

Title: Medical spa practice frequently asked questions

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Purpose: Provide FAQ guidance on medical spa practice in New Mexico

Approved by: NMMB Chair, Executive Director, Medical Director

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## **Frequently Asked Questions about Medical Spa's and the Medical Board**

The New Mexico Medical Board frequently is asked about the practice of medical spa procedure in New Mexico.

The following is offered as an effort to directly answer questions:

### **Are medical spas just like a medical clinic?**

Yes, and just like any medical setting, there should be a history and physical exam, an assessment and treatment plan, discussion of risks and benefits, and plan for addressing side effects completed by an independently-licensed medical provider (for example, a physician). A medical chart must be created and consent to treatment obtained. As in a medical clinic, safe practices should be performed, in a clean, orderly, safe and private treatment setting.

### **How are medical assistants qualified to provide medical spa procedures?**

Physicians must ensure that the medical assistants under their supervision are properly trained to provide the services offered and must send the medical assistant's certificate(s) of training to the medical board.

Supervising physicians are fully responsible for the care given in the medical spa by medical assistants and must be in the clinic and readily available to supervise and engage.

### **Can a NM licensed cosmetologist or aesthetician provide medical spa treatments under their license(s)?**

No, licensed cosmetologists and aestheticians cannot provide medical spa treatments (defined as any procedure that goes deeper than the surface of the skin) under their license(s). However, they could provide services as an appropriately trained medical assistant under medical supervision. Also, per regulation by their licensing board, they cannot practice as a "medical aesthetician". This is not a legal designation in New Mexico.

### **Who can provide medical spa treatments that involve injecting substances or destroying living tissue?**

Only medically licensed providers (physicians, nurses, physician assistants) can provide those procedures, although properly trained certified medical assistants can assist in operating devices such as lasers.

**What are the responsibilities of the supervising physician?**

As these are medical procedures, physicians have responsibilities for providing care that are the same as in any medical setting. As identified in the regulations, physicians must:

- Perform a patient history, relevant physical exam, make a diagnosis, create and follow treatment protocol and provide follow-up care.
- Create a medical record.
- Be trained in the procedures they are supervising and know how to treat adverse effects.
- Review adverse outcomes or changes to protocols.
- Inform patients of the role of staff involved in the procedure.
- Provide patients with information on emergencies and follow-up care.
- Be physically present and available when procedures are being performed, and patients and the public must be informed of who is the supervising physician (note that in some cases the onsite medical director could be a nurse practitioner or a PA).
- Provide written protocol for certified medical assistants to follow as medical assistants are not qualified to use medical judgement.
- Assure compliance with training and reporting requirements, including ensuring staff are properly trained, are awarded certificates that document training, and provide those certificates to the board.
- Be ultimately responsible for patient safety.