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寰宇醫事裁判

二歲兒童於牙醫診所 接受局部麻醉後猝死案

Sudden Death of a 2-year-old Child after Receiving local Anesthesia at a Dental Clinic

黃浥昕 Yi-Hsin Huang 編譯

令和2(わ)年第1020號 業務上過失致死被告事件 令和4年3月25日 福岡地方裁判所



摘要

被告Y本身為牙醫及A兒童牙醫診所的院長,而C為其診所之兼職醫師。C醫師在對死者B進行蛀牙治療時,使用以利多卡因(Lidocaine)為主要成分的局部麻醉劑。因注射時不慎血管破裂,導致藥劑流入血液中而使濃度過高,令B急性利多卡因中毒。B雙親雖察覺B有不明反應,然經Y二度確認僅為兒童麻醉後常見疲憊現象;惟B中毒狀況未減,其雙親仍送往H醫院才發現B病情危篤,最終死亡。法院認為使用利多卡因於兒童的情況下,要十分注意預後狀況,B症狀為典型的急性利多卡因中毒症狀,應能合理懷疑症狀與局部麻醉劑

關鍵詞:牙醫(dentist)、利多卡因(Lidocaine)、麻醉(anesthesia)、

業務過失致死(vocational negligence)、預見可能性

(foreseeability)

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有關;且Y有能力進行適當措施,避免B死亡。復又考 量兒童麻醉後通常疲憊嗜睡,且該注射劑量通常不致 中毒,因此判Y業務過失致死罪2年有期徒刑並緩刑。 Defendant Y was a dentist and director of a Children's Dental Clinic A, and C was an adjunct dentist in his clinic. C used Lidocaine as the main ingredient of a local anesthetic during giving the treatment of Decedent B's decayed teeth. Due to inadvertent rupture of blood vessel during the injection, the concentration of the anesthesia was too high as it flowed into the bloodstream, resulting in acute Lidocaine intoxication. Although B's parents noticed that B had an unknown reaction, Y confirmed that it was only a common phenomenon of exhaustion after anesthesia in children; however, B's condition did not decrease and his parents sent him to Hospital H. It was be found that B was in a critical condition and eventually died. According to the court's opinion, great attention should be paid to the prognosis in the case of using lidocaine on children. B's symptoms were typical of acute lidocaine intoxication, and there should be a reasonable suspicion that the symptoms were related to the local anesthetic. Furthermore, Y was capable of taking appropriate measures to prevent B's death. Taking into account that children are usually tired and sleepy after being given anesthesia, and that the injected dose is not usually toxic, Y was sentenced to two years' imprisonment with probation for the offence of causing death by vocational negligence.

壹、事實概要

一、事件概要

本案為一起業務過失致死案件。被告Y本身為牙醫及A兒



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童牙醫診所的院長,負責管理A診所的診療業務。2017年7月 1日,A診所的兼職C醫師在對死者B(當時2歲)進行蛀牙治療時,使用以利多卡因(Lidocaine)為主要成分的局部麻醉劑,導致B急性利多卡因中毒,雖緊急轉送至他院,仍於7月3日午後因缺氧性腦病變死亡。當日下午的診療經過如下。

時間	經過
16時22分	齒科衛生士於B口腔內貼上以利多卡因為主要成分的局部麻醉劑。C醫師使用注射器將主要成分為利多卡因的牙科局部麻醉劑總計約1.3毫升,注射到B口腔內左下的牙間乳頭部位4處、右下的牙齦溝部位1處、左下的牙齦溝部位1處,進行浸潤麻醉
16時30分~ 17時5分	C醫師為B進行蛀牙治療及咬合調整後,於17時5分結束治療
17時6分	齒科衛生士為B塗氟。當詢問B想要什麼口味的氟時, B回答「葡萄」
17時9分	C醫師離開診所返家
17時10分	在櫃檯等待結帳時,雙親發現B狀態有異,出現臉色蒼白,嘴唇呈淡紫色、雙眼失焦、四肢僵硬、背部拱起、抽搐等症狀。診所人員叫喚Y前來查看,Y看了一下沒有碰觸B,表示「他只是累睏了」。B父暫時接受,帶B返家
17時38分	返家後B無法喝水,腿上出現紫色斑點,身體和頭部發熱、手腳冰冷,只能發出無法理解的言辭。B母打電話至兒科急診諮詢,B父決定再帶B返回A診所。當B父向Y表示「還是很奇怪,B的眼神失焦、臉色蒼白」時,Y依舊回答「只是累睏罷了」。之後就讓B在等待室的椅子上休息
17時50分	Y對B測量脈搏,對B父表示「沒有問題,脈搏很正常」。但隨後B出現全身抽搐長達數秒,雙親開始覺得無法信賴Y,將B帶至附近的H醫院

下午18時左右,父母帶著B離開A診所,前往附近的H醫院。截至下午18時15分左右,B雖有自發呼吸,但體溫達到攝氏41.9度,臉色蒼白,四肢末梢感覺冷,意識水平為JCS III-300(即使受到刺激也不會睜開眼睛,對疼痛刺激無反應),