

Destruction of Patient Health Information (1996)

Save to myBoK

This practice brief has been updated. See the latest version [here](#). This version is made available for historical purposes only.

Background

Due to storage and fiscal restraints, most healthcare facilities are unable to maintain individual patient health information indefinitely. Consequently, these organizations find it necessary to develop and implement retention schedules and destruction policies and procedures.

(See also the June 2002 Practice Brief, [Retention of Health Information](#).)

Recommendations

Destruction of patient health information by a healthcare facility shall be carried out in accordance with federal and state law and pursuant to a proper written retention schedule and destruction policy approved by the health information manager, chief executive officer, medical staff, and legal counsel. Records involved in any open investigation, audit, or litigation should not be destroyed.

Some states require notification of patients, prior approval from a state agency, specify the method of destruction, or require creation of an abstract prior to destruction. In the absence of any state law to the contrary, AHIMA recommends the following:

- Destroy records so there is no possibility of reconstruction of information. Appropriate methods for destroying paper records include burning, shredding, pulping, and pulverizing. Methods for destroying microfilm or microfiche include recycling and pulverizing.
- Some computer system designers do not see any reason to purge and destroy computerized data, as the process may be more expensive than retention. When facilities do make the decision to destroy computerized data, they should develop methods of destruction that destroy the data permanently and irreversibly. Methods include overwriting data with a series of characters or reformatting the disk (destroying everything on it). Deleting a file on a disk does not destroy the data, but merely deletes the filename from the directory, preventing easy access and making the sector on the disk available so it may be overwritten. Total data destruction does not occur until the back-up tapes have been overwritten.
- The laser disks used in write-once-read-many (WORM) document imaging applications cannot be altered or reused, making pulverization an appropriate means of destruction.
- Reassess the method of destruction annually, based on availability of timely and cost-effective destruction services.
- Document the destruction, including:
 - Date of destruction
 - Method of destruction
 - Description of the disposed record series
 - Inclusive dates covered
 - A statement that the records were destroyed in the normal course of business
 - The signatures of the individuals supervising and witnessing the destruction
- Maintain destruction documents permanently. Such certificates may be required as evidence to show records were destroyed in the regular course of business. Where facilities fail to apply destruction policies uniformly or where destruction is contrary to policy, courts may allow a jury to infer in a negligence suit that if records were available, they would show the facility acted improperly in treating the patient.

- If destruction services are to be contracted, the contract should:
 - Specify the method of destruction
 - Specify the time that will elapse between acquisition and destruction of data
 - Establish safeguards against breaches in confidentiality
 - Indemnify the healthcare facility from loss due to unauthorized disclosure
 - Provide proof of destruction

Sample Certificate of Destruction Facility Name											
The information described below was destroyed in the normal course of business pursuant to a proper retention schedule and destruction policies and procedures.											
Date of destruction: _____											
Description of record series disposed of: _____ _____ _____ _____											
Inclusive dates covered: _____											
Method of destruction: <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><input type="checkbox"/> Burning</td> <td style="width: 33%;"><input type="checkbox"/> Shredding</td> <td style="width: 33%;"><input type="checkbox"/> Pulping</td> </tr> <tr> <td><input type="checkbox"/> Reformatting</td> <td><input type="checkbox"/> Overwriting</td> <td><input type="checkbox"/> Pulverizing</td> </tr> <tr> <td colspan="3"><input type="checkbox"/> Other: _____</td> </tr> </table>			<input type="checkbox"/> Burning	<input type="checkbox"/> Shredding	<input type="checkbox"/> Pulping	<input type="checkbox"/> Reformatting	<input type="checkbox"/> Overwriting	<input type="checkbox"/> Pulverizing	<input type="checkbox"/> Other: _____		
<input type="checkbox"/> Burning	<input type="checkbox"/> Shredding	<input type="checkbox"/> Pulping									
<input type="checkbox"/> Reformatting	<input type="checkbox"/> Overwriting	<input type="checkbox"/> Pulverizing									
<input type="checkbox"/> Other: _____											
Records destroyed by: _____											
Witness signature: _____											
Department manager: _____											
<i>Note: This sample form is provided for discussion purposes only. It is not intended for use without advice of legal counsel.</i>											

References

Health Law Center, Aspen Publishers. *Hospital Law Manual*, Administrator's Volume, Volume 1B. Gaithersburg, MD: Aspen Publishers, 1995.

Liebler, Joan Gratto. *Medical Records Policies and Guidelines*. Gaithersburg, MD: Aspen Publishers, 1994.

Rowland, Howard S., and Beatrice L. Rowland. *Hospital Legal Forms, Checklists & AMP Guidelines*. Gaithersburg, MD: Aspen Publishers, 1994.

Tomes, Jonathan P. *Healthcare Records Manual*. New York, NY: Warren Gorham LaMont, 1994.

Tomes, Jonathan P. *Compliance Guide to Electronic Health Records*. New York, NY: Faulkner and Gray, 1995.

Prepared by:

Gwen Hughes, ART, Professional Practice Division

Acknowledgements

Assistance from the following reviewers is gratefully acknowledged:

Mary Brandt, MBA, RRA, CHE

Cindy Eiseman, RRA

Nadinia Foley, MBA, CPA, RRA

Mary Alice Hanken, PhD, RRA

Sue Kirk, ART

Susan Probyn, RRA

Sue Prophet, RRA, CCS

Issued: January 1996

Driving the Power of Knowledge

Copyright 2022 by The American Health Information Management Association. All Rights Reserved.