



## CNA HealthPro

### From the Claim Files of CNA HealthPro: Missed Cancer Diagnosis

*We present a malpractice case history to educate readers about the risks faced by practitioners and the process of claims resolution.*

The patient, who had a history of sinusitis and nasal congestion, complained of right-side facial pain and swelling. After examining the area, Dr. X, a general dentist, told her the swelling she felt was an underlying bony projection.

The dentist saw the patient on five subsequent occasions over the next year, each time reassuring her about the pain and swelling. The patient also saw her regular physician during this period, but did not communicate these complaints to him, as she thought her condition had been evaluated by her dentist. Seventeen months later, the condition was diagnosed as adenoid cystic carcinoma.

The patient brought a lawsuit alleging that Dr. X was negligent in failing to diagnose the carcinoma in a timely fashion. Plaintiff's suit contended that as a result of the dentist's alleged negligence, she sustained permanent nerve damage affecting her face, eye and mouth. Among the alleged consequences were slurred speech and reduced hearing; impaired ability to drink, chew and taste; facial and ear numbness; and fear of metastases.

Two experts reviewed the case for the defense and opined that the tumor should have been discovered when the patient first sought evaluation of the facial pain. The experts contended the 17-month delay in the diagnosis of the adenoid cystic carcinoma put her at increased risk for spread of the tumor, especially along the nerve sheath, which eventually resulted in surgical removal of the facial nerve.

In deposition, the patient was straightforward and did not exaggerate the extent of her injuries or their effect on her life. Facial deformity was present as a result of the surgery. Given these factors, and the patient's justified reliance on the dentist's advice, it was felt she would make a sympathetic witness.

The consensus was this case should be resolved prior to trial. After voluntary mediation, the claim was settled with a six-figure payment to the plaintiff.

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