

What Should I Consider with Disposing of Old X-rays?

Q: I need to dispose of some old X-rays to free up space. What steps are needed to do this properly? Also, is it advisable to sell old films to a vendor for the silver in them?

A: You need to 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 years after the last date of treatment—the same requirement as for patient records. It may not be acceptable to destroy films if you are keeping the other medical 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.

With these factors in mind, some authorities recommend retaining X-rays indefinitely. This may not be practical, however, as films must be stored in a safe location with adequate temperature and humidity. However, it might be worth keeping the X-rays longer than legally required if you have the space and the right facility. If not, make sure to maintain patient confidentiality, dispose of them properly and keep a record of the X-rays sent out for destruction.

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