
X-RAY IMAGE AND REPORT (MEDICAL RECORDS) RETENTION

Note: All X-ray images and reports are considered medical records

RETENTION REQUIREMENTS FOR MEDICAL RECORDS OTHER THAN FOR MAMMOGRAPHY

X-ray retention requirements, other than for mammography, are located in Title 22, California Code of Regulations (22 CCR), Division 5, Licensing and Certification of Health Facilities, Home Health Agencies, Clinics and Referral Agencies Patient Records. 22 CCR, Section 74731 requires that health records for each discharged adult patient, shall be preserved safely for a minimum of seven years following discharge of the patient, except that the records of unemancipated minors shall be kept at least one year after such minor has reached the age of 18 years and, in any case, not less than seven years. Unless transferred to a new owner, arrangements must be made for the safe preservation and retrieval of the records at the patient's request.

Health and Safety Code, Section 123145 states, in part, that:

(a) Providers of health services that are licensed pursuant to Sections 1205 (outpatient clinic), 1253 (health facility as defined in Section 1250), 1575 (adult day health care center) and 1726 (skilled nursing services in the home) have an obligation, if the licensee ceases operation, to preserve records for a minimum of seven years following discharge of the patient, except that the records of unemancipated minors shall be kept at least one year after the minor has reached the age of 18 years, and in any case, not less than seven years.

Please refer to the Health and Safety Code for retention of medical records at other types of facilities.

The Occupational Safety and Health Standards Board's General Industrial Safety Orders require that the medical record of each employee must be maintained for at least the duration of the employment plus thirty (30) years. (California Code of Regulations Section 3204[d]).

RETENTION REQUIREMENTS FOR MAMMOGRAPHY

Title 17, California Code of Regulations, Section 30317.50. Mammogram and Report Retention.

Unless otherwise required by law, each facility that performs mammography shall:

(a) Unless transferred in accordance with subsection (b), maintain mammograms and the reports specified in Section 30317.40 for a minimum of seven years and if no additional mammograms of the patient are taken by the facility, mammograms and reports shall be maintained for a minimum of ten years.

(b) Upon request or on behalf of the patient, permanently or temporarily transfer the original mammograms and copies of the patient's mammographic examination reports to a medical institution, a physician or to the patient directly. Any fee charged for this service shall not exceed the documented cost of the service.

(c) If the facility will discontinue the performance of mammography, notify the Department prior to discontinuing mammography of how all records kept pursuant to subsection (a) will be maintained.

The original analog films must be maintained for the entire retention period.

The following FDA interpretation for implementation of digital image retention is consistent with California laws and regulations.

While not allowed for final interpretation, copied or digitized images of previously obtained mammograms may be used for comparison purposes if the interpreting physician deems that acceptable. The original films must remain available for comparison in the event that any doctor in the future will not accept them for comparison, for instance if a patient transfers to a provider outside your group or a new radiologist joins your practice that wants to have the original films.

Lossless and lossy compression pertains to images initially acquired digitally rather than a digitized analog image. Lossless compression accurately preserves all of the data from the original mammogram. Images regenerated from lossless compressed data to be used in the same manner as the original mammogram.

Lossy compressed data to be used may not be used for retention or interpretation in the same manner as the original mammogram. While not allowed for final interpretation, lossy compressed images of previously obtained mammograms may be used for comparison purposes if the interpreting physician deems that acceptable.