

## **Treatment of significant tooth decay in young, anxious child (00HDC12109, 31 October 2002)**

*Dentist ~ Standard of care ~ Services provided in a manner consistent with patient's needs ~ Information about treatment options ~ Consent from parents or guardians ~ Children ~ Restraint ~ Follow-up care ~ Rights 4(1), 4(3), 6(1)(b), 7(1)*

The mother of a four-year-old boy complained that a dentist in private practice: (1) did not discuss or obtain consent from the boy's parents prior to the fitting of crowns on teeth 84 and 85; (2) did not appropriately deal with the boy's exhibited fear and distress but continued with the procedure and asked the boy's father to hold him down instead of stopping and offering reassurance; (3) did not advise the boy's parents on appropriate follow-up care or arrange a completion X-ray and check of the crowns; and (4) did not fit the crowns with appropriate care and skill with the result that most of the tooth substance disappeared and the crowns were loose.

The boy had significant dental caries, which caused him pain and required treatment. His mother understood that he had been referred for pulpotomies, but was not told that any other procedure would take place, the type of filling to be used, or the option of operating under a general anaesthetic if sedation failed.

The Commissioner reasoned that: (1) the boy's parents as guardians were entitled to receive information and give consent on his behalf; (2) it would have been more appropriate to provide treatment for one tooth at a time, so that if the anxious young child's ability to co-operate deteriorated, treatment could be stopped quickly; (3) the probable cause of the failure of treatment was inadequacy of the pulpotomies on a resistant child; and (4) the primary responsibility for follow-up care should be with the practitioner who provided the treatment, although it can be delegated to the referring practitioner.

It was held that the dentist:

- 1 breached Right 6(1)(b) by explaining procedures step by step as treatment progressed, since a patient cannot make an informed choice if no explanation about the procedure and management options has been given prior to the commencement of treatment;
- 2 breached Right 4(3) in not making appropriate management decisions to maintain as much flexibility as possible;
- 3 did not breach Right 4(3) because every step of the treatment that was coming next was explained in language appropriate for a child, and the dentist had taken steps to alleviate the boy's anxiety;
- 4 did not breach Right 4(1) in requesting the father to restrain the boy, even though forcible restraint is not considered good practice;
- 5 did not breach Right 4(1) as the treatment did not fail because of any failure to exercise reasonable care and skill; and
- 6 did not breach Right 4(1) in not providing follow-up care for the boy, as he was appropriately referred for further treatment at the hospital.