



**Office of the  
Health Complaints  
Commissioner  
2007**

**700-0507026 – Tooth extraction - Due skill - Temporomandibular Joint Pain Dysfunction (TMJ) known as “Clicky Jaw” – Informed consent - Need to warn of possible side effects - Closed May 2007**

***Section 23 (1)(d) & 23(1)(g)(i) Health Complaints Act 1995 – that a health service provider failed to exercise due skill - that a health service user was not provided in language and terms understandable to the user, with sufficient information on the treatment and health services available to enable the user to make an informed decision***

The complaint relates to a dental extraction in 2005, when a woman had her lower right premolar removed. She claims the dentist applied excessive force, which left her with extreme post-operative pain and discomfort. She further claims that as a result of the difficult extraction, she suffered TMJ and continues to suffer a number of on-going physical and psychological conditions. She was seeking compensation for pain and suffering.

The dentist stated that he was of the view that the matters in the complaint were unrelated to the treatment he provided and that the extraction was dealt with correctly and in line with current treatments. Further that the consent form covered any complications arising out of the surgery.

During the investigation, an independent expert reviewed the complaint, the provider’s response and the dental treatment records. The expert advised that the provider dealt with the extraction according to correct and current treatments, but that there were some deficiencies in the records in that they could have been more detailed.

The complainant was examined by a Oral & Maxillofacial surgeon who suggested the difficult extraction might have exacerbated the TMJ. The other physical and psychological conditions complained of would not, in his view, have been caused by the dental surgery. Further the dry socket and infection were common complications about which she had been warned.

The complainant denied that the TMJ was a pre-existing condition and that she should have been warned of the risk. This raised the question of whether the complainant was informed of relevant risks, and the values of keeping adequate patient records as evidence of warnings given. Further advice was sought from the same two experts regarding informed consent. Both were of the opinion that the provider did not need to warn the woman that TMJ was a risk associated with

the extraction. Also they advised that the extraction was carried out according to correct and current treatments. On balance the conclusion was that as the complainant had an abscess, which necessitated the extraction and she was in great pain, it was likely that she would have proceeded with the extraction even if she had been warned of the risk.

The conclusion was that the complaint was not substantiated. However the dentist needs to be mindful of his responsibilities regarding the making and keeping of clear, accurate, and contemporaneous patient records. The Dental Board of Tasmania was consulted and sought a referral relating to some aspects of the complaint.