KEY ISSUES

- Defining the problem
- Current legislative deficiencies
- Possible solutions
The Problems

- Underage piercing
- Infection control
- Risks
- Consent
- Regulatory limits
Problems & Responses

- Underage piercing
- Infection Control
- Risk warnings
- Consent

- Summary Offences Act
- Health (Infectious Diseases) Regs 2001
- Prof. service obligations (as per Rogers Vs Whittaker)
Legal Deficiencies

- No licensing regime
- Health (Infectious Diseases) Regulations 2001 Part 5 & DHS Standards of Practice for Tattooing and Body Piercing limited to infection control
- No policing
- Illegal “dentistry”
Skin Penetration

- Standards of Practice should address risk and consent
- Health Inspectors – local Govt. – not able to police this
- Courts may refer to them
- Health promotion should also emphasise risks
Summary Offences Act

- Underage issue dominates
- No reference to risks at any age
- Need consent requirements and assault charges if consent not obtained correctly
“dentistry” means the diagnosis or management of conditions of the mouth of a person, the performance of any invasive or irreversible procedure on the natural teeth or the parts of a person’s body associated with their natural teeth or the provision to a patient or the insertion or intraoral adjustment of artificial teeth or dental appliances for a patient;

Source: S.3 The Dental Practice Act 1999
Ergo … unregistered persons performing oral piercing are in breach of the Dental Practice Act 1999
Professional Misconduct

- If a registered person performed an oral piercing .. they would most likely be charged with professional misconduct for inflicting permanent damage to the patient’s oral tissues.
Underage piercing

- Research needed
- Anecdotally most people with body piercing are <18
- Peer pressure
- Under the influence
- Consent an issue
Oral injury and risk

- Fractured teeth
- Chipped teeth
- Infectious diseases
- Haemorrhage
- Airway obstruction
- Impaired eating
- Nerve damage
- Endocarditis (death)

- Pain / Numbness
- Scar tissue
- Aspirating jewellery
- X-Ray obstruction
- Metal allergies
- Calculus on metal
- “Lost” jewellery
- Speech impediment
Oral injury & risk cont’d

- Hypotensive shock
- Gingival (gum) recession from lip piercing
- Disease transmission
- Mucosal trauma
- Incursion of foreign matter (e.g. food) into pierced site
- Abrasion of tooth surfaces

- Formation of periodontal pockets
- Bone loss between the teeth
- Galvanic currents produced by oral appliance
- Jewellery becoming caught on orthodontic braces
No Consent = Assault

- Warning of risks, side effects and prognosis required
- If no consent, charges should result
- As for Health (Infectious Diseases) Regs., self regulation and voluntary guidelines inadequate
Damages

- If misadventure is experienced in a health service there is a right to sue
- This should be true for tattooing and body piercing – with an actionable right for damages
Special problems

- Dental and other health practices are offering body piercing (NB. this might be better than unprofessional service)
- What role does the regulator play?
- Are there drugs/poisons issues? E.g. local anaesthetic used for body piercing
Some piercing designed to enhance sexual experience
Research links drug use and body piercing
Anti-conservatism is the point – a statement of independence
Pedodontists opposed

“The American Academy of Pediatric Dentistry strongly opposes the practice of piercing intraoral and perioral tissues and use of jewelry on intraoral and perioral tissues due to the potential for pathological conditions and sequelae associated with these practices”

Policy Statement on Intraoral and Perioral Piercing - adopted May 2000
“Unregulated piercing parlours and techniques have been identified as a possible vector for disease transmission (i.e. hepatitis, tetanus, tuberculosis) and as a cause of bacterial endocarditis in susceptible patients”
“Because of its potential for numerous negative sequelae, the ADA opposes the practice of intraoral / perioral piercing”

ADA Statement on Intraoral / Perioral Piercing – May 1999
Bad metal / Good metal

- Therapeutic uses of metals include braces, fillings, dentures, bridges and implants
- Non-therapeutic uses are not consistent with good oral health
Educational response

- Happy to work with DHS and Education Authorities to provide information for courses and counselling
- Good role models required
RECOMMENDATIONS

- Amend Summary Offences Act to make it an offence not to warn of risks of body piercing and not to obtain consent
- Encourage educational measures via Human Services and Education Ministries