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FLAWED CARE ALLEGED IN DENTAL DEATH COURTS: BOY, 4, MIGHT HAVE DIED FROM 'POSITIONAL ASPHYXIATION,' AN AFFIDAVIT SAYS.

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Dentists caring for a 4-year-old Santa Ana boy before he died gave "incompetent and grossly negligent" care and then destroyed his dental record showing how much sedative he had been given, according to witness statements in an affidavit filed by Santa Ana police in Orange County Municipal Court.

Javier Villa died Aug. 4 at Megdal Dental Care in Santa Ana during a routine visit to have cavities filled. State and county officials seized boxes of records during a search last week. Investigators would not comment. Clinic spokesmen have denied any wrongdoing. Orange County coroner's investigators said "the preliminary finding is that the death was due to positional asphyxiation," or inability to breathe because of position, the affidavit said.

_The 22-page statement released by the court Wednesday tells conflicting stories of what happened in the clinic through the eyes of the two dentists and two unlicensed assistants who cared for Javier _ giving the first look inside the clinic at the time he died.

Dental assistant Claudia Briseno told investigators that dentist Gabriella Pham had filled three of Javier's cavities and worked on a fourth when they noticed mucus coming from the boy's nose.

"While (dental assistant) Alejandra (Juarez) was wiping the nose, she noticed that the chest was not rising. ... Alejandra put the mouth mirror up to his nose and it did not fog up. She checked for a pulse and could not locate one," Briseno said.

Pham, according to one of the assistants, "froze in her chair" and the two assistants "took over."

Briseno ran from the room to get oxygen, telling managing dentist Miguel Garcia that the boy was in trouble. He rushed in and started CPR.

"Javier's stomach was ballooning up," Pham said, according to the report. "He did not seem to be responding."

Javier was whisked away by paramedics to UCI Medical Center, where he was pronounced dead.

In the frantic minutes after the trouble, Garcia gathered clinic workers around him and told them that "the story was that 6 ccs of chloral hydrate was given to him," Juarez told investigators, according to the affidavit.

Pham told investigators that Alejandra Juarez said 16 ccs were given.

"Dr. Garcia then told her (Juarez) to throw away the chart. She ripped up the treatment chart and then threw it away in the trash," according to accounts in the affidavit.

Juarez told investigators that "after the incident, both Dr. Garcia and Dr. Pham were running behind her and asking her if she was OK and if she had the story down. She was scared and did not know what to do," the affidavit says.

Falsifying dental records is a felony offense; dentists found guilty of the crime can lose their licenses.

Later, Pham said she told Juarez "that she was going to tell the police the truth about what had transpired and she should do the same."

Garcia did not return calls for comment; Pham's attorney said she has no comment.

Witnesses said Javier was confined in a papoose board _ used to keep children from moving during procedures _ and the workers did not follow manufacturer recommendations to keep his airway open by putting a rolled-up towel under his head and neck.

They said Javier was not monitored with machines to check that his breathing was normal, as recommended by professional dental societies, according to the affidavit.

Dr. Richard Mungo, the state Board of Dental Examiners' expert on the case, said "positioning and monitoring" might be key to the child's death. He said the care Javier received was negligent and incompetent.

"If their head was down and there wasn't anything supporting the neck, it might mean that air was blocked" and Javier was unable to breathe.

Mungo said the 16 ccs of chloral hydrate given to Javier "might be at the upper limits if not beyond the upper limits" of the recommended dose for Javier, a 39-pound child.

"There's a lot of questions," Mungo said. "We don't have all the facts yet." **__ CHART LIST AFFIDAVIT __** Some details of Javier Villa's death revealed in an affidavit released Wednesday: Coroner's investigators said "the preliminary finding is that the death was due to positional asphyxiation," or inability to breathe because of position. Managing dentist Miguel Garcia had workers destroy Javier's dental record. Clinic workers said they did not prop Javier's shoulders and neck with a towel, though he was strapped in a papoose _ a restraining device with instructions that specify "special attention should be paid to maintaining proper extension of the head and neck to assure an open airway." One dentist said Javier was given 6 ccs of sedative; others said he got triple that amount.