Medico-legal aspects of local anaesthesia

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The Medical Protection Society reported a staggering 132% increase in reported negligence claims in South Africa over the past two years. This could be due to a combination of smarter patient-claims litigators and a growing patient awareness.

Dental local anaesthetics have reached a high level of safety, if administered carefully and within recommended dosage limits. However, there’s always a risk of undesirable adverse effects whenever a drug is used; this also includes local anaesthetics. The reported incidence of complications related to dental local anaesthetics varies between 0-30 percent. Most adverse effects are largely inconsequential, representing more of a temporary inconvenience than a true hazard. Nevertheless, life threatening systemic reaction may occur with a mortality rate equivalent to 1 in a 100 million injections. Now that patients are “waking up” to their rights, even minor complaints such as prolonged anaesthesia and dysesthesia have become medico-legal matters. Concerns are especially raised about the medico-legal implication of permanent nerve damage. If these complications occur and informed consent was not obtained, the dentist may be placed in a difficult position. So should informed consent be applicable for the procedure of local anaesthesia in dentistry?

In medico-legal cases, the existence or lack of written informed consent can have a significant implication if malpractice action is considered after treatment was rendered.