

IN THIS CASE: Osteoradionecrosis, a severe condition that can arise after dental procedures, occurred in a patient following a tooth extraction three years after radiation treatment. This led to multiple surgeries and culminated in a malpractice lawsuit with a staggering verdict of \$2.96 million, making it one of the highest dental malpractice rulings in history.



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The Patient & Condition

The patient, a 48-year-old male, sought the expertise of a general dentist for essential dental extractions and the fitting of dentures. Prior to the procedure, the patient disclosed a significant medical history, including a diagnosis of squamous cell carcinoma located in the left posterior mandible retromolar area – a condition treated with radiation therapy three years earlier.

The Treatment

During the visit, the dentist proceeded to extract twelve teeth, including a root fragment from the left mandibular molar region, seemingly disregarding the effects of past radiation on the extraction site.

Relevant Facts

Two months post-extraction, the dentist fabricated and delivered dentures. However, over the following three months, the patient returned on multiple occasions, voicing serious concerns that the

lower left extraction socket remained unhealed, and was accompanied by an alarming foul odor and taste. Although the dentist acknowledged that these troubling symptoms were likely linked to the patient's prior radiation treatment, he misled the patient by suggesting that the symptoms would resolve with time.

Eight months later, the patient was given a diagnosis of advanced osteoradionecrosis, necessitating a complex surgical resection of his mandible and leading to a permanent defect. Then, over the ensuing seven years, the patient endured multiple surgeries related to osteoradionecrosis.

The Allegations

The patient alleged that the dentist exhibited negligence by failing to consult his physicians or refer him to an oral surgeon before proceeding with the extraction. It was alleged that the procedure was performed carelessly and lacked adequate monitoring. The dentist also neglected to secure informed consent from the patient.

The Outcome

After an extensive two-week jury trial, the jury delivered a substantial verdict of \$2.96 million against the dentist. Although this amount was subject to adjustment, the award owed to the patient remained substantial.



Risk Management Pointers

Failing to investigate the patient's past medical history, combined with the dentist's dismissive attitude towards the patient's alarming symptoms, led to catastrophic consequences that could have potentially been avoided. This case illustrates the importance of the following risk management strategies:

- **Don't neglect to review and evaluate medical histories.** The patient in this case meticulously listed his physicians' names, addresses, and contact details on his intake forms. Yet, the dentist neglected to adequately investigate the patient's medical history.
 - **Research how a patient's medical history might impact their dental treatment.** Affirmative responses concerning medical conditions, both past and present, should be researched regarding their influence on a proposed course of treatment.
 - **Obtain medical clearance when necessary, and always document informed consent.** A thorough and well-documented informed consent
- process is important prior to any dental procedure. Particularly for patients with a history of head and neck radiation treatment, obtaining medical clearance can be crucial.
- **Consult with other medical professionals involved, and refer when needed.** In this case, the dentist failed to contact any of the medical professionals involved with the patient's prior care. The dentist did not consult with the patient's doctors, or even an oral surgeon, which was a significant oversight given the well-documented and foreseeable risk of osteoradionecrosis following extractions in irradiated bone. Additionally, referring the patient to an oral surgeon could have mitigated the risk to the patient's health as well as the dentist's liability.
 - **Do not ignore signs of trouble, and follow up appropriately post-operatively.** Had the dentist in this case paid attention to the warning signs and carefully followed up with the patient after their procedure, a different outcome could have been possible.