NEW MEXICO INTERAGENCY JOINT POLICY ON MEDICAL SPA’s

Date Issued: 12/13/2023
Date Revised: 11/06/2026
Approved by: New Mexico Medical Board

Medical Spas and Medical Aesthetic Practices

New Mexico Medical Board • New Mexico Board of Nursing • New Mexico Board of Pharmacy • New Mexico Board of Barbers and Cosmetologists

I. PURPOSE

The purpose of this guidance statement is to promote patient safety, improve public transparency, and provide coordinated educational guidance regarding medical oversight, supervision, delegation, scope of practice, and professional responsibilities applicable to services commonly offered in medical spa settings.

This Advisory applies to any facility, practice, or business offering services that constitute or may constitute the practice of medicine under the Medical Practice Act, regardless of the business name, ownership structure, or marketing description.

II. DEFINITIONS

Medical Spa

For purposes of this Advisory, a **Medical Spa** means any facility, business, or practice that offers medical aesthetic, cosmetic, wellness, regenerative, or related services that constitute or may constitute the practice of medicine under New Mexico law, regardless of the name or marketing description used by the business (e.g., medical spa, wellness center, aesthetic clinic, rejuvenation center, longevity clinic, IV lounge, or similar designation).

Medical Director

A licensed healthcare professional responsible for providing clinical oversight consistent with applicable statutes, regulations, and professional standards.

Delegation

Authorization by a licensed healthcare professional for another individual to perform a task when permitted by applicable law. Delegation does not transfer professional responsibility.

Supervision

Oversight of delegated services as required by applicable statutes, regulations, and professional standards.

III. GUIDING PRINCIPLES

A. The nature of the procedure determines the applicable professional and regulatory requirements.

B. Professional authority is determined by licensure, education, training, competency, and governing statutes and regulations.

C. Business ownership, employment arrangements, private certifications, and manufacturer training do not independently expand a person's scope of practice.

D. When delegation is permitted, responsibility for patient safety and supervision remains with the supervising licensed professional.

E. Patient safety should remain the primary consideration in all treatment decisions, supervision arrangements, and business operations.

IV. MEDICAL DIRECTOR RESPONSIBILITIES

Facilities offering medical services should maintain appropriate clinical oversight by a qualified licensed healthcare professional consistent with applicable statutes and regulations.

The Medical Director or supervising licensed clinician should:

A. Establish and approve clinical protocols and treatment policies.

B. Ensure services are performed by appropriately, licensed, trained and qualified personnel.

C. Ensure supervision and delegation comply with applicable statutes, regulations, and professional standards.

D. Establish processes for patient evaluation, informed consent, documentation, and follow-up care.

E. Maintain quality assurance and adverse event review processes.

F. Ensure emergency preparedness and response protocols.

G. Remain meaningfully involved in the clinical operations of the facility.

H. Medical oversight should be active and clinically engaged and should not be limited solely to the use of a professional license for business purposes.

IV. PROCEDURE CONSIDERATIONS

Procedures commonly offered in medical spa settings that may involve medical oversight considerations include

A. Neurotoxin injections

B. Dermal fillers

C. Platelet-rich plasma (PRP) procedures

D. Microneedling and radiofrequency microneedling

E. Laser and intense pulsed light (IPL) procedures

F. Energy-based aesthetic treatments

G. Medium and deep chemical peels

H. IV hydration and infusion therapies

I. Hormone therapy and hormone optimization services

J. Weight-management therapies

K. Peptide therapies

L. Prescription medications, biologics, or other regulated therapeutic products used in aesthetic or wellness services. **

M. Other procedures involving tissue penetration, medical devices, or management of potential complications.

V. GENERAL SUPERVISION AND DELEGATION FRAMEWORK

A. PHYSICIAN

May evaluate, diagnose, treat, supervise, and delegate services where authorized by law and regulation.

B. APRN

May provide services within applicable licensure, certification, education, training, and population focus.

C. Physician Assistant

May provide services consistent with applicable supervision, collaboration, and delegation requirements.

D. Registered Nurse / Licensed Practical Nurse

May provide services consistent with applicable Nursing Board statutes, regulations, and guidance.

E. Medical Assistant

May perform delegated tasks only where specifically authorized by applicable Medical Board regulations and may not independently diagnose, prescribe, establish treatment plans, or exercise independent medical judgment.

****Please see GLP-1 Policy on the website**

F. Esthetician / Cosmetologist

May provide services within the scope authorized by the Board of Barbers and Cosmetologists and may not independently perform services requiring medical licensure.

VI. PATIENT SAFETY AND TRANSPARENCY

Facilities should maintain policies regarding:

A. Patient evaluation

B. Informed consent

C. Documentation

D. Staff training and competency

E. Emergency preparedness

F. Reporting concerns to the appropriate licensing agency.

G. Quality assurance

H. Adverse event management

I. Ensuring appropriate malpractice insurance coverage is maintained for all staff providing patient care.

Patients should be informed regarding:

A. Who is performing services

B. Relevant credentials and licensure

C. Risks, benefits, and alternatives

D. Follow-up expectations

E. The role of supervising professionals when applicable

VII. BUSINESS OPERATIONS

A. Ownership of, or financial interest in, a medical spa does not authorize an individual to perform medical services beyond the scope permitted by their professional license, certification, or applicable law.

