

Earnshaw v F

Out of Court Settlement:	15.08.2016
Damages:	£2,000
Dental Condition:	Restorative
Defendant Representatives:	Dental Defence Union
Reference:	lawdent.com

The Claimant, a 25 year old man, received £2,000 in respect of a prolonged period of pain, infection and swelling as a result of the Defendant's failure to manage and treat infection.

The Claimant attended the Defendant on 01.10.14 complaining that his teeth was painful. Antibiotics were prescribed but no diagnosis was made.

The Claimant attended the Defendant on 22.10.14 for an examination. Caries was charted at numerous teeth. The Claimant has been taking antibiotics for dental pain and was offered further antibiotics. A repeat course of antibiotics was prescribed.

The Claimant attended his local hospital on 05.12.14. Gross decay was recorded at UR876 and UL7. The Claimant was advised to undergo extraction of UR876 and UL78.

The Claimant attended the Defendant on 10.12.14. Composite restorations were provided at UR2 and UL1.

The Claimant attended the emergency department at his local hospital on 19.01.15. The Claimant had been experiencing infection around his front teeth and felt that the infection had spread to his back teeth. The Claimant was complaining of pain and was concerned that he had taken too many paracetamols. The Claimant was admitted for IV fluids and acetyl cysteine infusion. The Claimant was admitted to hospital and accidental overdose and dental infection was recorded. The Claimant was discharged later that day.

The Claimant returned to the hospital on 05.02.15 when he underwent extraction of UR876 UL78.

Allegations of negligence: It was alleged that the Defendant failed to use reasonable skill and care in the management of infection and pain at UR8762 UL17. In particular, it was argued that the Defendant merely prescribed antibiotics despite the Claimant's severe pain. There was inappropriate advice by the Defendant that the Claimant required referral for routine extractions and a failure to consider extracting the UR7, UR6 and UL7 as part of a routine treatment plan.

Liability: No admissions made.

Injuries: The Claimant suffered a prolonged period of pain, swelling and infection.

Effects: The Claimant had to attend his local hospital for IV medication and suffered a prolonged period of pain and swelling resulting in him not being able to eat properly and losing weight.

Out of Court Settlement: £2,000

Breakdown of General Damages: £1,900 towards the pain and suffering associated with the infection and hospital admittance. Breakdown estimated by the Claimant's Solicitor.

Background to Special Damages: £100 towards travel and miscellaneous expenses. Breakdown estimated by the Claimant's Solicitor.

The Dental Law Partnership representing the Claimant, The Dental Defence Union for the Defendant.

This case report was provided courtesy of Jenny Wood, Senior Solicitor with The Dental Law Partnership.

