

Title: Electronic Signature	
Company Name: Anthem, Inc.	Applicable to: Consumer & Specialty Business
Division/Department: Consumer & Specialty Business Division	
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Approved By: Abby Merchant, Vice President, Sales Effectiveness, CSBD Jeffrey W. Miller, Associate General Counsel	

1.0 Purpose

The purpose of this policy is established guidelines for the use and acceptance of electronic signatures for the sales, implementation and account management processes.

2.0 Information about Electronic Signature Laws

In 2000, the United States passed the Electronic Signatures in Global and National Commerce Act (ESIGN). With this act, electronic signatures became legal for transactions in or affecting interstate or foreign commerce.

In addition to the federal ESIGN Act, 47 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands have adopted the Uniform Electronic Transactions Act (UETA). While Illinois, New York, and Washington have not adopted UETA, they have implemented similar statutes validating e-signatures.

Both UETA and ESIGN grant electronic signatures the same legal status as traditional wet ink signatures, and prevent the denial of validity or enforceability of an electronically signed document solely because it is in an electronic form. (This policy uses the language of the UETA when directly quoting the law.)

For an electronic signature to be legally binding against a party, the electronic signature must meet the following requirements: 1) it must be reasonably clear that the party intended for their electronic marking to serve as their signature; and 2) the respective parties must either directly express or imply their consent to do business electronically.

An electronic signature is any, “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.” That means that, for example, all of the following can be a valid signature provided it is clear that the party intends for it to serve as their signature:

- Clicking an “I agree” button associated with an online agreement
- Typing a name (or even an “X”) into a “Signature” field on a form
- Responding “Yes” or “I Agree” verbally into a recorded call in response to a prompt

Key to ensuring that the electronic signature is valid is being able to show that the party providing their electronic signature intended to sign. Ideally, the consent will be explicitly expressed -- e.g., by associating language like the following with the action of clicking an “I agree” button:

“By clicking ‘I agree’ I am acknowledging that I understand and agree to the terms of the agreement.”

But the UETA also allows for the intent to be implied by the circumstances. For example, if a person signs a paper form, scans it and emails it from their personal email address that would likely be a valid electronic signature because it can be reasonably implied that they intended for the scanned image of their signature on the form to serve as their signature.

3.0 Guidance for Ensuring the Validity of an Electronic Signature

Electronic signature services and software such as DocuSign, SignNow and Adobe, are set up to ensure compliance with electronic signature requirements. Ideally, you should use such a service or software when you need to capture a party’s signature.

But where it is not workable to use recognized electronic signature capability, any process being established to facilitate the signing of a form or agreement should ensure that the point at which the signature is being captured is accompanied by language that demonstrates the party’s intent to sign. E.g.:

- “By clicking ‘I agree’ I am acknowledging that I understand and agree to the terms of the agreement.”
- “By typing my name I intend for it to serve as my signature.”
- “By hitting “Send” I am signing this form.”

4.0 Electronic Signature Policy

Anthem’s goal and policy is to ensure the validity and enforcement of any signature it obtains electronically. As such, where a signature is required on an agreement, form or other document intended to be completed or sent electronically, one of the following means of capturing the signing party’s intent to form an electronic signature should be utilized (as applicable):

- DocuSign, Adobe Acrobat or some other established electronic signature service or software. Business units are encouraged to obtain a license from DocuSign to cover use of DocuSign for use by their entire unit.
- “I understand and agree” language associated with any online method of agreement, such as an “I agree” or “continue” button.
- “By typing my name and returning this form I intend for this to serve as my signature” language on any form intended to be signed and returned by fax or email.

If you need assistance with ensuring that your method of capturing a signature electronically will comply with the UETA, please consult Legal – jeffrey.miller@anthem.com.

Policy Deviation

In exigent circumstances, such as a local, state or national emergency, where strict compliance with the above requirements is not possible, you should still take steps to ensure that any signature received electronically may be proven valid and enforceable. Under such circumstances, and with approval by the appropriate level of business unit management, the following methods may be utilized to capture an electronic signature:

- An email from the signing party indicating, “This email intends to serve as my signature and approval of the attached document.”
- A recorded phone conversation on which the signing party expresses their intent to sign.
- A document with a written or typed signature sent from an email address reasonably associable to the signing party, e.g.; -- the typed name “John Smith” returned on a form emailed from john.smith@email.com.
- A document with a written or typed signature on behalf of a business sent from a fax number associable to the business.

Business units may develop individual guidelines based on these.

Attached: Commercial Sales - Document Signature Requirements

Document Signature Requirements

The below outlines the requirements around signatures on required documents needed for group or member installation. This applies to all groups and individuals both new and renewing.

1. Group Application – Signature required by the Group
 - a. Acceptable signatures include:
 - i. Wet signature
 - ii. Electronic Signature via DocuSign or other tool
 - iii. Email directly from the Group – with completed form attached – and confirmation within the email that states “this email intends to serve as my signature and approval of document”
 - iv. Recorded phone conversation with the group where they express their intent and confirmation of application
 - v.
2. Rate Sheet and SOB – Signature required by either the Group or the Broker
 - a. Acceptable signatures include:
 - i. Group signature can follow any outlined method for the “Group Application”
 - ii. If the Broker wishes to sign on behalf of the Group – the broker must provide an email directly from the Group that the broker has approval to sign on the Groups behalf
3. Individual Member Application – Signature is required by the individual/member
 - a. Acceptable signatures include:
 - i. Wet signature
 - ii. Electronic Signature via DocuSign or other tool
 - iii. Typed or written signature only if it is accompanied by intent of the member to enroll with Anthem; Examples include:
 1. Broker/Anthem on a phone with a Member filling out the form and confirming their enrollment selections, and the Broker/Anthem can type or write the Member’s name in the Signature on the form to submit into Enrollment for processing. This call must be recorded.
 2. If a form typed by John Smith was sent from an email address john.smith@gmail.com – this would show intent