

Failure to provide treatment options for tooth replacement (12HDC00550, 26 June 2014)

General dentist ~ Dental practice ~ Maryland bridge ~ Information ~ Standard of care ~ Dental care ~ Vicarious liability ~ Rights 6(1)(b), 7(1), 4(1), 4(2)

A woman attended a general dentist for treatment of a broken crown. The patient also wanted to have a gap between her teeth closed at the same time. The dentist discussed replacement options with the patient, which included either a Maryland bridge or a 3-unit bridge. The patient chose to have a Maryland bridge because she believed that it would not alter any of her other teeth.

The dentist inserted the bridge but the patient was dissatisfied with the look and feel of the bridge. The patient asked the dentist about the possibility of an implant, but the dentist told the patient that this was not a suitable option for her because of the difficulty in its upkeep. The dentist agreed to redo the Maryland bridge.

During the process of removing the bridge and preparing the teeth to be widened to close the gap, one of the teeth was chipped. The dentist then inserted the second permanent Maryland bridge which was noted to be a slightly lighter colour shade which, as a result, made the patient's teeth look more yellow. The dentist considered that this could be addressed by performing a custom whitening of her teeth.

The patient complained of pain in one of her teeth. The dentist took X-rays which revealed nothing. The dentist prescribed the patient with an analgesic and an antibiotic "for infection in case a near-mechanical exposure" was causing the pain.

The patient then decided to seek a second opinion from another dentist. The second dentist told the patient that a Maryland bridge was the wrong choice in her circumstances, and recommended an implant. The patient was also told that during the preparation for the insertion of the Maryland bridge, the dentist had removed more tooth structure than was necessary.

The dentist breached Right 6(1)(b) for failing to provide the patient with information that a reasonable consumer would require in her situation,. The dentist also breached Right 7(1) for failing to obtain the patient's informed consent for the proposed treatment.

The dentist did not exercise reasonable care and skill by inserting the first Maryland bridge when he was unhappy with its finish, and by damaging tooth 11 during the preparation for the second Maryland bridge, was accordingly found to have breached Right 4(1). For failing to maintain adequate documentation the dentist failed to comply with relevant professional standards and also breached Right 4(2).

The dental practice was vicariously liable for the dentist's breaches of the Code.