

Risk Tip: Disposing of Old X-rays

Take into account not only state and federal requirements, licensing standards and patient compensation fund rules, but also the needs and wishes of your patients. Most state laws require adult patient X-rays be kept on file for seven to ten years after the last date of treatment — the same requirement as for patient records. Minor patient X-rays generally need to be retained until the patient reaches age 25.

After that timeframe, you can dispose of the films, as long as you do it properly from a patient privacy perspective and in accordance with EPA regulations. Due to HIPAA privacy requirements, you cannot simply throw X-rays in the trash. Films must be destroyed. Some states even require the notification and response of patients before the destruction of records, including X-rays.

In general, proper disposal methods include shredding, burning, pulping or pulverizing the records so that patient health information is rendered essentially unreadable and cannot be reconstructed. The challenge is that home and office shredders are not sturdy enough to destroy X-rays and the films have hazardous material that cannot be legally disposed of in landfills.

If you enlist a company to destroy your X-rays, work through a professional document shredding company and make sure the company prepares a HIPAA Business Associate agreement and provides a certificate of destruction. To protect patient confidentiality and avoid the potential for identity theft, make sure to:

- Know the difference between recycling and destroying. Simply recycling X-rays may not comply with patient confidentiality laws.
- Have a written policy on document destruction before contacting vendors for bids.
- Examine a company's written policy for managing the destruction.
- Require the company to do background checks of its employees.
- Conduct periodic, unannounced audits of the destruction facility if the destruction is done off site.

While these steps may seem burdensome, the consequences of not taking the necessary precautions may include litigation, privacy violations, and a general loss of reputation and confidence in the office.

Another issue to keep in mind when disposing of films is patient perception. This is especially relevant if you sell the X-rays to a third party. (Some companies will pay you for the silver contained in the films.)

Not only do patients trust you to maintain the confidentiality of their health information, they may think they own the films since they (or their health insurance company) paid for them. Although what they really paid for is to have the X-rays taken, processed and read, it is important to be aware of this frequent patient misconception.

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