

Cowie v H

Out of Court Settlement: 06.04.16
Damages: £3,000
Dental Condition: Neglect
Defendant Representatives: Dental Protection
Reference: lawdent.com

The Claimant, a 59 year old woman, received £3,000 in respect of injuries arising from the Defendant's failure to appropriately manage LL3.

The Claimant attended the Defendant on 22nd March 2011 when a filling was placed at LL3. Following this treatment, the Claimant suffered swelling in the LL3 area and on 4th November 2014 a radiograph was taken showing that decay and chronic infection were present at LL3.

The Defendant advised the Claimant that LL3 required extraction and prescribed antibiotics. LL3 was extracted on 2nd December 2014, and the Defendant noted being unable to extract the root and prescribed antibiotics.

The Claimant continued to experience pain following the extraction procedure and was prescribed a further two courses of antibiotics.

On 30th December 2014, the Claimant attended the Accident and Emergency Department due to swelling and pain and it was recorded that a retained root was present at LL3. A dental abscess was diagnosed. The Claimant was admitted to hospital overnight and underwent the extraction of LL3 and drainage of the abscess.

Allegations of negligence: It was alleged that there was a failure to use reasonable care and skill in the management of LL3 on 18th November 2014, 2nd December 2014 and 23rd December 2014, in that the Defendant:

1. Failed to extirpate LL3 in order to alleviate the Claimant's symptoms.
2. Inappropriately prescribed antibiotics on 18th November 2014, 2nd December 2014 and 23rd December 2014 in the absence of any clinical indication to do so.
3. Failed to remove LL3 in its entirety.
4. Failed to administer further local anaesthetic when the Claimant experienced pain prior to completing the extraction of LL3.
5. Failed to provide a dressing at LL3 following the failed extraction attempt.

Liability: No admissions made.

Injuries: The Claimant experienced severe and acute pain emanating from LL3 and took multiple courses of antibiotics unnecessarily. The Claimant required admission to hospital overnight for intravenous antibiotics and pain relief and underwent an avoidable surgical procedure to have the retained root of LL3 removed and the abscess drained.

Effects: Due to the pain, the Claimant was unable to eat and the swelling became so severe that it extended to her lip and cheek on the left side.

Out of Court Settlement: £3,000.

Breakdown of General Damages: No breakdown was provided by the Defendant's representatives. The Claimant's Solicitor estimates £2,990 general damages.

Background to Special Damages: No breakdown was provided by the Defendant's representatives. The Claimant's Solicitor estimates £10 for past expenses.

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

This case report was provided courtesy of Sadie Cartwright, Solicitor with The Dental Law Partnership.

