



Information about Retention of Records for Dentists



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How long do dentists have to keep dental records?

In general, clinical and financial records, as well as radiographs, consultant reports, and drug and lab prescriptions, which are made in respect to an individual patient, must be maintained for at least ten years after the date of the last entry in the patient's record. In the case of a minor, these records must be kept for at least ten years after the day on which the patient reached the age of eighteen years.

RCDSO Dental Recordkeeping Guidelines ▶

(Issued February 2008-Revised May 2008. Pg. 18)

How long does a dental office need to keep appointment books and other office records (such as equipment maintenance records, sterilization log and drug register)?

The same retention period would apply: Ten years after the date of the last entry in the record.

Is this a legal requirement?

Yes. Dentists are required by the regulations made under the Dentistry Act, 1991, to retain records. You can find Ontario Regulation 853/93 (which are the professional misconduct regulations made under the Dentistry Act, 1991), on the Government of Ontario website at www.e-laws.gov.on.ca

What are the financial records that must be kept for patients?

Financial records include a copy of any written agreement with a patient, the date and amount of all fees charged and payments made, and an itemized listing of all commercial laboratory fees. These financial records should be kept for the same retention period prescribed by the regulations. Copies of dental claim forms that have been completed manually and submitted in hard copy must be maintained for at least two years. However, it is up to the dentist's discretion to decide whether and how long to retain copies of other correspondence with insurance companies regarding dental insurance claims; for example, predetermination forms, explanations of benefits, requests for additional information sent by insurance companies subsequent to the submission of a predetermination or insurance claim, the dentist's responses to such inquiries, and the confirmation of transmission produced when claims are submitted electronically.

Retention of Financial and Business Records ▶

(Dispatch July/August 2004. Pg. 24)

How long should stone models be kept?

Diagnostic or study models are considered part of the patient's record and must be kept for the same retention period prescribed by the regulations. Working models do not have to be retained for any specific period of time. A decision to keep working models should be based on the complexity of the case and is left to the judgement of the individual practitioner.

Do dentists need to keep a drug register?

Yes. A drug register must record and account for all narcotics, controlled drugs, benzodiazepines and targeted substances that are kept on-site at the dental office. Whenever drugs in the above mentioned classes are used or dispensed, a record containing the name of the drug, number dispensed, name of the patient and date should be entered in the register. Each entry should be initialled or attributable to the person who made the entry. In addition, this same information should be recorded in the patient's clinical records along with any instructions given. The register should be kept in a secure area in the office, preferably with the drugs.

After the record retention period has passed, how do dentists destroy the records that are no longer needed?

Dentists are required to maintain patient confidentiality when disposing of dental records. Chart records and other documents must be properly destroyed either by shredding or incineration. If there are large volumes of paper records to sort and dispose of at one time, some dentists may consider having a shredding or document management company destroy and dispose of these records for them. Dentists must ensure that appropriate safeguards will be taken to protect the patient's personal health information and should review the company's privacy policy; dentists may also use the privacy agreement for third-party contractors that is available from the College. Dentists may discard photographs, radiographs and models in the garbage once patient identification/identifying labels have been removed, obliterated or rendered illegible.

Is recycling considered a secure method of disposing of the records?

Information and Privacy Commissioner of Ontario has stated that "recycling does not equal secure disposal", and that "the only acceptable method of disposing of records is to destroy them by a method that ensures the information is completely obliterated, for example, by irreversible shredding of the documents."

Best Practices for the secure destruction of personal health information ▶
(Dispatch article May/June 2010. Pg 54)

Who owns the patients' dental records?

Under privacy legislation and the regulations made under the Dentistry Act, 1991, the dentist (in a principal-associate arrangement, this is usually the principal/owner of the practice) is deemed to be the custodian of his/her patients' dental records. Only a dentist can be a custodian of patients' dental records.

When a dentist passes away, what will happen to his/her patients' dental records?

The estate trustee or the person who has assumed responsibility for the administration of the deceased dentist's estate assumes responsibility for retaining the dental records until they can be transferred to another dentist.

Proper Procedures and Appropriate Safeguards for Dental Records When a Dentist Passes Away ▶
(Dispatch February/March 2012. Pg. 28)

Can dentists store archived records off-site?

Yes. However, the privacy legislation requires that patients' dental records be stored in secure premises to prevent unauthorized access and dentists should take reasonable steps to protect them from theft and damage from fire or flood. It is also recommended that stored records be kept in a systematic fashion so they can be easily retrieved if a patient returns to the practice or they are needed for another purpose.

Dental Records Storage and Recovery of Damaged Records

(Dispatch article February/March 2012. Pg.26)

If a dentist decides to store archived records off-site, does he/she need to notify his/her patients or former patients?

