

Title 30: Professions and Occupations

Part 2301: Regulations Adopted by the Mississippi State Board of Dental Examiners

Chapter 1:

Rule 1.53 BOARD REGULATION NUMBER 53—PATIENT RECORDS

Purpose: To determine appropriate patient recordkeeping guidelines for licensed dentists.

~~Licensed dentists shall be required to maintain for a minimum of seven (7) years from the date of last treatment, a copy, or retrievable copy, of patient records including, at a minimum, the date(s) and type(s) of treatment; health history; any and all medications prescribed, dispensed, and/or administered; any and all radiographs administered; and/or other laboratory results.~~

1. Dental patient records shall include, at a minimum, the following information:

- a. Dates and types of dental treatment,
- b. Health history,
- c. Diagnosis of problems or diseases,
- d. Evidence of informed consent,
- e. Medications prescribed, dispensed, and/or administered,
- f. Radiography and other diagnostic imaging results, and
- g. Laboratory results.

2. Time Period for Maintenance of Patient Records

- a. The dentist shall maintain dental records in the original, microfilmed, electronic, or similarly reproduced form for a minimum period of ten (10) years from the date a patient is last treated by a dentist.
- b. Graphic matter, images, X-ray films, and like matter that were necessary to produce a diagnostic or therapeutic report shall be retained, preserved and properly stored by a dentist in the original microfilmed or similarly reproduced form for a minimum period of three (3) years from the date a patient is last treated by the dentist.
 - i. Dental models and casts shall be considered like matter for purposes of this regulation.
 - ii. The dentist shall retain these records for a longer period, not to exceed ten (10) years, when requested in writing by the patient.

3. Informed Consent

- a. Informed consent is not merely a document. Informed consent is a process and conversation between the dentist and the patient, or the parent or legal guardian if the patient is a minor, wherein the dentist educates the patient regarding the risks and advantages of the proposed treatment, alternatives to the proposed treatment,

including non-treatment, and affords the patient the opportunity to ask questions regarding such.

- b. Informed consent is required for all dental procedures beyond minor restorative procedures.
- c. Informed consent is required for all dental procedures, irrespective of the type of procedure performed, if the patient is an unemancipated minor under eighteen (18) years of age, or if the patient is a vulnerable person, as defined by Miss. Code Ann. § 43-47-5.
- d. Informed consent shall be obtained no more than fourteen (14) days prior to the proposed treatment or procedures if the patient is an unemancipated minor under sixteen (16) years of age, or if the patient is a vulnerable person, as defined by Miss. Code Ann. § 43-47-5.
- e. Informed consent may be implied in the event of an emergency, if in the competent judgment of a dentist, the delay effected by obtaining informed consent would endanger the patient's life.
- f. The dentist shall document verifiable evidence of the patient's informed consent.

4. Production of Records

- a. The inability and/or failure to produce such records when so requested by the Mississippi State Board of Dental Examiners shall be considered a violation of this Regulation, and the licensee may be subject to formal disciplinary action by the Board.
- b. Furthermore, Patients who request copies of their records shall be provided with copies at no cost to the patient or, at a maximum, only the cost the dentist incurs in reproducing these records for the patient.
- c. Patient records shall be provided upon request to a parent or legal guardian of an unemancipated minor under eighteen (18) years of age without the permission of such unemancipated minor.

History: *Regulation Fifty-Three adopted by the Mississippi State Board of Dental Examiners March 8, 1996; amended August 17, 2013; amended April 25, 2025.*