



**Office of the
Health Complaints
Commissioner
2007**

700-0705026 – Dentist - Level of service - Possible Faulty Filling - Closed July 2007

Section 23(1)(d) *Health Complaints Act 1995 - that a health service provider failed to exercise skill*

An elderly man complained that in 2007 three months after a tooth was filled the filling in that tooth dislodged whilst he was flossing his teeth. He telephoned the provider's receptionist who told him a further consultation would be required to check if the work was faulty, and to correct the work would incur further fees.

The dentist stated that the information conveyed by his receptionist was not clear about the circumstances in which the additional charges would be made. Also, that if the filling had failed then he would have no hesitation in replacing it at no additional charge. He suggested the complainant make an appointment so he could examine the tooth. The complainant chose not to have the tooth examined by the provider, and had it filled by another dentist.

As another dentist had refilled the tooth, the dentist who was the subject of the complaint was not given the opportunity to check whether his work was deficient. For this reason it was not recommended that the provider reimburse the fee. The complaint was dismissed under s.25(5)(g) on the basis that a reasonable explanation had been given.