

IN THIS CASE: In a dental malpractice lawsuit in the Monterey County Superior Court, State of California, it was alleged that a general dentist did not meet the accepted standards of care while performing wisdom tooth extractions, leading to an altered bite, facial asymmetry, and permanent hypoesthesia.



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The Patient & Condition

A 21-year-old female patient visited the dentist's office for a routine checkup and cleaning. This was her first visit to the office. The dentist recommended that teeth numbers 32 and 17 (lower right and left wisdom teeth) be extracted.

The Treatment

At a subsequent appointment, the dentist extracted both lower wisdom teeth.

The Allegations

The patient's expert witness testified that the dentist was negligent in performing the surgical treatment to remove the lower bilateral wisdom teeth. Additionally, the dentist failed to promptly refer the patient to a specialist when complications arose after the procedure. Allegedly, the dentist's negligence resulted in a left mandible fracture, permanent injuries, and disfigurement of the patient's face.

Relevant Facts

The doctor performed a bilateral wisdom tooth extraction on the lower jaw. The patient alleges she was told the procedure went according to plan and there were no complications. Soon after the procedure, the patient complained of swelling and numbness on the left side of her face. She also had difficulty opening her mouth. She alleges she followed up with the dentist regarding the complications on more than one occasion. The dentist did not take a post-operative X-ray on the day of the surgery.

About a month later, the dentist examined the patient and took an X-ray. He allegedly informed the patient that there was nothing significant on the X-ray. He further opined that her symptoms were part of the normal recovery process.

She became skeptical of his findings and went to another dentist for a second opinion. The subsequent treating dentist took an X-ray and diagnosed a fracture of the left mandible around the lower wisdom tooth extraction. He also diagnosed that much of her right wisdom tooth had not been extracted – it was left behind. The patient claims that the dentist did not inform her about these complications. This second dentist referred the patient to an oral surgeon for treatment.

The surgeon attempted to repair her jaw, but by then, the bone had fused incorrectly, making it impossible to realign the jaw. This raised questions about the timeliness of the

referral. The surgeon informed the patient that her nerve was damaged during the extraction of her left wisdom tooth. The patient stated that she heard a loud crack during the tooth extraction.

The dentist claims that upon the first visit, the patient complained about her lower wisdom teeth, which led to the scheduling of extractions. He asserts that he intentionally left part of the lower right wisdom tooth in place out of concern for potentially damaging the nerve and that he informed the patient about this. He also maintains that there were no signs of a fractured left jaw during the extraction, and therefore, he had nothing to report in that regard. He insisted that he did not hide or distort any information from the patient. However, the patient's expert refuted the dentist's testimony.

During the trial, the plaintiff's lawyer presented the following damages: altered bite, inferior alveolar nerve damage leading to permanent numbness and altered sensation in her lower left lip and chin, malunion of her left mandible resulting in pain and noticeable asymmetry of her face, pain and difficulty chewing food, limited mouth opening, and emotional distress.

The Outcome

A jury of her peers concluded that the dentist's treatment was negligent and the cause of the patient's permanent injuries. They awarded the patient \$500,000.

Risk Management Pointers

This case underscores the importance of acknowledging the risks and intricacies of wisdom tooth extraction and the ethical and legal responsibility to refer patients to a specialist when it is in their best interest. This case reminds us of the following:

- **Understand the risks and complexities of wisdom tooth extraction.** This case emphasizes why referring wisdom teeth extractions to an oral surgeon may be a prudent choice from a risk management perspective.
- **Consider a referral for complex procedures.** A general dentist should always consider "transferring" the risks of a complex procedure to an appropriate specialist.
- **Remember that the same standards apply.** When a general dentist performs a procedure typically done by a specialist, the general dentist will be held to the same standards as the specialist.
- **Always adhere to accepted standards of care.** A dentist's ethical and legal "duty" is to strictly adhere to accepted standards of care for a particular procedure.
- **Refer patients promptly.** Promptly refer patients to the appropriate specialist to address severe complications and avoid worsening the damage from such complications.