

Lucas –v- W

Out of Court Settlement June 2014
Damages: £10,000
Dental Condition: Extrusion of hypochlorite into root
Defendant's Representatives: Dental Protection

The Claimant received £10,000 in respect the Defendant's failure to provide adequate treatment.

Clinical Negligence:

In May 2013, the Claimant attended the Defendant complaining of pain in the UL quadrant.

In June 2013, the Defendant commenced root canal treatment. A periapical radiograph taken at the appointment shows the file to be over extended in the distal buccal canal by 1 – 2 mms.

The Claimant returned on 1.7.2013 when root canal treatment continued. It was during this appointment that a hypochlorite incident occurred whilst irrigating the distal buccal canal. Our Claimant experienced buccal swelling to the floor of the orbit.

The Defendant called the Maxillofacial Dept at the local hospital and referred the Claimant.

The Claimant attended the A&E Department at the local hospital with regards to the significant swelling and our Claimant was reassured and was advised that if she became unwell to return.

The Claimant experienced significant initial swelling and bruising to her left cheek and a significant burning painful sensation.

The Claimant also experienced the distress at not being able to breast feed her 8 week old baby for 48 hours following the hypochlorite incident.

The Claimant has now been left with a pea sized lump on the left side of her face.

Cause of Action

The claim against the Defendant was based in negligence.

Allegations of Negligence:

There was a failure to use reasonable skill and care in the technical execution of root canal treatment of the UL6 on 1.7.2013 by the Defendant. In particular:

- a. There was a failure to pay heed to or ignore the periapical radiograph dated 20.6.2013 which showed an endodontic instrument extending to and beyond the apex of the distal buccal canal.
- b. There was a failure to ensure that the canal reparation was confined to the lumen of the UL6.
- c. There was a failure to ensure that the irrigant, namely sodium hypochlorite, was confined to the lumen of the distal buccal canal.
- d. There was a failure to avoid an excessive pressure during irrigation.

Injuries: The Claimant suffered significant initial swelling and bruising and pain to her left cheek and has now been left with a visible pea sized lump to the left side of her face.

Effects: The Claimant has experienced avoidable anxiety and pain and suffering associated with this treatment.

Out of Court Settlement: £10,000 total damages.

Breakdown of General Damages: Pain and suffering of facial disfigurement of a pea sized lump and pain and suffering following initial hypochlorite incident, £9,500

Special Damages: Minimal expenses, £500

The Dental Law Partnership representing the Claimant, Dental Protection representing the Defendant.

This case report submitted courtesy of Kate Chadwick, Solicitor with the Dental Law Partnership.

