
Dentist

Report on Opinion - Case 99HDC03103

Complaint

A consumer complained about the dental service she received from the provider, a dentist, from 1997 until 1999. The complaint is that:

- *During numerous dental visits from 1997 until April 1999 the Dentist failed to fully inform the consumer of the options available concerning a lower tooth, resulting in the tooth rotting and later needing to be removed by the Dentist.*
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Investigation

The complaint was received by the Commissioner on 15 March 1999 and an investigation was undertaken. Information was obtained from:

The Consumer
The Provider, a Dentist
A second Dentist, Dental Clinic

The Commissioner sought independent advice from a consultant dentist.

Outcome of Investigation

The consumer advised that she went to the Dentist for a severe toothache approximately two to two-and-a-half years ago, explaining she had very severe toothache. She stated that when the Dentist tapped her tooth "*the pain was quite bearable*". The Dentist informed her she was fine and he could see no decay and no filling had come out.

The Dentist recorded that the consumer had her teeth cleaned in April and August 1997. The dental records indicate the consumer had her teeth cleaned only at these two appointments.

The consumer stated her pain did not alleviate and she returned to the Dentist who documented that he consulted with her in early November 1997 to examine tooth 36. The Dentist stated this was the only time that she had consulted with him about this tooth. He x-rayed her tooth and "*advised her either to have root canal work or extraction*".

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Outcome of Investigation, continued

The consumer stated the Dentist advised her “*my tooth was growing and the pressure was causing the pain. He told me to have the tooth out.*” As the consumer was surprised at this, she asked him “*are you sure a tooth is growing at my age*”. The consumer stated the Dentist did not tell her that the tooth had decay in it, or that by having a root canal she could save her tooth. The Dentist advised the Commissioner it was common for a tooth to grow at any age in a person's life. As this tooth grows, the tooth next to it sometimes becomes impossible to clean and floss properly, as the floss won't go around the curvature of this tooth. As this happens, this tooth would decay and it would need to come out.

My advisor stated “*a tooth can begin erupting at any age*”, and a whole or a part of a tooth can erupt later in a person's life.

The consumer stated that as time went on, the pain went away and she thought the tooth had stopped growing. The dental records confirm the consumer did not attend any dental appointments for 15 months with the Dentist.

In January 1999 a filling came out of one of the consumer's top teeth, tooth 25. As the Dentist was unavailable the consumer consulted a different dentist at a Dental Clinic. The second Dentist filled tooth 25 and cleaned the consumer's teeth. He also informed her she had a very large carious lesion on tooth 36. He explained the options of either having a root canal and later a crown or having the tooth extracted. The second Dentist did not do a full investigation on this tooth because the consumer was there to have tooth 25 restored. The second Dentist advised the consumer to see her own dentist as soon as possible for treatment to tooth 36.

The consumer was not happy with the second Dentist's diagnosis on her tooth and arranged an appointment in mid-February 1999 to see the Dentist. The Dentist took a further x-ray of tooth 36 and stated that because of the size of the cavity it had severed through the root and had separated the tooth. He recommended the consumer have an extraction. The consumer stated that the Dentist told her “*the tooth had rotted away completely*”. The Dentist advised the Commissioner that the consumer was given a free x-ray as it is “*my nature*” to do this and he “*looks after [his] clients*”.

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Outcome of Investigation, continued

The Dentist pointed out that the x-rays taken in November 1997 and in mid-February 1999 showed there was a hole evident in the consumer's tooth 36. The x-ray taken in November 1997 showed a hole "*that was not so bad*", and so he offered and documented that the consumer was given two options for her tooth. "*Treatment plan: 1. Root canal therapy etc on 36. 2. Or extraction of 36*". The Dentist stated it was common practice for him to always show x-rays to his patients, even if it is a suspicious cavity and he would have shown the consumer her x-rays also. The Dentist advised the tooth would have rotted away over the period of time that the consumer did not come to see him. The Dentist stated there was no alternative option but extraction for the consumer's tooth in February 1999.

In early March 1999 the consumer came to collect her x-rays from the Dentist in order that she could obtain a second opinion. She gained the second opinion from the second Dentist who informed her the tooth was unrestorable. The consumer had her tooth removed a few days later by the provider.

Code of Health and Disability Services Consumers' Rights

The following Right is applicable to this complaint:

RIGHT 4

Right to Services of an Appropriate Standard

- 2) *Every consumer has the right to have services provided that comply with legal, professional, ethical, and other relevant standards.*
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**Opinion:
No Breach**

In my opinion the Dentist did not breach Right 4(2) of the Code of Health and Disability Services Consumers' Rights.

The consumer was informed in November 1997 that her tooth was still growing and after an x-ray the Dentist advised her either to have a root canal or an extraction. For a period of 15 months the consumer did not make an appointment with the Dentist and the responsibility for dental care rested with the consumer. The Dentist could not stop the decay occurring in any of her teeth during this time.

In my opinion the treatment and advice provided by the Dentist was reasonable in the circumstances and he did not breach the Code of Rights.
