



Montana Board of Barbers and Cosmetologists

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Medical Spas and Medical Cosmetic/Esthetics Procedures Frequently Asked Questions (FAQ)

(Updated 10/25/24)

General Information

Question: Are medical spas licensed facilities?

No. "Medical spa" is not defined by any Montana statute or rule nor is it a licensed facility under any licensing board. In common business usage, the term means a facility offering cosmetic medical 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 provided by licensed healthcare professionals as part of their medical/healthcare practice.

Even though medical spa facilities are not regulated by professional licensing boards, the Montana Department of Public Health and Human Services may have some jurisdiction over medical spas, depending on the types procedures performed on the premises.

A person does not need to hold any professional license to own/operate a medical spa business. However, it is illegal to impersonate or falsely advertise as a licensed physician, nurse, or other licensed healthcare professional. Any professional licensee working at the medical spa must practice within their scope of practice and adhere to the statutes and rules that governs their profession. This also applies to anyone working as unlicensed medical assistants under the supervision and direction of the healthcare licensees providing services.

Be aware that even procedures that are cosmetic in nature may constitute the practice of medicine, nursing, dentistry, or some other licensed healthcare profession. It is illegal to practice these professions without a license.

Everyone who is working within a business that is operating as a medical spa must adhere to the laws under the licensing board governing their specific licensed profession. Any unlicensed assistant who is working under that professionals must be appropriately supervised per the laws that govern the practice of that licensed healthcare professional.

A medical spa is not a licensed salon/shop under the Board of Barbers and Cosmetologists.

Question: Can a salon/shop licensed by the Board of Barbers and Cosmetologists be a medical spa?

No. Salon/shop licenses are issued by this board for the work that licensed professionals under this board perform within their scopes of practice. Any other business located in the same building or space as a licensed salon/shop, including medical and other healthcare practices, must be separated from a salon/shop by at least a full length partition. That area is not licensed and regulated by the Board of Barber and Cosmetologists.

Question: Can a medical spa have an area of the facility that is licensed as a salon/shop for a licensee such as an esthetician to practice independently within their own scope medical without supervision?

This board does not regulate business or business practices so any business relationships between people working within the medical spa facility are not regulated by the Board of Barbers and Cosmetologists.

A medical spa business could have an area that was separate from the healthcare practice and licensed as a salon/shop. In the area licensed as a salon, licensees under the Board of Barbers and Cosmetologists could work independently within their scope. All licensees under the Board of Barbers and Cosmetologists are limited noninvasive procedures as defined in ARM 24.121.301(13) below

[ARM 24.121.301](#)(13) "Noninvasive" means superficial procedures confined to the nonliving cells of the epidermis, specifically the stratum corneum layer, and through which living cells beneath the stratum corneum are never altered, cut, or scarred.

No other work including medical esthetics by licensed healthcare professionals could be performed in the area of the building licensed as a salon/shop.

Question: I am licensed by the Board of Barbers and Cosmetologists. Can I work at a medical spa under the supervision of a licensed healthcare provider such as physician or APRN?

Yes. However, in that context you would not be working under the license you hold under this board. You would potentially be working as an unlicensed medical assistant under the supervision and direction of a licensed healthcare professional who was providing services to that licensee's patients under their scope of practice. You would be held to the regulations of the licensing board that governs their profession—that includes regulations concerning supervision and delegation to unlicensed staff. Since you are not working as a licensee under this board that facility would not be licensed as a salon since it would be a medical/healthcare practice.

Question: I am currently licensed under the Montana Board of Barbers and Cosmetologists. Am I allowed to administer injectables such as Botox or perform any type of surgical or invasive procedure under my license?

No. See above responses regarding the scope of practice of licensees under this board. All licensees under this board are limited to noninvasive procedures.

Question: Can a healthcare provider such as a licensed physician or nurse perform medical procedures from an area of a facility licensed as a salon/shop by the Board of Barbers and Cosmetologists?

No. If an area of the building is licensed as a salon/shop, then any business that is **not** regulated by this board, including medical practice, needs to be separated by at least a full length partition from the area licensed and regulated as a salon/shop ([ARM 24.121.407](#)(2)).

Question: I am licensed as a cosmetologist or esthetician and have my own area/room in the medical spa facility where I practice independently within my scope as a cosmetologist or esthetician. Does this space need to be licensed as a salon?

Yes. 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 their unlicensed assistant as part of their medical practice, you are not working as an esthetician or cosmetologist so that area **should not** be licensed as a salon (see above).

Question: 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 and/or working outside their scope?

It is illegal to impersonate or falsely advertise as a licensed healthcare provider. Any person who believes that a licensee is engaged in unprofessional conduct or unlicensed practice 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>.

Question: I am a licensee under a healthcare board managing or working at a medical spa. Who should I contact regarding regulations that apply to my practice and any unlicensed individuals I might be supervising with my patients?

Contact whichever board issued your license since laws vary depending on professions, including what you can or cannot delegate to unlicensed individuals working under your supervision. Two of the most common boards that have staff the run or have practices at medical spas are the Board of Nursing (nurses) and the Board of Medical examiners (physicians).

- [Board of Medical Examiners](#) (see also [unlicensed medical assistant page](#))
 - E-mail: dlibsmed@mt.gov
- [Board of Nursing](#)
 - E-mail: dlibsdnur@mt.gov