

Lawyer says dentist made treatment error

By DEBRA DENNIS

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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 office 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 Rymond, conceded that his client erred in his treatment of Kawczk.

"He feels terrible about it," said Rymond. "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."

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.

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

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."

"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.

"She told Dr. Santin about it. Dr. Santin will tell you that at one point he forgot he had put it in his mouth," Scanlon said. "This whole episode went on for one hour before paramedics were called."

Scanlon also criticized Santin for failing to accompany Kawczk to the hospital, which, he said, led to miscommunication between the paramedics and emergency room physicians about Kawczk's condition. He told the jury that Santin lied when he told paramedics that he had alerted the hospital that Kawczk needed a bronchoscopy.