

What You and Your Staff should Know About Staph

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In recent months Staph/MRSA (methicillin-resistant Staphylococcus Aureus) infections have started to run rampant throughout the country. The first stories of these infections started in New York, and have worked their way over to California. It is a fact that MRSA is being discovered in hospitals and the general community. California hospitals have been told they must report all incidents of infection from Staph, or risk being fined. This is often where people get infections, although there are many other known and unknown ways to contract it.

Step 1. The first point of action to defend your business from a possible Staph infection lawsuit is to choose carefully who you are going to work on. In some states it is illegal to ask specific health questions of clients. If you can legally ask the question, we recommend the consent form state: "I do not have any Staph infections or rashes. If I do, I will advise my tattooer/body piercer/permanent cosmetic technician." This provides some protection from these costly lawsuits.

If your state does not allow you to ask about an infection, then the consent form could state: "If I have any medical conditions that could affect the healing of this procedure, I will inform the artist/piercer so they can better serve me." We recommend the issue be brought up on the consent form unless the shop is using a medical history form. It could be handled there also. Each shop owner should know what their state laws are as to disclosure.

If they answer yes or advise you of a mysterious rash they had in the past, it is not necessary to deny the procedure based on this information. If you decline to perform a tattoo or piercing based on a health issue, you may open yourself up for a possible lawsuit due to discrimination. Instead, put the responsibility on a licensed physician; require a doctor's release before you agree to perform the tattoo or piercing. Staph is not easy to recognize, it can appear as a small rash, pimples, or boils. Rather than yourself trying to determine if a skin condition is a Staph/MRSA infection, it is best to leave that to a doctor.

If it is a Staph infection the tattoo/piercing will only make it worse, and then they will think you gave them the Staph. What's the harm in this you might ask, if you didn't give them the infection? While the tattooer and piercer may ultimately win, legal and discovery fees will cost thousands. If you don't have insurance, plan to have \$50,000 in the bank and a line of credit for much more.

Even though we are all feeling the crunch of our failing economy, in the long run it is more cost effective to miss out on a couple of tattoo or piercing customers than it is to put your entire shop on the line.

Step 2. Understand Staph/MRSA. With knowledge about our enemy, we can take necessary steps to help combat it. Staph/MRSA is resistant to antibiotics that can be administered in a pill form, including penicillin and methicillin. Treatments for Staph/MRSA must be administered through the vein. The infection can be transmitted by close skin-to-skin contact with an infected person, or contact with objects or surfaces contaminated with MRSA. For this reason we recommend the following

New gloves with each procedure and to know when and how to change them in order to prevent cross contamination
High standards of sterilization. Make sure to follow all guidelines of the sterilization process, and use an autoclave meant for the body art industry that is supported by the manufacturer
Know the proper way to wash your hands. Overuse of anti-microbial soaps will destroy your hands, also tepid water should be used in lieu of hot water
Use of a disinfectant for all hard surfaces. It should be EPA registered Tuberculicidal disinfectant. Keep in mind that not all medical grades are meant for your industry.

Not only do we want to protect the shop from a lawsuit, but protecting our artists is equally important.

Step 3. Following allegations of a Staph infection, a shop owner should immediately contact their insurance broker, assuming the shop has insurance. If not, contact an attorney and plan to write a lot of checks.

There will likely be a period of discovery following the initial claim. Don't panic as this is normal. Your insurance carrier should begin to investigate the situation. The reason for this is not to deny coverage for the claim, but to attempt to determine if the Staph infection did not originate within the shop. Those familiar with the Tattoo & Body Piercing industries know a typical shop is generally cleaner and more sterile than a hospital, and in fact we have never had anyone prove that their Staph infection came from one of our insured shops. However, the stigma surrounding the industry might make it a target when a Staph infection is reported. Cooperate with the claims adjuster and provide as much information as possible as they are working on your behalf.

Find out what a proposed insurance carrier's position is on these situations before getting a policy with them. Some carriers might not have any experience in these matters. Ideally they will provide you a defense for the allegation or lawsuit, unless or until it is proven the shop gave the infection to the person receiving the service. Then it is likely to be denied as a claim since most policies have a communicable disease exclusion on them.

Sadly, the typical conversation I have with a tattooer or body piercer starts out with the ill-fated statement, "I have been doing this for 20 years and never had a problem and therefore I don't need insurance." Remember that it takes only one incident to destroy your career. Do you have an extra \$50,000 or more lying around if you don't have insurance? Do you own your home? Do you have money set aside for your retirement or children's education? You put these precious things on the line each time you assume that "it can't happen to me." ★

For more information on the effects of MRSA you can visit the Center for Disease Controls website at www.cdc.gov/ncidod/dhqp/ar_mrsa.html.

Portions of Step 2 have been contributed by David Vidra, CLPN, WCC, MA Authorized out reach instructor general industry OSHA, President Health Educators, Inc.