

Ward v L

Out of Court Settlement:	06/01/16
Damages:	£4,000
Dental Condition:	Other
Defendant Representatives:	Dental Protection
Reference:	lawdent.com

The Claimant, an 18 year old woman, received £4,000 in respect of an injury she suffered during the placement of a filling at LR6.

The Claimant attended the Defendant, a General Dental Practitioner, for an examination on **18.11.14**. The Defendant exposed two bitewing radiographs which showed the presence of extensive caries at LR6.

The Claimant attended the Defendant on **02.12.14** when a filling was placed at LR6. The Defendant noted that the filling was deep and that Dycal and a glass ionomer cement restoration were placed.

The Claimant reports that during the procedure she felt she had swallowed part of the tooth. The Defendant reassured her that she had not. At the end of the treatment the Claimant felt something catch on her upper lip causing pain and bleeding. We surmise this was the incomplete bur. The Claimant reports that the Defendant left the room and then returned to tell her that she had swallowed a piece of the drill but not to worry.

The Defendant noted that *“after the tooth was filled, noticed that the size 8 rose head at bur was no longer in the slow speed. Called practice owner informed him, he said to inform pt of what has happened and reassure it will pass out.”*

We surmise that the Defendant left the room knowing the bur to have come detached and sought advice as to what to tell the Claimant.

The Defendant noted that the Defendant informed the Claimant that she had swallowed a bur and that the Defendant reassured her that it would pass out in stools in the next few days. The Defendant noted that the Defendant advised the Claimant that she could go to A & E for a chest x-ray. The Defendant noted that she rang the Claimant later that day and advised her to go to A & E for peace of mind.

The Claimant advises that during the provision of a filling at LR6, a drill piece caught on her upper lip causing pain and bleeding.

The Claimant attended the hospital on **02.12.14** at 21.07. Her presenting complaint was that she swallowed a drill part at the dentist earlier that day.

The Claimant had a chest x-ray and an abdominal x-ray and the abdominal x-ray showed a visible drill bit. The Claimant was admitted to the ward.

The Claimant was attended on **03.12.14** at 01.50 for overnight observation and blood test. It was noted that the Claimant was to have nil by mouth and a further abdominal x-ray to track

the drill bit. The x-ray report of **03.12.14** records that there was no opaque foreign body in the chest but in the abdomen there was a metallic foreign body consistent with the ingested dental drill bit in the body of the stomach.

The plan was to take further x-rays and the Claimant was given intravenous saline.

The Claimant had a repeat x-ray at 7.00am on **03.12.14**. It was noted that the drill bit was in the Claimant's stomach. The Claimant was discharged home at 11.45am and was to return to the hospital the following day for a further x-ray as an out-patient.

The Claimant attended the hospital for a further x-ray on **04.12.14** and the x-ray report notes that "*the drill bit is in the stomach*".

The Claimant attended the A & E Department at the hospital on **05.12.14** complaining of abdominal pain at the right hand side. It was noted that the Claimant was not experiencing any nausea or vomiting. The Claimant was examined and an x-ray was taken. It was noted that the Claimant was discharged and reassured that the object was blunt and unlikely to penetrate the bowel. The Claimant was advised to return if the pain increased. The x-ray report dated **05.12.14** notes that "*the dental drill bit is in the transverse colon*".

The Claimant attended the hospital for a further x-ray on **11.12.14** and the x-ray report notes "*no opaque foreign body*" in the Claimant's abdomen. The Claimant was discharged and it was noted that no follow up was required.

Allegations of negligence: It was alleged that the Defendant:

1. Failed to use reasonable skill and care during the provision of restorative treatment at LR6 on 02.12.14 in that:
 - (a) She failed to ensure that the size 8 rosehead bur was securely locked into the slow hand piece.
 - (b) She allowed the bur to come loose during use and to separate from the hand piece.
 - (c) She allowed the Claimant to swallow the bur.
 - (d) She failed to immediately notify the Claimant of this.
 - (e) She failed to arrange an urgent referral to A&E for the Claimant, instead simply advising her to attend there for "*peace of mind*".
2. Failed to use reasonable skill and care when using a high speed hand piece on 02.12.14 in that she:
 - (a) Failed to protect the Claimant's soft tissues.
 - (b) Caused a cut to the Claimant's lower lip causing pain and bleeding.

Causation

1. Had the Defendant used reasonable skill and care whilst restoring LR6, the Claimant would have avoided swallowing a foreign body and would have avoided 2 visits to A&E, an overnight admission to hospital, multiple x-rays and significant distress and worry until the bur was passed.
2. Had the Defendant used reasonable skill and care whilst restoring LR6, the Claimant would have avoided a cut to her upper lip and would have avoided pain and bleeding at the area.

The procedure ought to have been halted when the Defendant became aware the bur had become detached or when the Defendant suspected this may be the case.

Liability: Denied

Injuries: The Claimant swallowed a drill bit and required a stay in hospital whilst the location of the bit could be determined.

Effects: The Claimant required an overnight admission to hospital in addition to two visits to A&E. The Claimant had to undergo six abdominal x-rays and one chest x-ray. The Claimant required intravenous fluids and blood tests. The Claimant experienced abdominal pain, causing her to attend A&E on 05.12.14. The incident caused a significant amount of distress and worry to the Claimant and her parents between 02.12.14 when the incident happened to 11.12.14 when the Claimant was discharged from hospital, after confirmation that the drill bit had passed. The Claimant is now very anxious about attending a dentist for treatment. The Claimant experienced a cut to her lower lip during the treatment on 02.12.14.

Out of Court Settlement: £4,000

Breakdown of General Damages: No breakdown was provided by the Defendant's representatives.

Background to Special Damages: The Claimant claimed car parking costs and travel expenses to the hospital at an estimated £50.00

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

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