

Action Request Transmittal

Vocational Rehabilitation



Howard Fulk, Policy and Training Manager
Authorized signature

Number: VR-AR 21-01
Issue date: 2/5/2021

Topic: Electronic Signatures

Due Date: 2/5/2021

Subject: Approval for Electronic Signature Use in Vocational Rehabilitation

Applies to (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging: {Select type} | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children's Intensive In Home Services |
| <input type="checkbox"/> County DD program managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> Support Service Brokerage Directors | <input checked="" type="checkbox"/> Vocational Rehabilitation |
| <input type="checkbox"/> ODDS Children's Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

ACTION REQUIRED:

Effective Immediately, Vocational Rehabilitation (VR) shall accept Electronically Signed Documents (eSignatures) on all documentation that formerly required a handwritten ("wet" or "live" ink) Signature.

Previous guidance that prohibited or limited the use or acceptance of eSignatures by Vocational Rehabilitation is rescinded.

Other than the specific guidance provided in this Action Request, no other Vocational Rehabilitation procedures have been amended or changed and normal operating procedures should be followed accordingly.

BACKGROUND:

Previous guidance had restricted Vocational Rehabilitation from using or accepting electronic signatures. Oregon Administrative Rules permits the acceptance of electronic signatures when properly verified.

[OAR 125-600-005 Guidelines for the Use of Electronic Signatures by State Agencies](#)

This administrative rule permits state agencies to determine what procedures to adopt to determine that electronic signatures are authentic

POLICY:

See VR-PT 21-01 Electronic Signatures.

PROCEDURES:

Webform for intake is preferred

The preferred method for Vocational Rehabilitation Counselors (VRCs) to complete the virtual intake process remains the Adobe Experience Manager (AEM) package developed in conjunction with ODHS Publications. If additional intake documentation is required, other forms of electronic signatures as approved in this transmittal may be incorporated as necessary.

- If the virtual intake process is unable to be completed using the preferred AEM process, it is permitted to complete these documents using an electronic signature.

Using E-Signature Process

Electronically signed documents will only be accepted when VR is able to verify that the document has been signed by the individual claiming to have signed the document

- VR Staff may verbally confirm with the sender that they are the one signing the document once it has been received.
 - If a VRC accepts electronically signed documents from a client, after verifying that the client signed the document, this verification must be documented as a case note in the client's ORCA file.
- Electronically signed documents shared with VR via email may only be accepted when sent as an attachment to an email via the ODHS secure email process by using #secure# in the email subject line.
- Electronically signed documents received from email addresses that have been previously confirmed to be from the sender will not require additional verification.

- Example: A client submits a copy of their photo ID from their email address. Later the client sends electronically signed documents from the same email address. The electronically signed documents are acceptable.
- Electronically signed documents submitted from partner agencies, medical providers, vendors or others using an official state or business email address previously confirmed as legitimate will be acceptable.
 - Example: Documents received from CDDP/Brokerages sent directly from a Service Coordinator's or Personal Agent's official work email address are acceptable.
- Many electronically signed .pdf files may be verified by reviewing the document's "signature properties" found by clicking on the Preferences, Categories, Signatures, Verification tabs.
- Electronically signed documents may be completed using:
 - Any commercial, secure program or application designed for electronic signature creation (e.g. DocuSign, Adobe Sign, AwareSign, etc.) or,
 - Signed by the individual using the mouse draw function, or,
 - Providing a documented signed using a pre-selected signature style, or,
 - Verbal confirmation. Assure this type of signature is documented in a case note.
- Electronically signed documents must be retained and maintained under the same provisions required for other documents of the same classification or type.
- When electronically signed documents are accepted from a client, the electronic signature is then verified. The verification process must be documented as a case note in the client's ORCA file.

DEFINITION:

"Electronic Signature" means an electronic sound, 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 ([ORS 84.004 \(8\)](#)).

Additionally, ORS 84.019 Legal recognition of electronic records, electronic signatures and electronic contracts.

(1) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.

(2) A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

(3) If a law requires a record to be in writing, an electronic record satisfies the law.

(4) If a law requires a signature, an electronic signature satisfies the law.

OTHER RESOURCES:

[ORS 84 Uniform Electronic Transactions Act](#)

[OAR 125-600 Use of Electronic Signatures by State Agencies](#)

[Oregon State Bar Bulletin on Electronic Signatures](#)

Field/stakeholder review Yes No

If yes, reviewed by: VR Executive Team, Branch Managers, Field Staff, VR-SRC Policy Legislation & Budget Committee

If you have any questions about this action request, contact:

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