

New Mexico Medical Board

New Mexico Medical Board: Medical Spa Policy

Date Issued: 12/13/2023

Date Revised: 9/26/2025

Approved by: New Mexico Medical Board

1. Purpose

To ensure compliance with New Mexico Medical Board (NMMB) regulations governing medical spa operations, the permitted scope of practice, supervision, staff qualifications, informed consent, delegation, and facility standards.

2. Scope

Applicable to all providers, medical assistants, cosmetologists, estheticians, and support staff performing or assisting with clinical treatments in the medical spa.

3. Governing Legal Authorities

- NMMB Med Spa Practice Guidance (Mar 19, 2024; issued Dec 13, 2023; revised Mar 18, 2024): <https://www.nmmb.state.nm.us/wp-content/uploads/2024/06/Med-Spa-Guidance-3-19-2024.pdf>
 - NMAC 16.10.13 (medical assistant procedures under physician supervision): <https://www.srca.nm.gov/parts/title16/16.010.0013.html>
 - NMMB FAQs on Medical Spa Practice (Mar 18, 2024): <https://www.nmmb.state.nm.us/wp-content/uploads/2024/06/FAQ-on-medical-spas-3-18-2024.pdf>
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4. Medical Director / Supervising Physician

Must be a New Mexico-licensed MD or DO competent in aesthetic medical procedures. Responsibilities include approving protocols, performing patient evaluation/planning/follow-up, being physically present or readily available during procedures, informed consent, QA review, and adverse event management. Must ensure staff training/certificates are filed with NMMB and visible identity of the supervising physician posted for patients.

5. Permitted Procedures & Delegation

5.1 Laser / Intense Pulsed Light (IPL)

Classified as medical procedures involving living tissue. May be delegated only to Medical Assistants (MAs) trained and certified in specific devices, under direct physician supervision and written protocols.

Cosmetologists or estheticians may not use their non-medical license to perform these procedures unless operating as MAs under protocol and supervision.

5.2 Light-Based Hair Removal

Same rules as lasers/IPL: permitted when delegated to trained, certified MAs under direct supervision.

5.3 Placing IVs / IV Access

Considered invasive; only licensed medical providers (e.g. physician, PA, APRN) may place IVs. Medical Assistants are not authorized to start IVs in medical spa settings.

5.4 Injectables, Microneedling, Chemical Peels

Any injection or tissue-penetrating procedure (Botox™, fillers, microneedling, chemical peels) must be performed by a licensed medical provider (MD, DO, APRN, PA). Delegation to MAs, estheticians, or cosmetologists is prohibited. Microneedling (including Platelet-Rich Plasma/vampire facials) is a regulated medical procedure and must be performed by licensed medical providers only (MD/DO, APRN, PA). Medical assistants and non-medically licensed staff (e.g., estheticians, cosmetologists) are strictly prohibited from performing these procedures. MAs may only operate non-incisive devices under direct physician supervision and written protocols.

6. Medical Assistants (MAs)

May perform non-incisive, non-ablative procedures (e.g. laser/IPL, superficial skin treatments) only after completing device-specific training and certification, and under physician supervision and written protocols. MAs cannot inject, penetrate tissue, place IVs, or exercise medical judgment. Physicians must maintain documentation of MA certifications and submit to NMMB upon request. The supervising physician remains fully responsible for care delivered by MAs.

7. Cosmetologists & Estheticians

Valid licensure requires esthetician license (600 hrs + exam) or cosmetology license (1,600 hrs + exam) under the NM Board of Barbers & Cosmetologists. Without medical assistant training and physician delegation, they must not perform medical spa procedures such as lasers, IPL, injectables, or microneedling. Can assist only in MA roles under physician training and supervision.

8. Delegation to Non-Medically Licensed Staff

Delegation allowed only to trained, certified Medical Assistants, under direct physician supervision, for limited non-invasive procedures. Delegation to cosmetologists, estheticians, receptionists, or any unlicensed staff for medical procedures is prohibited under NM law.

9. Training & Certification Requirements

Medical Assistants: complete course and certification on each device/procedure; training certificate retained in personnel file and provided to NMMB as required. Cosmetologists/Estheticians: training per Board of Barbers & Cosmetologists standards: 600-hour esthetician; 1,600-hour cosmetologist curriculum plus state exam.

10. Informed Consent & Patient Management

Prior to treatment, patient must receive written informed consent, including procedure risks, benefits, alternatives, and staff roles. Patients should be clearly informed who is performing (MA vs physician). Medical records must document evaluation, treatments, follow-up, and any adverse events.

11. Emergency Preparedness & QA

Facility must maintain protocols for handling adverse events and emergencies. Supervising physician must oversee QA review, adverse outcomes, and continuous protocol updates.

12. Ownership & Corporate Practice

New Mexico allows non-physician ownership of med spas; however, all medical procedures must be overseen by a supervising physician as detailed above. Physician or qualified advanced provider must direct all medical services.

13. References

1. New Mexico Medical Board (NMMB). Medical Spa Practice Guidance – Issued December 13, 2023; revised March 18, 2024; updated March 19, 2024. <https://www.nmmb.state.nm.us/wp-content/uploads/2024/06/Med-Spa-Guidance-3-19-2024.pdf>
2. New Mexico Medical Board (NMMB). FAQs on Medical Spa Practice – March 18, 2024. <https://www.nmmb.state.nm.us/wp-content/uploads/2024/06/FAQ-on-medical-spas-3-18-2024.pdf>
3. New Mexico Administrative Code (NMAC) Title 16, Chapter 10, Part 13. Medical Assistants: Training, Supervision, and Delegation. <https://www.srca.nm.gov/parts/title16/16.010.0013.html>
4. New Mexico Board of Barbers and Cosmetologists. Rules and Regulations for Estheticians and Cosmetologists. <https://www.rld.nm.gov/uploads/files/FINALIZED%20VERSION%20BC%20Rule%20Book%207%2014%202018.pdf>
5. New Mexico Department of Health. EMS Scope of Practice Rules and Sedation Limitations for EMTs/Paramedics. <https://www.nmhealth.org/publication/view/policy/1892>
6. New Mexico Medical Practice Act (NMSA 1978, § 61-6-1 et seq.). Definitions and legal scope of medical practice in the state.
7. American Med Spa Association. New Mexico Medical Aesthetics State Guidelines. <https://americanmedspa.org/medspalaws/new-mexico>
8. CDC and New Mexico DOH Reports. Public Health Risk from Unlicensed PRP/Microneedling (“Vampire Facial”) Practices. (Refer to public alerts issued in 2023–2024 related to HIV infections at unlicensed spas.)