



Newsletter

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TO: Providers of Pharmaceutical Services – **For Action**
Health Maintenance Organizations – **For Information Only**

SUBJECT: **Interim State Policy Regarding the Use of Electronic Signatures**

EFFECTIVE: Immediately

PURPOSE: To notify providers of pharmaceutical services of an interim policy by the New Jersey Division of Medical Assistance and Health Services and the New Jersey Department of Health and Senior Services to recognize the use of electronic signatures when providing State-covered pharmacy benefits.

BACKGROUND: Currently, patient (beneficiary) certification is required when a beneficiary receives a State-covered pharmacy benefit. In accordance with N.J.A.C. 10:49-9.9, a beneficiary shall sign a certification, authorization to release information and payment request after the services identified on the claim are provided and before the provider submits a claim for payment. The beneficiary is:

- Certifying that the service(s) covered by the claim has been received;
- Requesting payment for those services made on his or her behalf; and
- Authorizing any holder of medical or other information to release to the State or its authorized agents any information needed for this or a related claim.

Currently, pharmacies use a HIPAA-compliant certification log to document that a beneficiary has certified these conditions. With the advent of electronic signature technology, the State is notifying providers of pharmaceutical services of an interim policy decision regarding the use of an electronic signature, in lieu of an original or hard signature, to complete the beneficiary certification process when receiving State-covered pharmacy benefits.

ACTION: **Effective immediately,** the New Jersey Division of Medical Assistance and Health Services and the New Jersey Department of Health and Senior Services shall accept the use of an electronic signature to complete the beneficiary certification process for State-covered pharmacy benefits, provided the electronic signature technology is compliant with the terms and conditions outlined in the "Uniform Electronic Transactions Act," P.L. 2001, Chapter 116, also known as the New Jersey "UETA" Law.

In addition, the requirements outlined in N.J.A.C. 10:49-9.9 shall remain in effect. To complete the beneficiary certification process, State beneficiaries must continue to certify the conditions outlined in N.J.A.C. 10:49-9.9 when using an electronic signature compliant with P.L. 2001, c. 116 (N.J.S.A. 12A:12-1 et seq.) to complete the beneficiary certification process.

For example, software used to request an electronic signature may be adapted to also display the certification statements required by N.J.A.C. 10:49-9.9 or the certification statements may be posted for reading by the beneficiary at the point of service when/where the electronic signature is requested.

This is an interim policy change. The Division of Medical Assistance and Health Services and the Department of Health and Senior Services will promulgate rules concerning use of the electronic signature.

If you have any questions concerning this Newsletter, please contact the Chief, Pharmaceutical Services, Division of Medical Assistance and Health Services, at (609) 588-2721.

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