

Bundy v H

Out of Court Settlement:	16.12.15
Damages:	£2,000
Dental Condition:	Neglect
Defendant Representatives:	MDDUS
Reference:	lawdent.com

The Claimant, a 32 year old man, received £2,000 in respect of treatment provided at UR2.

The Claimant attended the Defendant, a General Dental Practitioner, on **19.07.11** for an examination and the extraction of several teeth under sedation, including UL12. The Defendant noted that “all teeth of poor prog”. Despite this, the Defendant recorded that UR2 will need a new crown.

The Claimant attended the Defendant on **08.11.11** and the Defendant placed a pinned core at UR2 and prepared the tooth for a crown.

The Claimant attended Dr A on **07.03.12** and several filling were provided under sedation.

The Claimant attended the Defendant’s practice on **06.06.13** complaining of a broken tooth and crown. It was noted that the Claimant had lost the crown at UR2. The Claimant was provided with a further temporary restoration at UR2.

The Claimant attended the practice on **10.01.14** complaining of pain at the upper front tooth. It was noted that UR2 was Grade I mobile. A periapical x-ray was taken which shows at UR2 large periapical radiolucency characteristic of chronic infection. The treating clinician diagnosed a periapical infection at UR2 and prescribed the Claimant antibiotics.

The Claimant attended the practice on **13.01.14** and it was noted that he had been to hospital in relation to UR2. UR2 was extracted on this date.

Allegations of negligence: It was alleged that the Defendant:

1. Failed to use reasonable skill and care in the assessment, diagnosis and treatment planning in relation to UR2 on 19.07.11 and 08.11.11 in that he:
 - (a) Failed to expose pre-op radiographs of an appropriate clinical standard. Specifically, he failed to expose a periapical x-ray depicting a complete coronal and apical view of UR2.
 - (b) Failed to perform vitality testing at UR2.
 - (c) Failed to record a definitive diagnosis.
 - (d) Failed to consider that UR2 had a guarded long term prognosis in light of the extensive loss of coronal tooth structure and existing apical pathology and therefore

the only available option was extraction of UR2 at the same time as UL12 on 19/07/11.

The Defendant noted “all teeth poor prog” on 19/07/11 yet still went on to advise crowning of UR2.

- (e) Failed to consider that recording “UR2 will need a crown” and providing a pinned core and crown where inappropriate treatment options in light of the above.
- 2. Failed to obtain the Claimant’s valid consent prior to crown preparation at UR2 on 08.11.11 in that he:
 - (a) Failed to advise the Claimant that his proposed treatment plan was based in the absence of any pre-operative assessment and the absence of any definitive diagnosis.
 - (b) Failed to advise the Claimant that in light of the extensive coronal tooth structure loss and evidence of existing apical pathology, the prognosis of the unit was nil and the tooth required extraction.
 - (c) Failed to advise the Claimant of the option of extracting UR2 under sedation at the same time as UL12.

The photographs supplied by the Claimant taken on or around 19.07.11 indicate at UR2 a gross loss of coronal tooth structure and a buccal sinus.

Causation

Had the Defendant correctly identified in July 2011 that UR2 required extraction and had he in fact extracted the tooth at that time, the Claimant would have avoided unnecessary crown preparation at UR2, apical infection at UR2, a course of antibiotics and he would have avoided the need for a surgical extraction procedure on 13.01.14.

Liability: Denied

Injuries: The Claimant experienced prolonged pain and infection at UR2.

Effects: Discomfort and inconvenience of avoidable crown preparation UR2 on 08.11.11. Inconvenience of attending a dental appointment due to a lost temporary crown at UR2 on 09.12.11. Inconvenience of attending for an examination on 06.06.13 due to the broken tooth UR2. Pain at UR2 due to chronic infection. Avoidable prescription of antibiotics on 10.01.14. Discomfort and inconvenience of an avoidable extraction procedure on 13.01.14.

Out of Court Settlement: £2,000 plus reasonable legal costs.

Breakdown of General Damages: No breakdown was provided by the Defendant’s representatives.

Background to Special Damages: No special damages were claimed.

The Dental Law Partnership representing the Claimant, The MDDUS for the Defendant.

This case report was provided courtesy of Christine Salter, Solicitor with The Dental Law Partnership.

