

## Health Information Compliance Alert

### YOU BE THE SECURITY EXPERT: Are Virtual Signatures HIPAA Compliant?

**Question:** What is the purpose of an electronic signature? How would it protect our patients' protected health information?

**Answer:** The electronic (digital) signature is a form of verification that most hospitals and providers are not ready to deal with. Defined broadly, the digital signature is a method of providing a virtual signature that both identifies and authenticates the person signing and implies that person's approval of the information being signed.

"Real digital signatures do a great job of ensuring a person is who she says she is," explains **C. Jon Burke**, a data security specialist with California's **Toshiba American Medical Systems** and **Toshiba American MRI**.

**Problem:** However, the process of enforcing and using electronic signatures could hurt more than it helps. "There's no way to use [electronic signatures] without making security too draconian to work efficiently," Burke says.

"The whole point of technology is to facilitate movement of data," reminds **Kerry Kearney**, a partner in the Pittsburgh office of **Reed Smith**.

**Reality:** Implementing a standard that people can't use or that impedes the flow of business is contrary to the nature of technology, says Kearney.

**The bottom line:** If it seems too good to be true, it probably is -- at least, it is when it comes to signing documents electronically rather than expending energy on faxes or postal mail, experts say. Though electronic signature standards "would make it harder for a person to hack into a system and assume an identity," the industry is not yet ready for the measures it would have to take for this standard to be worth all the headache, Kearney states.