

Dentist blamed with treatment error

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AKRON — A dentist accused of wrongful death after a patient choked on a piece of gauze made a mistake in the patient's treatment but did not cause him to die, a defense attorney said yesterday.

Dr. John Santin is on trial in Summit County Common Pleas Court fighting allegations in a civil suit that his actions led to the choking death of an Akron man.

Steven Kawczk, 41, died in May 1994, after he was rushed to a hospital from Santin's dental of-

fice in Green. Santin had extracted all of Kawczk's upper teeth after putting him under a general anesthetic.

During opening statements yesterday, Santin's attorney, Richard Raymond, conceded that his client erred in his treatment of Kawczk. "He feels terrible about it," said Raymond. "If there were any way in the world he could bring Mr. Kawczk back, he would. The mistake he made was placing a piece of gauze in that was capable of going down the airway."

"Not a day goes by that he doesn't relive it. Not a day goes by

that he doesn't feel for Mrs. Kawczk."

Sandra Kawczk is suing the dentist for medical malpractice in her husband's death. She has asked a jury in the courtroom of Judge James Williams to award damages in excess of \$8 million.

Raymond told the jury that Santin acted in accordance with his medical training and education.

"These were very unusual circumstances. Dr. Santin didn't know what was going to happen. He is a bright and talented oral surgeon who chose his profession not to hurt anyone. He chose his

career out of a desire to contribute. He wanted to help his patients. He didn't know he was making a mistake," Raymond said.

Timothy Scanlon, an attorney who represents Kawczk's family, said Santin's concession that he was negligent was insufficient and that his actions went beyond failing to use ordinary care.

Scanlon called Santin's conduct "outrageous."

"What is clear is that after the surgery was finished and before he was responsive, Dr. Santin put in his mouth a small gauze pad with no string attached," Scanlon

said.

"That gauze pad, soaked with blood, got into his windpipe," Scanlon added. Scanlon said there were signs that something was wrong. Kawczk's blood pressure, he said, had elevated and he showed an irregular heart beat.

Lori McCauley, a surgical assistant who also is named in the lawsuit, was the first to notice that the gauze pad was missing, Scanlon said. Santin said McCauley searched on the floor and the surgical tray for the gauze strip



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