

Dental care of a child
(05HDC13588, 12 December 2006)

Dentist ~ Extraction ~ Tooth 74 and 84 ~ Nitrous oxide sedation ~ Standard of care ~ Right 4(2) ~ Crimes Act 1961

A woman complained that in the course of providing dental treatment to her child, the dentist slapped her child on the face. The woman also complained to the Dental Council of New Zealand.

The child was referred by her school dental therapist to a dentist at a dental centre. Both tooth 74 and 84 (deciduous molars on the lower left and right jaws) were in an advanced state of decay and required extraction. As the child was very apprehensive, the school dental therapist recommended that she be sedated during the procedure.

At the initial consultation with the dentist, he confirmed the school dental therapist's diagnosis and demonstrated the procedure for nitrous oxide sedation using a nose piece (mask). According to the dentist, the demonstration went very well, and an appointment was made for the following morning to extract tooth 74 and 84 under sedation.

Initially, the child was reluctant and apprehensive, but eventually the dentist was able to place the mask on her face, following which he inserted local anaesthetic-soaked pellets inside her mouth. However, the child did not like the taste of the local anaesthetic, spat out the pellets and pulled the mask off her face. As the dentist recommenced the sedation procedure, the child threw a tantrum, and bit the dentist's left forefinger. In an attempt to get the child to co-operate, the dentist asked the mother to leave the treatment room. As she left, the mother heard the sound of a slap. She alleges that after returning to the child, the dentist informed her that he had slapped her daughter. A dental assistant was present at the consultation, and said that she witnessed him slapping the child on the mouth.

Later that day, the mother complained about the dentist to the school dental therapist. The school dental therapist photographed the child's right cheek and observed that it was very bruised. She also contacted the Clinical Head of Department of the District Health Board's School Dental Service to seek advice on the complaint. On the same day, the dental therapist reported the dentist's action to the practice's administrator. However, when confronted by the administrator, and in his subsequent correspondence with this Office, the dentist denied slapping the child.

It was held that, in light of the consistency, independence and timeliness of the mother's and the dental assistant's actions after the incident, it is probable that the dentist did slap the child. Slapping a child constitutes an assault under the Crimes Act 1961 and is illegal. It is also unprofessional to assault a patient physically. Correspondingly, the dentist was found in breach of Right 4(2) of the Code, which states that every patient has the right to have services provided that comply with legal, professional, ethical and other relevant standards.

Although the child was difficult and unco-operative, there are no grounds for a provider to justify striking a patient during the course of treatment in an attempt to get his or her co-operation. Given the difficulties the dentist encountered when administering the nitrous oxide sedation, he should have considered, and discussed with the child's mother, the option of referring the child to another practitioner, before proceeding further with her treatment. There was no indication that he did so.

The Commissioner referred the matter to the Director of Proceedings, who decided not to issue proceedings.