

Update on Verbal Consent in Place of Signatures: End of Public Health Emergency (PHE)

May 26, 2023

During the COVID-19 PHE, the Department issued [guidance \(https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/documents/pdfs_doc/COVID-19/verbal-consent-update07142020.pdf\)](https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/documents/pdfs_doc/COVID-19/verbal-consent-update07142020.pdf) to providers allowing verbal consent in place of wet signatures, except where a signature is specifically required through federal regulation.

As of May 12, 2023, the federal PHE ended. The Department plans to continue the flexibility to allow verbal consent, consistent with the original guidance, and will engage in rulemaking to update specific provisions of the MaineCare Benefits Manual (MBM) accordingly.

Consistent with the July 2020 guidance, providers continue to be responsible for complying with substantive consent and approval requirements and for maintaining documentation in the member's record of the verbal consent. Until such time as rule updates are complete, the Department will exercise enforcement discretion with respect to requirements for a member signature that are solely based on Departmental rule. The Department cannot waive signature requirements based on state or federal statute or based on federal regulation.

Please contact your [Provider Relations \(https://stateofmaine-my.sharepoint.com/:x:/g/personal/amanda_lee_maine_gov/EUuUsJDvf_9No2t8jn-yy1MBA4vIYVJacYs7iYDZ8IVu-Q\)](https://stateofmaine-my.sharepoint.com/:x:/g/personal/amanda_lee_maine_gov/EUuUsJDvf_9No2t8jn-yy1MBA4vIYVJacYs7iYDZ8IVu-Q) Specialist with any questions.

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