Legal Bite Question of the Issue

Making a Really Bad Impression

By Frank Recker, DDS, JD

Q: I had a patient swallow impression material but the patient didn’t say anything to me. I’m now being threatened with a malpractice suit because she needed to have the material removed by an abdominal surgeon about a week later. Am I at risk?

A: This is a fascinating question and involves a case in which I am currently involved. The patient swallowed polyvinyl impression material during a final impression procedure, without telling the dentist that she had done so. The dentist was totally unaware of the incident and as it turns out, the patient subsequently saw multiple MD’s who prescribed various palliative meds for her symptomology, but did nothing definitive to ascertain the etiology of the patient’s vague symptoms of GI distress. Finally, an MRI was obtained about a week later and an obstruction of the intestines was evident. The surgeon then performed major abdominal surgery to remove the hardened impression material.

This patient did not mention swallowing anything to the dentist, and nowhere is it noted in any hospital or physician record where she had been seen. The published cases on this situation are scarce. Two courts found the dentists liable because they knew the patient had swallowed impression material but failed to give the patient the proper advice as to follow up medical treatment. In the one case in which the dentist was unaware and the patient had not informed the clinician about swallowing material, the dentist was found not liable because he had no knowledge of the event and therefore had no duty to advise and recommend proper medical care. Had the dentist known and referred immediately, a physician could have “scoped” the patient and removed the solidified impression material before it entered or proceeded in the intestines. But in the absence of being aware of the incident, the dentist was found not liable for the subsequent surgery rendered on the patient.

Clearly polyvinyl impressions need to be made carefully, and the patient advised that if anything is swallowed to tell the clinician.