



COMMISSIONER  
Jon Weizenbaum

May 6, 2015

To: Home and Community based Services (HCS) Program Providers  
Texas Home Living (TxHmL) Program Providers

Subject: Information Letter 15-32  
Requirements Regarding Electronic Records Maintained by HCS and TxHmL Program Providers

The purpose of this information letter is to inform you of certain requirements regarding access to and the review of an HCS or TxHmL program provider's electronic records by the Department of Aging and Disability Services (DADS).

HCS and TxHmL program providers must comply with DADS rule at Texas Administrative Code, Title 40, Chapter 49, §49.305(j) if the program provider uses electronic records. Specifically, §49.305(j) requires HCS and TxHmL program providers to:

- (1) Develop and implement written procedures, which must include maintaining current virus protection software, to prevent the loss or corruption of data due to malicious code;
- (2) Develop and implement written procedures governing the use of electronic signatures that:
  - (A) Ensure authenticity of an electronic signature;
  - (B) Describe the method of authentication used, such as password, personal identification number, digital signature, or other unique identifier, by document type;
  - (C) Identify the person or position who is authorized to sign electronically by document type; and
  - (D) Describe security measures used to prevent unauthorized use of electronic signatures; and
- (3) Use an electronic record system that:
  - (A) Documents any change in content that was made to the electronic record;
  - (B) Documents the date the change was made;
  - (C) Documents the name and employee number or other unique identifier of the person who made the change; and
  - (D) Allows a record to be retrievable as a paper record.

In addition, if an HCS or TxHmL program provider uses electronic records, the program provider must do the following during any visit or review by DADS Waiver Survey and Certification (WS&C):

- Ensure DADS reviewers can conveniently and readily view the electronic records on a computer.

- Ensure each DADS reviewer has access to a computer in order to review documentation. For example, if there are three DADS reviewers present for a review, the provider must have three computers available. (DADS employees are not permitted to connect state lap top computers to the program provider's system or download any electronic records to a state lap top in accordance with the Health and Human Services computer security guidelines.)
- Ensure the electronic records are provided in "read only" mode on the computer.
- Ensure each of the computers available for DADS reviewers is located in a private area and allows the reviewers to take notes during the review and consult with each other while reviewing the records.

Also, DADS rules at 40 TAC §9.174(a) (31) (F) or §9.555(c) (6) require a program provider to have a physician's or other medical practitioner's orders to demonstrate that a program provider nurse has properly administered prescription and over the counter medications. DADS will accept an order that contains an electronic signature of the physician or other medical practitioner only if the order is on the letterhead of the physician or medical practitioner or on the letterhead of a hospital.

If you have questions regarding the content of this letter, please contact Waiver Survey and Certification at: [WaiverSurvey.Certification@dads.state.tx.us](mailto:WaiverSurvey.Certification@dads.state.tx.us).

Sincerely,

*[signature on file]*

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