



VITALS

For Medical Transport Professionals

A Weekly Safety Newsletter

Case History Continued

Two and a half years after the patient died, a wrongful death suit was filed against the dentist, his professional corporation, the paramedic, and the ambulance service. Investigation revealed that the dentist violated multiple standards of care promulgated by the American Dental Association, the American Society of Anesthesia, and his State Dental Society. He also administered the drugs in a fashion that was specifically prohibited in the PDR. The patient's height and weight gave him a Body Mass Index of 33.7. This BMI indicated that the patient was obese. Coupled with his neck size the dentist should have known that the decedent was likely to have obstructive sleep apnea, which increased his risk of complications. Clearly, the bad things that happened to this patient were initiated by the dentist. Why were the medic and ambulance service included in the suit?



First, they were there. Plaintiff attorneys may consider any participant a potential target. If the defense doesn't have an easily understandable story to tell, it may be financially prudent for the defendant to settle for a smaller amount than is at risk. This gives the plaintiff attorney a "war chest" to go after deeper pockets. Second, the medic didn't complete the "Medical Professional Intervention on Scene Form" as required by protocol.

Furthermore, "dentist" was not defined as a medical professional in the ambulance service's instructions for completing the form. Third, an "expert" testified that since the oxygen sats were so low, the ET tube couldn't be in the trachea. A conflicting expert stated that Propofol can alter the oxyhemoglobin dissociation curve so that oxygen sats were not reliable. The Medic had capnography available but did not use it. Add this to the fact that the ED physician did not visualize tube placement when he extubated the patient and there is no factual basis on which to confirm that the ET tube was in the trachea.

Everybody agreed that a 37 year old should not die during a dental extraction. There was a lot of talk about where the dentist's responsibility stopped and the medic's started, even knowing that the medic did not place the tube. The case settled before it went to trial. Most of the money came from the dentist's carrier. Are you ready to deal with case like this?

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