

Montana Board of Barbers and Cosmetologists

(FAQ created 9/22/20)

This FAQ is specific to frequently asked questions from licensees and the public in the context of cosmetic medical procedures, also known as "medical spa procedures" that exceed the scope of practice of licensees under the Board of Barbers and Cosmetologists

If you have general questions pertaining to licensure and the board that are not specifically related to cosmetic medical procedures we recommend you visit the board's website at www.cosmetology.mt.gov. If you cannot find the answer on the website you can continue to e-mail customer service staff at dlibsdlhelp@mt.gov.

General Message Concerning What Qualifies as a Medical Spa

"Medical spa" is not defined by statute or rule. In common usage, and for purposes of this FAQ, the term medical spa means a facility offering cosmetic procedures that exceed the scope of practice of licensees under the Board of Barbers and Cosmetologists. In other words, a medical spa is a facility that offers medical cosmetic procedures.

FAQs

Question 1:

I am currently licensed as [barber/barber nonchemical/cosmetologist/electrologist/esthetician/instructor/manicurist] under the Montana Board of Barbers and Cosmetologists. Am I allowed to open/own a medical spa?

Response 1:

Medical spas, as facilities, are not regulated by professional licensing boards. However, The Montana Department of Public Health and Human Services may have jurisdiction over medical spas, depending on the procedures performed on the premises.

Be aware that even procedures that are cosmetic in nature may constitute the practice of medicine or nursing. It is illegal to practice medicine or nursing without a license. If your spa offers medical procedures or injectables, a qualified health care provider must provide or appropriately supervise those procedures and must prescribe the injectables.

The Board of Barbers and Cosmetologists has specific provisions regarding the scope of practice of estheticians and cosmetologists in [Title 37, chapter 31, MCA](#), and [ARM Title 24, chapter 121](#) (see especially [ARM 24.121.604](#) and related definitions in [37-31-101, MCA](#), and [ARM 24.121.301](#) which pertain to estheticians and cosmetologists). Refer to those regulations

to determine which procedures may be performed by licensees under this board. If a licensee performs services under the jurisdiction of the Montana Board of Barbers and Cosmetologists, the portion of the facility where those services are performed must be licensed as a salon or shop and is subject to inspection to ensure that the facility meets the requirements of [ARM Title 24 chapter 121](#). All medical procedures must be performed in areas separated from the licensed salon or shop by a full-length partition.

A person not licensed by a professional licensing board may own a medical spa. However, it is illegal to impersonate or falsely advertise as a licensed physician or nurse. Any professional licensee working at the medical spa must adhere to Montana statutes and rules and practice only within the scope of their licensure.

Question 2:

I am not licensed by any professional licensing board, including the Montana Board of Barbers and Cosmetologists. Am I allowed to open/own a medical spa?

Response 2:

A person not licensed by a professional licensing board may own a medical spa. However, it is illegal to impersonate or falsely advertise as a licensed physician or nurse. See also Question/Response #1.

Question 3:

What are the facility licensing requirements for a medical spa?

Response 3:

The Board of Barbers and Cosmetologists regulates barbers, barbers nonchemical, cosmetologists, electrologists, estheticians, instructors, manicurists, salons, and shops. Any licensee practicing barbering, cosmetology, electrology, esthetics, or manicuring must do so in a licensed salon or shop, subject to inspection by the Board of Barbers and Cosmetologists. However, all medical procedures must be separated from the salon by a full-length partition.

Further, depending on the procedures performed on the premises, The [Montana Department of Public Health and Human Services](#) may have jurisdiction over a medical spa. Contact that department for further information.

Question 4:

I am currently licensed as [barber/barber nonchemical/cosmetologist/electrologist/esthetician/instructor/manicurist] under the Montana Board of Barbers and Cosmetologists. Am I allowed to perform laser hair removal?

Response 4:

Surgery is defined as "any procedure in which human tissue is cut or altered by mechanical or energy forms, including electrical or laser energy or ionizing radiation." Under [ARM](#)

[24.121.1509\(7\)](#), the Board of Barbers and Cosmetologists recognizes laser hair removal constitutes surgery and is prohibited for individuals licensed by the board. Contact the [Board of Nursing](#) and/or the [Board of Medical Examiners](#) for further information regarding the performance of cosmetic medical procedures under the direction and supervision of a qualified health care provider.

Question 5:

I am currently licensed as [barber/barber nonchemical/cosmetologist/electrologist/esthetician/instructor/manicurist] under the Montana Board of Barbers and Cosmetologists. Am I allowed to administer injectables such as Botox?

Response 5:

It is not within the scope of any of the licensees under the Board of Barbers and Cosmetologists to administer injectables (see [ARM 24.121.604](#) and related definitions in [37-31-101, MCA](#), and [ARM 24.121.301](#) which describe scopes of practice under this board). Contact the [Board of Nursing](#) and/or the [Board of Medical Examiners](#) for further information regarding the performance of cosmetic medical procedures under the direction and supervision of a qualified health care provider.

Question 6:

I am currently licensed as [barber/barber nonchemical/cosmetologist/electrologist/esthetician/instructor/manicurist] under the Montana Board of Barbers and Cosmetologists. Does my scope of practice included cosmetic treatments like microdermabrasion, microneedling, and chemical peels?

Response 6:

A licensee with the proper training can perform microdermabrasion and chemical peels. Refer to [ARM Title 24, chapter 121](#) for requirements pertaining to education, training, scopes of practice, facilities where practice is allowed, etc.

Any procedure that compromises the germinative or basal layers of the skin are prohibited for individuals licensed by the Board of Barbers and Cosmetologists. Contact the [Board of Nursing](#) and/or the [Board of Medical Examiners](#) for further information regarding the performance of cosmetic medical procedures under the direction and supervision of a qualified health care provider.

Question 7:

Can a physician offer medical procedures from a salon licensed by the Board of Barbers and Cosmetologists?

Response 7:

No. All medical procedures must be performed in areas of a facility separated from a licensed salon or shop by a full-length partition.

Question 8:

I am licensed as a [cosmetologist/esthetician] and work in a medical office providing esthetic treatments to customers. Should the medical office have a salon license?

Response 8:

All licensees practicing cosmetology or esthetics under the scope of their license must do so in a licensed salon or shop, subject to inspection by the Board of Barbers and Cosmetologists. However, if you are performing medical procedures under the supervision of a health care provider as opposed to practicing as a cosmetologist or esthetician licensed under this board, you must do so in an area separated from the licensed salon or shop by a full-length partition. Contact the [Board of Nursing](#) and/or the [Board of Medical Examiners](#) for further information regarding practice under the supervision of a health care provider.

Question 9:

What should I do if I know that an unlicensed person is performing procedures at a medical spa; or, that a licensee under the Board of Barbers and Cosmetologists is engaged in unprofessional conduct?

Response 9:

It is illegal to impersonate or falsely advertise as a licensed health care provider. Any person who believes he/she is aware of a medical spa not following Montana statutes or rules or who believes that a licensee is engaged in unprofessional conduct can file a complaint against the licensee or person they believe is engaging in unlicensed practice. For more information on filing a complaint, visit the department's website at <http://bsd.dli.mt.gov/filing-complaint>.

For more information on medical spas as they relate to individuals licensed under the Board of Nursing and Board of Medical Examiners or people supervised by individuals licensed by those boards, visit:

Board of Nursing: <http://boards.bsd.dli.mt.gov/nur>

Board of Medical Examiners: <http://boards.bsd.dli.mt.gov/med>