B. Business entities, management agreements, or Medical Director arrangements should not interfere with professional judgment, supervision obligations, patient evaluation, treatment decisions, or patient safety responsibilities.

C. Business ownership may not be used to circumvent applicable scope-of-practice, supervision, delegation, or professional responsibility requirements.

D. Business entities should not represent or advertise levels of supervision or physician involvement that are inaccurate or misleading.

VIII. INTERAGENCY COORDINATION

The participating agencies support:

A. Public education

B. Consistent guidance

C. Appropriate referral of complaints to the agency with primary jurisdiction

D. Coordinated educational outreach

E. Continued collaboration regarding emerging concerns involving medical spas, wellness clinics, and aesthetic practices

IX. DISCLAIMER

This Advisory provides coordinated interpretive guidance regarding existing statutes, regulations, and professional standards. It does not replace or modify existing law or constitute legal advice.

Licensees and business owners remain responsible for compliance with all applicable statutes, regulations, Board guidance, and professional standards.

APPENDIX A
GENERAL SUPERVISION AND DELEGATION REFERENCE CHART

Educational Reference Only

This chart is intended as a general educational reference. Actual authority is governed by applicable statutes, regulations, Board rules, licensure, education, training, competency, and supervision requirements.

License Type	Patient Evaluation	May Develop a Treatment Plan	May Perform Medical Aesthetic Procedures	May Supervise MAs	May Exercise Independent Clinical Judgment
Physician	Yes	Yes	Yes	Yes	Yes
APRN	Yes	Yes	Yes, within scope	Per Board of Nursing requirements	Yes, within scope
PA	Per supervision requirements	Per supervision requirements	Yes, within scope	Limited	Limited
RN	No	No	Per Board of Nursing requirements	No	No
LPN	No	No	Per Board of Nursing requirements	No	No
MA	No	No	Delegated tasks only where authorized	No	No
Esthetician / Cosmetologist	No	No	Limited to authorized cosmetology scope	No	No

Key Principles

• Licensure determines authority.
• Delegation does not transfer responsibility.
• Training alone does not create scope of practice.
• Business ownership does not determine scope of practice.
• Supervision requirements vary by profession and procedure.
• Patient safety remains the primary consideration.

APPENDIX B
FREQUENTLY ASKED QUESTIONS

- **Does calling a business a "medical spa" determine what services may be offered?**
  - No. The nature of the procedure and applicable scope-of-practice laws determine what services may be provided.
- **Can a Medical Assistant independently perform medical procedures?**
  - No. Medical Assistants may only perform delegated tasks specifically authorized under applicable Medical Board regulations and may not independently diagnose, prescribe, establish treatment plans, or exercise medical judgment.
- **Can an esthetician or cosmetologist perform medical procedures?**
  - No. Estheticians and cosmetologists are limited to the scope authorized by the Board of Barbers and Cosmetologists.
- **Can ownership of a medical spa expand a person's scope of practice?**
  - No. Ownership does not determine scope of practice.
- **Does manufacturer training or a private certification authorize performance of a procedure?**
  - No. Training may support competency but does not independently authorize a person to perform services outside their lawful scope of practice.
- **What is the role of a Medical Director?**
  - The Medical Director or supervising provider is responsible for appropriate clinical oversight, supervision, protocol development, quality assurance, patient safety processes, and management of complications consistent with applicable statutes and regulations.
- **Are procedures such as injectables, fillers, PRP, microneedling, laser/IPL, IV therapy, hormone therapy, weight-management therapy, and peptide therapy subject to medical oversight considerations?**

- These procedures may involve medical evaluation, prescription products, tissue penetration, medical devices, or management of complications and should be performed in accordance with applicable statutes, regulations, and professional standards.

- **Can a physician serve as a Medical Director without active involvement in the practice?**
  - Medical oversight should be meaningful, clinically engaged, and appropriate for the services being provided.
- **Can a physician, APRN, or PA delegate responsibility for patient safety?**
  - No. When delegation is permitted, the supervising licensed professional retains responsibility for appropriate supervision and patient safety.
- **Does this Guidance Statement create new legal requirements?**
  - No. This document is educational and interpretive only and does not replace governing statutes, regulations, Board guidance, or professional standards.
- **Does the title or marketing of a business determine whether services constitute the practice of medicine?**
  - No. Whether a service constitutes the practice of medicine depends on the nature of the services provided and applicable law, not the title or marketing description used by the business.

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%20 2018.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.)

9. New Mexico Nursing Practice Act, NMSA 1978, Chapter 61, Article 3, and New Mexico Administrative Code (NMAC), Title 16, Chapter 12, as amended

10. Uniform Licensing Act (NMSA 1978, §§ 61-1-1 et seq.)