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News Story

Dental Implant Patient Awarded \$2 Million

A Newport County Superior Court jury has ordered a Providence periodontist to pay \$1.25 million for the pain and suffering of a patient who received dental implant surgery.

The award amounts to \$1.96 with interest, according to lawyer David Morowitz, who represents the patient, Deborah Jimenez.

Periodontist Peter A. Payne claims the jury erred and has filed a motion for a new trial, The Providence Journal reported. Jurors found that Payne was negligent in his treatment of Jimenez, a former Portsmouth resident who now lives in Oro Valley, Ariz.

The jury also found on Dec. 18 that Payne had failed to properly obtain Jimenez's informed consent before performing the surgery.

Payne didn't give Jimenez a written consent form to sign and never told her of the risks associated with implant surgery, the jury found, even though he wrote in her medical chart that he had advised her of the risks three times before the surgery. Morowitz said he argued to the jury that Payne's handwriting was squeezed on that portion of the chart, indicating Payne had added this "after the fact," something the periodontist denied. If she had known of the risk of nerve damage associated with dental implant surgery, Jimenez testified, she never would have elected to have it.

According to testimony and evidence presented by Morowitz, Payne inserted implants into the nerve canal which resulted in nerve damage, numbness and "electric shock-like pain."

Jimenez now cannot chew on her left side and she feels crawling sensations on her face.

The implants were eventually removed by another dentist, but Jimenez got a stomach ulcer from the pain medication she was prescribed.

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