

UNIVERSITY OF TOLEDO

ELECTRONIC SIGNATURES PROCEDURES

- (A) Policy statement/Purpose of policy

<http://www.utoledo.edu/policies/administration/compliance/pdfs/3364-15-16.pdf>

- (B) Scope

This procedure applies to all electronic transactions entered into on behalf of UT

- (C) Electronic signatures in Electronic Medical Records/Electronic Health Records (EMRs/EHRs)

- (1) Electronic signature, an automated function which replaces a handwritten signature with a system generated signature statement, will be utilized for medical records as a means for authentication of transcribed documents, computer generated documents and/or electronic entries. System generated electronic signatures are considered legally binding as a means to identify the author of medical record entries and confirm that the contents are what the author intended.
- (2) Providers will be allowed to utilize electronic signature in accordance with this policy and State and Federal regulations regarding such.

- (D) Definitions

- (1) Authenticity - The assurance that the electronic signature is that of the person purporting to sign a record or otherwise conducting an electronic transaction.
- (2) Electronic Record – as defined by ORC §1306 is a record created, generated, sent, communicated, received, or stored by electronic means.
- (3) Electronic signature - 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.

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- (4) Electronic transactions – An action or set of actions, like an exchange of an electronic record and electronic signature between the UT and an individual relating to the conduct of such business as:
- Consent to release information;
 - Purchase, sell or lease goods, services or construction;
 - Transfer funds;
 - Facilitate the submission of an electronic record with an electronic signature required or accepted by UT; or
 - Create records formally issued under a signature and upon which the university or any other person will reasonably rely including but not limited to formal communication, letters, notices, directives, policies, guidelines and any other record.
- (5) Integrity - the assurance that the electronic record is not modified from what the signatory adopted.
- (6) Non-repudiation - proof that the signatory adopted or assented to the electronic record or electronic transaction.
- (7) Scanned signature - a photocopy, fax, PDF or other copy of a document signed electronically or by hand.
- (8) Security procedure – a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or from detecting changes and errors in a procedure requiring the use of codes or algorithms;
- (a) Identifying words or numbers;
 - (b) Encryption
 - (c) Call back
 - (d) Password-protected account or
 - (e) Other acknowledgement procedures.
- (E) Discipline
- (1) Failure to comply with this policy may lead to disciplinary action up to and including termination.
- (2) UT may repudiate any document signed in violation of its rules, policies, and procedures, and the person signing the instrument may be held personally liable for any obligations incurred.

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(F) Compliance

A record, signature or contract may not be denied legal effect or enforceability when it is in electronic form. Electronic form satisfies the law.

(G) Procedure

- (1) No individual may electronically sign any document for or accept an electronic or scanned signature from another party on behalf of UT except in accordance with this policy.
- (2) Facilitating the use of electronic signatures
 - (a) UT shall, through its normal procurement processes, acquire software to facilitate the use of electronic signatures.
 - (b) Each person authorized to sign contracts under UT Policy 3364-40-15 shall be issued a license for the electronic signature software.
 - (c) Those people given signature authority under policy 3364-40-08 will be issued a license for electronic signatures under this policy, as well as purchasing signatories.
 - (d) The software shall require the individual to login using his/her UTAD credentials in order to electronically sign a document.
 - (e) This section of the policy is intended to be flexible in its implementation. Differences in the business process in which electronic signatures are deployed (i.e., medical records, enrollment, registration, etc.) will frequently drive the implementation of electronic signatures. However, the UT department that owns the business process must comply with the general provisions and intent of this policy.
- (3) The system used to sign electronic contracts shall capture the document at the time of signature and shall securely store it so that the signed version may be retrieved in the event of a dispute.
- (4) The electronic signature software shall require a separate and distinct action for each signature.
- (5) This policy does not grant contracting authority to any individual or expand the authority already granted in UT policy 3364-40-08 Delegation Authority for Documents that Bind the University.

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- (6) UT departments (Research and Sponsored Programs, etc.) shall maintain the flexibility needed to meet various requirements of sponsors for grant proposal submission, mutual agreements, subcontracts, and related tasks while providing authentication, nonrepudiation and integrity to the extent that is reasonable for each transaction.
 - (7) Scanned signatures are considered to comply with this policy.
 - (8) Other Verification Processes: If UT cannot use the Procedure identified above in this policy, each UT electronic signer or designee shall provide authentication, nonrepudiation and integrity to the extent that it is reasonable for each electronic transaction.
- (H) References
- (1) UT Policy 3364-40-15 Procurement Policy
<http://www.utoledo.edu/policies/administration/finance/pdfs/3364-40-15.pdf>
 - (2) UT Policy 3364-40-08 Delegation of Signatory, Authority for Documents that Bind the University
https://www.utoledo.edu/policies/administration/finance/pdfs/3364_40_08.pdf
 - (3) Ohio Revised Code §1306