



DVR Policy & Procedure Guidance Memo: ELECTRONIC SIGNATURES

Effective Dates: March 23, 2020 – April 30, 2020

Issued By: Augusta Klimek

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PURPOSE:

This policy will ensure ongoing ability of DVR to provide necessary vocational rehabilitation services to individuals with disabilities, including obtaining required agreements and signatures should in person meetings between DVR staff, recipients of services, and/or community providers not be available.

BACKGROUND:

34 CFR 361 requires DVR to document an individual's agreement throughout various aspects of the vocational rehabilitation process through a signature:

1. Application for Services;
2. Individualized Plan for Employment (IPE);
3. Amendments to the IPE;
4. Semi-Annual and Annual Review of employment in non-integrated settings or paying subminimum wage; and
5. Mediation Agreements.

Additionally, signatures are required through State or DVR policy and practice on various other forms, including:

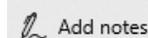
1. Affidavit of Lawful Presence;
2. Authorization for Release of Personal Information;
3. Authorization for Service;
4. Paid Work Experience related forms;
5. Financial Need Analysis;
6. Job Placement Agreement;
7. Receipt of State Purchased Equipment; and
8. Other similar documents.

While not mandated by regulation or DVR Service Delivery Policy, DVR's standard practice to date has been to obtain handwritten signatures from relevant parties.

Federal and State law permit electronic signatures in place of handwritten signatures on legal documents when this process is agreed to by the parties involved (ESIGN Act; CRS § 24-71-101). An electronic signature is any digital symbol or process adopted by a person with the intent to sign the document. In order for an electronic signature to be valid, the parties must agree to conduct business electronically and there must be an agreed upon security procedure to verify the signature and identify any errors.

ACTION:

- A. There is no change to the documents that require signature. To ensure appropriate documentation of informed choice, understanding of information provided, and agreement to services, relevant signatures continue to be required.
- B. A handwritten signature is still accepted. Individuals are not required to sign documents electronically and may withdraw consent at any time. DVR must honor this choice and provide paper copies of documents when requested, including handwritten signatures as appropriate. The case record must document this request.
- C. Other agencies may have differing requirements for electronic signatures. Therefore, forms such as the Authorization for Release of Personal Information may require a handwritten signature for other providers, such as schools and healthcare providers, to accept them. To obtain a handwritten signature DVR may continue to mail the required forms, along with an addressed and postage paid envelope to facilitate return, as is current practice. Alternatively, the individual could sign the other entity's Authorization for Release of Information form, using that entity's electronic signature process if available.
- D. To accept an electronic signature:
 - a. Google Form
 - i. Email the individual, or authorized representative, if appropriate, with the following:
 1. All forms currently requiring signature as an attachment, and
 2. The link to the E-Signature Google Form for the appropriate region.
 - a. Region 1 – <https://forms.gle/dZgPBq1mqVvqCdGX8>
 - b. Region 2 – <https://forms.gle/C7ECmidELtKjP1W28>
 - c. Region 3 – <https://forms.gle/SgpdCY83qsKyZ4GZ9>
 - d. Region 4 – <https://forms.gle/AFSTxJtz7fskxQYR8>
 - e. BLVS – <https://forms.gle/uCCVxLkq8aNTWR5e8>
 - ii. The individual, or authorized representative, if appropriate, will review all forms requiring signature. He or she will complete the E-Signature Google Form, including attaching all forms the individual intends to sign, and submit. The individual will receive a confirmation email documenting his or her responses.
 - iii. From the E-Signature Google Form document in Google Drive, the Regional Staff assigned to monitor the E-Signature Google Form will view the "Responses" page:
 1. Select the "Individual" page and scroll to the signature page needed
 2. "Print" the signature page to either print a paper copy that can be attached to the form(s) the individual is signing and filed in the case record or save as a PDF that can be attached to the case record, along with the form(s) in AWARE.
 - b. PDF Notes
 - i. Depending on the program used to view a PDF (e.g. Microsoft Edge), there is an option to mark-up or "Add notes" to a PDF file. To do this, open the file in the appropriate program. In the menu, select the "Add note" link:



- ii. After selecting this option, the individual can draw on the document by holding down the left mouse button, allowing the signature and date to be written on the form.
 - iii. The individual saves the document and emails it to the Counselor as an attachment to be included in the case record, along with the email (printed to PDF) to which the individual attached the signed document.
 - c. Counselor Signature
 - i. For documents requiring a counselor signature, such as the IPE, the Counselor will record his or her signature by entering the "Signature Date" on the appropriate data page in AWARE. As is standard practice, the DVR Counselor is to be the last signature recorded and is not to be entered prior to receipt of the client's signature (electronic or handwritten).
- E. Anyone providing an electronic signature must agree to the following disclosure and consent language: *By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time to receive paper copies of future communications.*
 - a. This state is to be provided via email for any individual providing a signature as a PDF Note. The email notification will be attached in the case record, along with the signed document.
- F. DVR must continue to verify lawful presence for all individuals 18 years old or older, even if an application is completed remotely using electronic signatures.
 - a. The applicant must complete the Affidavit of Lawful Presence, indicating which of the options describes the individual's lawful presence status. The applicant must sign the completed form using either this electronic process or a handwritten signature.
 - b. The applicant must provide verification of his or her lawful presence status through the approved documents. The applicant must ensure the document(s) provided, electronically or as a paper copy, are clear and legible. The application is not complete and DVR can provide no services until DVR receives these documents.
 - i. Required identification documents can be provided electronically through an attachment to email or by uploading into the Google E-Signature form.