

Montana Board of Nursing

(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 <http://nurse.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 [licensed practical nurse/registered nurse/advanced practice registered nurse] under the Montana Board of Nursing. 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 Nursing does not prohibit nurses from owning a medical spa. When acting within their scope of practice, APRNs in Montana have full practice authority to prescribe and perform services. However, the scope of practice of RNs and LPNs is more restricted. Please review the Board of Nursing's website, [here](#), for guidance in determining your scope of practice.

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 Nursing regulates licensees, not the facilities where licensees practice. However, MCA 37-1-316(18) and ARM 24.159.2301 requires nurses only to engage in conduct that meets the generally accepted standards of practice.

Be aware that if a licensed cosmetologist or esthetician 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 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 [licensed practical nurse/registered nurse/advanced practice registered nurse] under the Montana Board of Nursing. Am I allowed to perform laser hair removal?

Response 4:

Laser hair removal is a medical procedure and may only be administered by a qualified health care provider acting within the provider's scope of practice.

Please review the Board of Nursing's website, [here](#), for guidance in determining your scope of practice.

Question 5:

I am currently licensed as [licensed practical nurse/registered nurse/advanced practice registered nurse] under the Montana Board of Nursing. Am I allowed to administer injectables such as Botox?

Response 5:

RNs and LPNs with the appropriate training, education, and supervision may inject prescribed medications as part of a medical treatment plan. However, RNs and LPNs may not prescribe treatments, or diagnose medical conditions.

When acting within their scope of practice, APRNs in Montana have full practice authority to prescribe and perform services. Please review the Board of Nursing's website, [here](#), for guidance in determining your scope of practice.

Question 6:

I am currently licensed as [licensed practical nurse/registered nurse/advanced practice registered nurse] under the Montana Board of Nursing. Does my scope of practice include cosmetic treatments like microdermabrasion, microneedling, and chemical peels?

Response 6:

Health care providers must determine whether any specific procedure is within their scope of practice, and cosmetic procedures are no exception. Please review the Board of Nursing's website, [here](#), for guidance in determining your scope of practice.

Question 7:

Which procedures can a nurse delegate and what are the requirements for delegation?

Response 7:

A nurse may delegate nursing tasks within the area of responsibility, scope of practice, and competency of the nurse delegating the task. A nurse retains professional accountability for the delegated nursing task. Refer to ARM 24.159.1611 for further rules, including the training or education of the person to whom the nurse delegates tasks.

Question 8:

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 Nursing is engaged in unprofessional conduct?

Response 8:

It is illegal to impersonate or falsely advertise as a licensed health care provider. Any person 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 Barbers and Cosmetologists and the Board of Medical Examiners or people supervised by individuals licensed by those boards, visit:

Board of Barbers and Cosmetologists: <http://boards.bsd.dli.mt.gov/cos>

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