Risk Assessment Form
- Shopping Consent
- Voluntary Assent

In addition, ASAPs may utilize electronic signatures for ASAP-specific documents in accordance with their agency’s business practice and upon consultation with their agency’s legal counsel, if warranted.

MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

KATHLEEN E. WALSH
Secretary, Executive Office
of Health & Human Services

ROBIN LIPSON
Secretary, Executive Office of
Aging & Independence

Note: Records that must be signed for other programs, such as those related to MassHealth services, those overseen by the Department of Transitional Assistance (DTA), or for other programs, ASAPs should follow guidance issued by those authorities on electronic signatures for those records or programs.

Effective Date:

This program instruction is effective immediately.

Contact:

If you have questions regarding this program instruction, please contact Devon Garon, Director of Home & Community Programs at Devon.Garon@Mass.Gov