It is not necessary to notify patients if their records are stored in the basement of the dental office or other premises that are controlled by the dentist. However, if the records are moved to premises that are not under the control of the dentist, such as a third-party record storage facility, the privacy legislation requires that patient consent be obtained before their records can be stored in such a facility.

There was a flood/fire in my dental office and some of my patients' dental records were damaged/destroyed. What do I have to do?

The first step is to determine which records can be retrieved or salvaged. There are companies that specialize in recovery/reconstruction of paper records and data recovery of electronic records. Your general liability or office overhead insurance policy may cover some of these costs.

For electronic records, the College recommends that they be backed-up on a routine (i.e. daily) basis and stored in a physically secure environment off-site. In addition, your recovery procedures should be periodically tested to ensure that all patient records and critical data can be retrieved and reliably restored from the backup copy. If the system cannot be restored from a backup copy, it may be possible to recover data from a damaged hard drive.

Do I need to notify patients that their records were damaged or destroyed?

The College advises dentists to notify patients currently in treatment and other active patients about what has occurred and whether any records may need to be recreated. For example, this may include medical histories, examination findings, radiographs and other diagnostic records required to provide safe and appropriate dental care. Patients may be notified verbally or in writing, or by posting a notice in the office.

Should I notify the College of this mishap?

If your patients' dental records have been destroyed by fire or flood, you may wish to notify the College that this has occurred. This information may be helpful should a claim or complaint arise at a later date. In any report that you make, you should describe the steps that you have taken to salvage or reconstruct the dental records and which records remain; for example, only electronic financial records remain of the treatment provided to patients. Your report should be made in writing and you may request that it be placed in your general file, which is retained at the College indefinitely.

A former patient of mine has requested copies of dental records, but I don't know where they are. What should I do?

You should be honest with the patient about which records are available and those that are, for the time being, missing. You need to make finding them a priority. If the records cannot be located after you have made reasonable efforts and they are necessary for a treatment appointment booked at another dental office, then you could offer to retake only the necessary radiographs and re-examine the patient at no charge to provide the diagnostic information that the patient has requested and requires to continue or complete his/her treatment, whether at your dental practice or elsewhere.

Questions and Answers about Lost, Stolen or Unclaimed Dental Records 

(Dispatch article of May/June 2012. Pg. 6)

When a laptop or briefcase containing patients' records has been stolen, what should a dentist do?

The dentist should notify the police of the theft with the hope that they can recover the property and the records that were stolen. The dentist should also report the breach to the Office of the Information and Privacy Commissioner of Ontario. The IPC/ON has a breach notification assessment tool that guides dentists in evaluating whether they have a legal obligation to notify patients under Ontario's Personal Health Information Protection Act about the loss of their personal health information. In most cases, notification is required. The dentist may also wish to provide the College with a report of the incident and the list of patients whose records were stolen. This will be placed in the dentist's general file with the College.

Office of the Information and Privacy Commissioner/Ontario
416-326-3333
800-387-0073
info@ipc.on.ca
www.ipc.on.ca

When a dental office is going “paperless” (transitioning from paper records to electronic records), can existing paper records be scanned and destroyed?

For convenience, a paper record, dental radiograph or study model for a patient may be converted to electronic format by scanning it. These records can then be placed in storage and archived. However, it is important to note that original paper records, dental radiographs and study models for a patient must be retained and maintained as required by the regulations.

Can a dentist e-mail a patient’s radiographs and other records to the patient or to another dentist?

As a general rule, e-mail is not a secure means of communication, and may be vulnerable to interception and hacking by unauthorized third parties. Accordingly, dentists should avoid using e-mail to communicate the personal health information of patients, unless they are employing a secure e-mail service with strong encryption. There are several products and services that are available to permit dentists to communicate with each other and their patients via secure e-mail.

Alternatively, digital radiographic files can be saved and delivered on medium such as a CD-ROM or USB key.

Once the retention period has passed, how can electronic patient records be disposed in a manner that maintains confidentiality?

The disposal of electronic patient records must be authorized by the dentist. Effective disposal requires that they be permanently deleted or irreversibly erased, including any back-up or other copies. An audit trail should maintain a record of the name of the patient whose personal health information was disposed, the time period to which the information relates, and the person responsible for authorizing the disposal of the information.

In the event that electronic media (e.g. hard drives and other storage devices found in computers, servers, photocopiers, fax machines, scanners, printers, etc.) are to be disposed, dentists must ensure that all patient records are permanently deleted or irreversibly erased from them. Alternatively, the device may be physically destroyed.

Dentists must not sell or give away electronic media devices that have stored patient records.

Guidelines Electronic Records Management ▶