

## 2005.10.00 AUTHORIZED REPRESENTATIVES

An authorized representative is a designated individual or organization acting on the client's behalf to assist with application and renewal services. The agency permits applicants and beneficiaries to designate an individual or organization to act responsibly on their behalf in assisting with the individual's application and renewal of eligibility and other ongoing communications with the agency. There are no restrictions on who can serve as an authorized representative including navigators, or individuals working for an enrollment center, if the member permits. Any individual working for the authorized agency may serve as the "qualified authorized representative", regardless of which associate signs designated form.

An authorized representative may be appointed at the time of application, renewal or any other times designated by the applicant or beneficiary. Likewise, a court order establishing legal guardianship, or a power of attorney should be recognized and documented as a written consent by the applicant or beneficiary for lawful representation.

Applicants and beneficiaries may authorize their representatives to:

- Sign an application on the applicant's behalf
- Complete and submit a renewal form
- Receive copies of the applicant or beneficiary's notices and other communications from the agency
- Act on behalf of the applicant or beneficiary in all other matters with the agency.

Authorized representatives must agree to maintain, or be legally bound to maintain, the confidentiality of any information regarding the applicant or beneficiary provided by the agency.

The authorization will remain valid until the applicant or beneficiary modifies the agreement or notifies the agency that the representative is no longer authorized to act on his or her behalf. Similarly, the authorized representative may inform the agency that he or she no longer representing the client, or there is a change in the legal authority upon which the individual or organization's authority was based. Notification should include the applicant or authorized representative's signature as appropriate.

For authorized representative agreements which are not based on an existing legal authority, the official AUTHORIZED REPRESENTATIVE FOR HEALTH COVERAGE (State Form 55366) form must be signed by both the member and the authorized representative. Alternate forms or letters will not be accepted. Authorized representative agreements can be accepted via mail, fax, submission via the benefits portal, agreement on the telephone, or may be dropped off at a local DFR office. See below for more information on telephonic AR agreements and electronic signatures.

### **Authorized Representative relationships agreed to over the telephone**

A verbal authorization is acceptable from the member for any Authorized Representative (AR). A three-way call will need to be completed between the member and AR to obtain and confirm the specific AR details. The information must be entered on the Authorized Representative or Legal Guardian Detail page during the call. After the AR information is entered into the eligibility system and the applicant and AR agree on the terms of authorization, it will remain in the system as an authentic and verified agreement unless/until the AR or applicant/recipient withdraws the authorization. AR details must be documented in case notes.

### **One-time call permissions**

One-time only verbal authorizations are for that specific moment in time. AR should not be added to eligibility system and should only have access to information authorized by member. When a member is on the telephone, he or she may provide verbal authorization for anyone to act as the authorized representative for that individual call only. Subsequent phone calls will again require member's verbal permission for information to be shared.

### **Electronic signatures**

Electronic signatures for authorized representative agreements will only be accepted if it is completed with DocuSign, Adobe Acrobat, ESign, **SignNow, UETA or other such official software which provides supporting verification that it was electronically signed by the applicant/member, such as a digital certificate issued by a certificate authority.** If the name is added in a script font in word-processing software such as Microsoft Word, this is not allowable. Electronic signatures submitted via email, faxed directly to the DFR office (rather than to the Document Center at 1-888-436-9199) or sent by other non-secured formats will not be accepted; however, if sent through the portal, mailed or faxed to the Document Center, or dropped off at the DFR local office, this is allowable. **Any questions about the validity of the electronic signature should be submitted to PAL for review.**

The authorized representative must be familiar with the AG situation to represent them properly. The worker will determine if the authorized representative is representing the AG appropriately. If the applicant/recipient is failing to cooperate with the Authorized Representative, and the Authorized Representative is unable to obtain the required verifications needed to complete an eligibility determination, then contact should be made with the applicant/recipient to obtain verifications.

Authorized representatives assume responsibility for the accuracy of the information provided. AGs who utilize an authorized representative are subject to the same disqualification penalties and possible prosecution as AGs representing themselves.

**Note: If a member passes away, the authorized representative form remains valid, under the condition the POA or the AR being designated on the form signed while the member was living.**