

Record Retention and Patient Access

A patient is entitled to copies of their dental record or ask to have them transferred to another practice.

Section 29.2(a)(3) of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York (8NYCRR) requires that a dental patient's **record be kept for a minimum of six years. If the patient is a minor when treated, meaning that the patient is under 18 years of age, then the record must be kept for six years or until the patient turns 22,**

You may keep the records longer than the law requires for risk management purposes. The law does not prescribe the form in which you keep the records. They may be kept on paper, microfilm, computer or any other medium. However, you need to have ready access to the record and you need to be able to authenticate that the record has not been altered in case you are asked to produce the record in court.

The dentist is the sole owner of the dental records. Copies are to be made available to the patient if requested. The **copies fee is limited to 75 cents per page for paper copies and no more than the reasonable cost of your expenses for other copies such as xrays.** You must provide copies even if there is a balance owed on the patient's account. Charges for copies are allowed to be added to the account and sent to collections if necessary.

Practice Closings

After closing your practice or in the death of the practice owner, the records must be maintained according to the law for the minimum statutory time. You must make provisions for the maintaining of the records and for allowing the patients to contact you if they need copies in the future.

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