

# Managing Professional Risks

## ADA Guidelines for Practice Success™ (GPS™)

### ADA Do's and Don'ts for Destroying Inactive Paper Records

#### DO

- Shredding can be an easy, affordable and effective way to destroy the dental records of inactive patients that will not be transferred to another practice or to the patients.
  - ✓ Consider hiring a professional shredding services to do this for you.
    - If your practice is covered by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), you may be required to have a signed business associate agreement with any company that stores, transports or destroys confidential records.
    - Dental practices are considered covered entities if they transmit electronic “covered transactions,” such as electronic claims, to dental plans. It’s also possible to become a covered entity by contracting with an outside service, such as a clearinghouse, to submit electronic covered transactions on behalf of the dental practice. More information on covered entities is available in the ADA Guidelines for Practice Success™ (GPS™) module on [Managing the Regulatory Environment](#) section on the Office for Civil Rights. See [The Privacy Rule](#) and the ADA [Tip Sheet on Certain Provisions of the HIPAA Privacy Rule](#) articles for more information.
    - “Business associates” are generally defined as an individual or entity who is not a workforce member and who performs a service for a covered entity that involves access to patient information. More information on business associates is available in the ADA’s GPS™ module on [Managing the Regulatory Environment](#)’s ADA [Tip Sheet on Business Associates](#).
    - Dental practices that maintain patients’ credit card information in paper format, perhaps to make it easier to process monthly payments or co-pays, should be familiar with the Payment Card Industry Data Security Standards (PCI DSS). Those standards may require that the agreement between the dental practice and the third party contain specific language. If possible, it’s a good idea to try to negotiate an indemnification provision in the agreement so the third party indemnifies the practice in the event of a breach.
  - ✓ Another option is to rent an industrial-grade shredder and destroy the records yourself. Small paper clips and staples generally do not have to be removed prior to professional shredding.
- Practices that are aligned with medical facilities may be able to outsource the destruction of records by including any documents to be destroyed with those being destroyed by the medical facility.
  - ✓ Consider asking if you or a staff member can witness the destruction.
  - ✓ Also ask for a Certificate of Destruction from the company as certification that the documents were actually destroyed and keep the document with your records.

#### DON'T

- Burn patient records containing radiographs since heat can release dangerous metals.
  - ✓ A better option could be silver recovery by a professional recovery firm which might even pay you a rebate the silver content recovered.
    - Your state or local dental society might be able to direct you to a silver recovery firm or certified waste hauler. If they are unable to recommend any potential vendor, an internet search may help you identify possible vendors.

- ✓ If your practice is covered by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), you may be required to have a signed business associate agreement with the recovery firm.

**A special mention regarding electronic media:**

Under HIPAA, electronic media is secured if it has been “cleared, purged, or destroyed consistent with NIST Special Publication 800-88, Guidelines for Media Sanitization such that the media cannot be retrieved.” Refer to the February 2015 publication, [NIST Special Publication 800-88, Revision 1: Guidelines for Media Sanitization](#), for more guidance when making practical media sanitization decisions based on the categorization of confidentiality of their information.

**Resources:**

- The ADA Guidelines for Practice Success™ (GPS™) module on [Managing the Regulatory Environment](#)
  - [The Privacy Rule](#)
  - ADA [Tip Sheet on Certain Provisions of the HIPAA Privacy Rule](#)
  - ADA [Tip Sheet on Business Associates](#)
  - ADA [Tip Sheet on the HIPAA Breach Notification Rule](#)
- [NIST Special Publication 800-88, Revision 1: Guidelines for Media Sanitization](#)

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