

SPSO decision report

Case: 201900993, Highland NHS Board
Sector: Health
Subject: Clinical treatment / diagnosis
Decision: upheld, recommendations

Summary

C had a wisdom tooth extracted by the board. Subsequently C experienced an altered sensation in their tongue and was advised that this was likely the result of nerve damage, which was a possible side effect of the extraction of a wisdom tooth. C complained that they were not advised of this possible side effect prior to the extraction taking place. A handwritten note on the consent form C signed included mention of altered sensation but C disputed that this had been present when they signed the form.

We took independent advice from a dentist. While evidence gathered as part of our investigation could not definitively determine which of these positions was most accurate, we considered that based on the available evidence, the board did not make C reasonably aware of why the extraction was considered necessary, what the risks and benefits of extraction, alternative treatments or no action were, what the percentage likelihood of nerve damage was or what 'altered sensation' meant. Therefore, we found that the board did not reasonably advise C that nerve damage was a possible side effect of the extraction of a wisdom tooth as required and upheld the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to reasonably advise that nerve damage was a possible side effect of the extraction of a wisdom tooth. The apology should make clear mention of each of the points the board did not make C reasonably aware of. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

What we said should change to put things right in future:

- Patients are provided with clear information of the nature of the proposed dental treatment, the purpose of treatment, the risks and benefits to treatment in comparison to no treatment and any alternative treatment options, and valid consent is obtained and recorded in line with the General Dental Council's Standards For The Dental Team Principles.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.