

## Tarmey v B

Out of Court Settlement:	04.07.18
Damages:	£2,450
Dental Condition:	Endodontics
Defendant Representatives:	Dental Protection
Reference:	lawdent.com

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### **The Claimant, a 33 year old woman, received £2,450 in respect of endodontic treatment provided at UR6.**

The Claimant attended the Defendant, a General Dental Practitioner, on **02.06.15** when root canal treatment was carried out at UR6. The Defendant noted that UR6 was opened and pulp stone was removed. The Defendant noted that he filed to 18mm. A “try-in” periapical radiograph was taken which demonstrates the following:

- There are three gutta-percha points located within the lumina of the UR6.
- The palatal canal is approximately 2mm short of the apex.
- In the mesio-buccal canal, the apex is unclear, the end point of the gutta-percha is not clear.
- In the disto-buccal canal, the apex is unclear, the end point of the gutta-percha is not clear,

The Defendant noted that the try-in radiograph “*shows GP to apex*”.

The canals were irrigated and sealed with Endorez and an occlusal glass ionomer cement restoration was placed.

A final periapical radiograph was taken which demonstrates the following:

- The final radiograph shows three canals obturated.
- The palatal canal is well condensed but 4mm short.
- The mesio-buccal canal is poorly prepared and poorly condensed. The GP end point is not visible.
- The disto-buccal canal is poorly prepared and poorly condensed and the GP end point is not visible.

The Defendant noted that “*the final rad shows canals well obturated to apex*”.

The Claimant attended the Defendant on **05.07.16** for an examination. The Claimant complained of a lump on her gum at UR6. On examination, the Defendant noted “*buc swelling 5mm in diameter, high in buc sulcus above RCT'D UR6*”. A periapical radiograph was exposed which demonstrates the following:

- The palatal canal is 2mm short and inadequately condensed in the apical 5mm with patent lumen unsealed.

- The mesio-buccal canal is very thin and lacks later condensation. There is the appearance of a single point only and the length is satisfactory.
- In the disto-buccal canal there is a single point only and no lateral condensation 3-4mm short of the apex.
- All three roots have widened periodontal ligaments apically, characteristic of apical periodontitis.

The Defendant reviewed the x-ray and noted “*NAD on rad*”. Antibiotics were prescribed.

The Claimant attended a local hospital on **07.09.16** in relation to the lump on her gum and the Claimant was advised that repeat root canal treatment was required at UR6, due to the failing root treatment.

The Claimant attended a specialist Endodontist in July 2017 for provision of repeat root canal treatment at UR6.

**Allegations of negligence:** It was alleged that the Defendant:

1. Failed to use reasonable skill and care in the technical execution of root canal treatment at UR6 on 02.06.15 in that he:
  - (a) Failed to isolate the tooth with rubber dam to prevent re-infection and contamination of the root canals.
  - (b) Failed to expose a working length radiograph to calculate the appropriate length for chemo-mechanical preparation.
  - (c) Failed to clean, shape and obturate the canals to a satisfactory clinical standard as evident on the later radiograph dated 05.07.16 which demonstrated the following:
    - The palatal canal was 2mm short and inadequately condensed in the apical 5mm with patent lumen unsealed.
    - The mesio-buccal canal was very thin and lacks lateral condensation. There is the appearance of a single point only, the length is satisfactory.
    - In the disto-buccal canal there is a single point only and no lateral condensation 3-4mm short of the apex.
  - (d) Failed to ensure that access cavity preparation was undertaken to achieve straight line access to the root canal complex and in particular the mesio-buccal canal.

Absent negligence, clinically satisfactory root canal treatment would have been provided at UR6 and no further intervention would have been required.

As a result of the Defendant's negligence, the Claimant experienced recurrent acute episodes of spreading infection which required antibiotic therapy and the Claimant required repeat root canal treatment at UR6.

**Liability :** Denied

**Injuries:** The Claimant experienced pain and infection and the requirement for repeat root canal treatment at UR6.

**Effects:** The Claimant experienced the pain and suffering of recurrent acute episodes of spreading infection at the UR6 which required two courses of antibiotics. The Claimant developed a lump on her gum as a result of the infection and this caused her a great deal of discomfort. The Claimant experienced the pain and discomfort of repeat root canal treatment at UR6 and requires a new restoration at the tooth.

**Out of Court Settlement:** £2,450

**Breakdown of General Damages:** The Defendant's representatives valued general damages at £1,500.

**Background to Special Damages:** The Claimant claimed past travel expenses and the past cost of repeat canal treatment at UR6 at £500 and the future cost of a new restoration at UR6 at £200.

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

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