

Missouri Lawyers

www.molawyersmedia.com

WEEKLY

Woman settles wrongful death case against dentist

At least six deaths in Missouri tied to dental sedation



Patrick Hagerty

By KELLY WIESE

kelly.wiese@molawyersmedia.com

It's billed as a way to make that trip to the dentist's office comfortable, even relaxing. But John Coleman's visit cost him his life.

Coleman underwent a process known as oral, or conscious, sedation at the dentist's office. But he was rushed to the hospital and declared brain-dead within hours. Now his widow has reached a confidential settlement with the dentist in St. Louis County Circuit Court.

The dentist went through training by DOCS Education, a Seattle-based company whose founder touts oral sedation as an easy moneymaker for dentists.

Sarah Coleman sued Dr. Guilan Norouzi and the dental office where her husband went in March 2007 to have some teeth extracted and get dental implants. She claims the dentist's careless or negligent care caused her husband's death. She didn't sue DOCS.

Coleman, 47, underwent conscious sedation, in which patients are given oral doses of a medicine intended to make them relaxed but still responsive, not completely "put to sleep" by anesthesia, as patients are for many surgical procedures.

In this case, Coleman received 2 milligrams of Halcion, a sleeping pill. According to his wife's attorney, Patrick Hagerty, that's four times the maximum recommended dose but is the amount dentists are trained to administer for sedation dentistry. Dentists can give another drug, called a reversal agent, when a procedure is complete if the patient is too groggy. But medical professionals have raised questions about whether the reversal agent used on Coleman, Flumazenil, is effective, Hagerty said. He pointed to a small study published in the May edition of *The Journal of the American Dental Association*.

Coleman responded poorly. He was thrashing and others in the office restrained him so the dentist could finish her work. After the dental work was complete and he was recovering, he went into cardiac arrest at her office, was taken to a

hospital but was brain-dead within hours, the family attorney said. Coleman was removed from life support and died within about a day, leaving behind a wife and three young sons.

The state Dental Board requires dentists to be trained and certified before they can perform sedation dentistry. Norouzi was certified and had gone through the most widely offered training, by DOCS Education, said Hagerty, of Gray, Ritter & Graham in St. Louis.

Norouzi's attorney, Russell Watters, a principal of Brown & James in St. Louis, declined to discuss the case, citing the confidentiality agreement.

Although Hagerty didn't sue DOCS Education in this lawsuit, he said nothing precludes litigation against the company that trains dentists in the practice. In addition to three-day training seminars, DOCS also sells products to dentists, and those who join the organization are included in an online database that patients can search by ZIP code to find a nearby sedation dentist.

DOCS legal counsel John Bitting was out of the office and didn't return a phone call and an e-mail seeking comment by press time.

The president of DOCS, Michael Silverman, co-wrote an article for the trade publication *Dental Economics* in September about how oral sedation can provide a financial boost to a dental practice. He explained that the technique can help patients who are fearful or allow dentists to perform more dental work in a single office visit.

"Many dentists now realize another benefit of sedation dentistry: high profitability," he wrote.

Silverman explained that offering sedation attracts new patients to the office — patients who often have avoided dentists for years and hence may need a lot of work. Also, the charge for administering the sedation drugs has a high profit margin and is often collected ahead of time, he said. Patients who in the

past may have been referred to a specialist can now be treated in-house with oral sedation, retaining that income, he said.

Norouzi hasn't been disciplined by the state Dental Board, records show. Only final actions are publicly available. Pending cases aren't released and they can take a year to resolve, Dental Board executive director Brian Barnett explained.

There are about 3,200 general dentists licensed in Missouri, plus another 650 specialists such as oral surgeons and orthodontists. Among them, 111, less than 3 percent, have the special permit that allows them to perform oral conscious sedation, according to Dental Board records.

There have been at least six deaths in Missouri related to either oral or intravenous sedation in a dental office, according to a Missouri Dental Association article.

People should be more aware of the risks involved, Hagerty said.

"It'll make you think twice when somebody's going in for a procedure and says they'll make me feel real relaxed," he said.

In the suit, Coleman's widow alleges the dentist wasn't sufficiently trained to handle the complications that can arise with sedation; oversedated the patient; and delayed calling paramedics, among other things. Also, the lawsuit claimed the dentist sedated two patients in this manner at the same time, so they shared a monitor used to detect levels of oxygen in the blood, and didn't have enough trained staff to properly monitor both people, in violation of state rules. Hagerty said Coleman's oxygen levels in the blood dipped dangerously low, but the dentist and assistants missed the warning signs.

Also, Hagerty alleged, Coleman wasn't a good patient to undergo conscious sedation because of underlying medical problems including obesity and liver disease, and he wasn't adequately informed of the risks involved. **MO**

Confidential settlement

WRONGFUL DEATH

■ **Court:** St. Louis County Circuit Court

■ **Case Number/Date:** 2107CC-03238/Sept. 29, 2009

■ **Judge:** Gloria Clark Reno

■ **Insurer:** Cincinnati Insurance Co.

■ **Caption:** Sarah Coleman v. St. Louis Center for Aesthetic and Restorative Dentistry and Guilan Norouzi

■ **Plaintiff's Attorney:** Patrick Hagerty, Gray, Ritter & Graham, St. Louis

■ **Defendants' Attorney:** Russell Watters, Brown & James, St. Louis