

**Standard of dental treatment; informed consent  
(09HDC01081, 21 May 2010)**

*Dentist ~ Options ~ Periodontal disease ~ Extent of restoration ~ Assessment ~ Standard of dentistry ~ Documentation ~ Informed consent ~ Rights 4(1), 4(2), 6(1)(b), 7(1)*

A woman complained to the Dental Council of New Zealand about the dental care provided by her dentist. The complaint was forwarded to HDC. The woman saw the dentist with a painful tooth and a vague pain behind her front teeth. He discussed the need for treatment and outlined his recommendations, including treatment of the periodontal disease and extensive surgical restoration of her missing and decayed teeth.

Following extensive dental treatment by the dentist, the woman suffered severe and ongoing discomfort. The dentist refunded \$28,805.00 to the woman, and she since had her dental work re-done.

It was held that although the dentist maintained that he provided the woman with information about all the options available to her, there was no documentation to support this. Nor was there evidence that he obtained adequate consent prior to treatment. Accordingly, the dentist breached Rights 6(1)(b) and 7(1).

It was also held that, while it was difficult to make an accurate assessment of the state of the woman's teeth prior to treatment, the extent of the treatment performed was unnecessary. The dentist failed to carry out an adequate preliminary assessment, and the treatment that was performed was of a poor standard, which resulted in ongoing problems due to a severe malocclusion. By failing to exercise reasonable care and skill in his assessment and treatment, the dentist breached Right 4(1).

By failing to maintain adequate documentation and for deleting his proposed treatment plans, the dentist failed to comply with the relevant professional standards and also breached Right 4(2).