

FAINTING FOLLIES

by Susan Preston

Hot weather can make people faint. Being dehydrated can make people faint. Finding out some radical piece of news can make people faint. And recently, we have seen a few instances where getting a body piercing or tattoo can make people faint.

On the last day of March this year, I fainted for the first time in my life when I saw our business results for the month. They far exceeded our expectations. When I fainted there were no obstructions to hit during my fall, so it was more of an amusing experience than anything else. However, It is not so funny when the situation happens in a tattoo or body piercing business.

Shop owners should take the time to analyze three things: 1. Are there guidelines in place to determine a person's condition when they come in to get the tattoo or piercing? 2. Are there procedures for handling people after the tattoo or piercing? 3. What are the safety issues with the physical environment where people will both be receiving the service and where they go after they are done with the piercing or tattoo. All of these factors have come into play with different fainting situations we have seen over the past couple of years.

A few years ago we had a situation in Las Vegas when a person flew in from Europe on an overnight flight. Rather than go to his hotel to catch up on sleep, he elected to go get a body piercing. Having jet lag and possibly being dehydrated from the long flight, he was probably not in the best physical condition to get a piercing. After the piercing was over, he promptly fainted. Immediately an ambulance was called and he was rushed to the hospital. Is the shop at fault? They probably should have suggested that he come back in 24 hours, after he recovered from his jet lag. So legally the shop did have some level of responsibility for the fact he fainted. The claim settlement for this situation was about \$15,000.

Piercers and tattooers are not physicians. However, if a person is obviously not in good physical condition and runs the risk of fainting, it is best to ask them to come back at a later time. If a situation does occur, immediately call 911. All shop personnel, whether they are employees or independent contractors, should be advised of this. If the door of the shop has your business name on it, you are liable for all activities that go on within your doors, even if the person offering the service is an independent contractor.

After a person receives the tattoo or piercing, have them to stay in the same spot for 5-10 minutes and relax. This can help clear the client's head from the trauma of the new tattoo or pierce procedure.

The press reported a few months back about a situation in the east where the person received a tattoo, got up right after the service, fainted and hit his head on the tattoo bed and died from the impact. When this happens, there will most likely be a lawsuit. A big lawsuit, especially if the person has a family or dependents. We have had 2 other of these types of claims recently.

In both of these cases, the person fainted and had a clean fall. We ended up paying only medical expenses of under \$1000 for the clients to get treatment at the local hospital. The insured shops in both instances were lucky – just like I was when I fainted in my office. However the shop in the east was not so fortunate.

Finally, review the environment of the shop. A recent case happened where a person getting a tattoo was told by the shop to lie down for 5-10 minutes. After about 4 minutes, she said she was all right, got up and went to the front desk to pay the bill. She then fainted and fell back into a framed glass case holding flash and the glass broke. Immediately 911 was called and they rushed her to the hospital. The shop did everything possible to try and keep her in one spot for a few minutes, yet she defied their instructions. Is the shop liable when this happens? Who knows. Will they get a lawsuit anyway? Probably.

The whole situation was a freaky accident. But, now we know it isn't a good idea to have a glass case or certificates that close to the treatment room and check out counter. Best to use faux glass or not have any glass near those areas. Who would have ever thought that would be a problem before now?

The shop can do everything right and still be the victim of bad luck when a person faints. It is best to do everything in your power to avoid these situations by considering the points listed above. Be aware that bad luck can lead to a lawsuit, which is one of the primary reasons more shops are buying insurance.

And, I don't think you will faint when you see the cost of our policies!