



American Society of Forensic Odontology Dental Record Retention Position Paper

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Right now, in the United States, there is a problem that every dentist can help with. As of September 18, 2012, there were 7,801 unidentified people reported by medical examiners and coroners to the National Crime Information Center (NCIC). Over seven thousand decedents are waiting to be identified, with countless more family members grieving for their loved ones.

There are several ways to identify someone who has died. Visually is one way, but it is not as accurate as other, scientific means. If there has been decomposition, burning, or trauma, very often visual identification may not be possible or could lead to misidentification. If these conditions are advanced, fingerprint identification may not be possible, either. DNA is a wonderful tool in forensics, but it is costly if done at a private lab, and if done in a federally funded lab, the wait time in 2011 was one year. For these reasons, dental record comparison is often the fastest, most cost effective, scientific method of identification.

But we must have antemortem dental records to do it.

First, please note HIPAA specifically permits release of dental records to a Medical Examiner's or Coroner's office for identification purposes without requiring consent of next-of-kin or guardian; *see* 45 Code of Federal Regulations §164.512(g)(1).

We know that space is at a premium in most dental offices, and purging old dental records is a common way to make more room for current needs. Some states have requirements for how long dental records are to be retained, and some do not. (Please be aware there also may be stringent requirements for retaining records of children or disabled persons in some states.) When the time required to keep dental records has passed, it would be so helpful to the families of those who are missing if you would retain just three things:

1. The most current dental bitewing radiographs.
2. The most current full mouth and/or panoramic dental radiographs.
3. The patient information form containing the date of birth or the social security number of the patient.

This will take up much less space than the entire chart, and is usually the most important part of the dental records needed to identify a decedent.

Right now, you may have the power to help get the remains of an unidentified loved one out of a coroner's office and back to their family. Retaining dental records really does make a difference. You can make a difference. Don't destroy your records.