

## SPSO decision report

**Case:** 201302447, A Dentist in the Lanarkshire NHS Board area

**Sector:** health

**Subject:** clinical treatment / diagnosis

**Outcome:** some upheld, recommendations

### Summary

Mrs C complained about the treatment she received from her dentist when she attended with a broken tooth. She complained that the dentist removed a remaining part of her tooth without her consent, that he used a local anaesthetic, which she had asked not be used, and that he performed root canal treatment and inserted a crown poorly. She also complained that her complaint about this was inadequately handled.

After taking independent advice from our dental adviser we found that the remaining part of Mrs C's tooth could not be saved and it was reasonable for the dentist to remove it. No formal written consent was required for this, but we noted that the dentist did not seek verbal consent, which would have been good practice. We were satisfied with the choice of local anaesthetics he used and found that an alternative was used because Mrs C said she had had an adverse reaction to the standard anaesthetic. However, we were critical that the dentist did not properly document his use of this, and of the work he carried out to prepare Mrs C's tooth for a crown. The root canal filling did not fill the entire root, leaving space for infection. Furthermore, the dentist perforated the filling material with the post that was inserted to hold the new crown. We upheld Mrs C's complaints about these aspects.

We also found that Mrs C's complaint was not handled in line with the complaints procedure in place in the dentist's practice at the time. However, that procedure was not fit for purpose and Mrs C's complaint was actually handled in line with the level of service that we would expect patients to receive. As such, we found the complaints handling to be reasonable.

### Recommendations

We recommended that the dentist:

- apologise to Mrs C for the issues highlighted in our decision letter;
- reimburse Mrs C any charges for her dental treatment on the dates in question;
- take note of our adviser's comments about Mrs C's root canal treatment, post preparation, and the recording of the use of local anaesthetics with a view to identifying any points of learning for future treatment; and
- ensure that his current procedure for handling complaints is in line with NHS Scotland guidance.