At Moxie, compliance is a top priority for you and your MedSpa. Each state has its own healthcare regulations including those relating to Medical and Aesthetic practices. We’ve compiled into easy-to-follow checklists to use as an initial guide.

**CALIFORNIA COMPLIANCE CHECKLIST**

* **MSO/PC State**
  + Moxie will set up a custom PC for you and you will enter into a business relationship with your supervising MD.
  + PC ownership = 49% Provider / 51% Medical Director
  + You will enter into a PC/MSO MSA between the PC and the LLC (below)
  + *This is a detailed process your onboarding manager takes you through*
* **Legal Entity:** Set up your legal entity. A LLC is recommended.
  + [Get started here!](https://bizfileonline.sos.ca.gov/)
    - Create an account if you haven't yet
    - Click Register a Business (first box)
    - Click Articles of Incorporation - LLC
    - Complete the subsequent forms
  + Consult with your accountant on individual tax objectives. [Explainer Here](https://docs.google.com/document/d/1GaOE3_-wK0flVpx8A3U-zPRplX1e3Jdhx-ZHIoj2MXk/edit) (also from other task in onboarding)
  + A DBA is required when the LLC name is different from what you plan to “do business as”. *Example: LLC “Sally’s XYZ LLC” // DBA “Sally’s Aesthetics”* **We strongly suggest to set up LLC with the name you plan to use for your business to avoid having to file a DBA.**
  + Do not use “botox” or “moxie” or any other product names in your LLC.
* **Business License:** Set up your local business license (county-specific) -[Get started here!](https://bizfileonline.sos.ca.gov/)

\*\*\*If using Moxie’s MD and PC setup, Moxie will manage the PC setup along with statement of information and FNP.

* **Only applicable if you are NOT using Moxie’s MD and PC setup: Statement of Information -** [**quick video here**](https://www.loom.com/share/283db351ae13415ea61df20221aef90c?focus_title=1&muted=1&from_recorder=1) **on how to get to your SOI**
  + [Go to this link to access your CA account](https://bizfileonline.sos.ca.gov/) (should not cost anything)
  + Click first white box - file statement of information
  + Search to find your entity
  + Click on your entity (should be a blue box)
  + Click File Statement of Information in the top right bar that appears (second gray box)
  + Go through this full process
    - Submitter Info = your information as the owner
    - Entity details should populate
    - Address should populate
    - Officer/Director = input your information as the officer IF it's not already there. If you want additional owners or officers, you can add them here.
    - Choose your Registered Agent - if you want to manage it choose "individual"
    - Type of Business = Aesthetic Services
    - Following is basic info to input
* **DBA (only if your LLC and Medspa name will be different):** File for your Fictitious Business Name (DBA) under your professional corporation.
  + [Click here](https://www.calgold.ca.gov/) to access the CalGold site which will guide you through the FBN process
  + Select your city or county
  + Enter business type for your DBA = “Nail, Hair, and Skincare” or “personal care” and click “Search”
  + Scroll down to where you see “Fictitious Business Name - Doing Business As Statement” From there you’ll see a link to a website on the right-hand side along with contact information for your county office.
  + Navigate to the permit steps provided by the website or the office that you called.
  + The fee to complete this is ~$30.00 and many counties have an online wizard to complete the forms (differs by county).
  + \*If the website did not work, google “DBA - [county name]” and it’ll populate
  + Do **not** use “Aesthetics, Botox, or Moxie” in your DBA name
* **DBA: Publishing Notice**
  + Some counties in California will require you to publish notice of your statement in a local newspaper.
  + We recommend contacting your county to check if this is a requirement and if so, please complete this per the instructions given.
* **FNP**: Have your PC owner file a Fictitious Name Permit (FNP) with the state of California.
  + Moxie’s MD: If using Moxie’s MD & PC setup, we’ll take care of this on your behalf
  + Non-Moxie MD/PC: Follow the below instructions for your PC owner to file the FNP
    - [Click here](https://www.mbc.ca.gov/Download/Forms/fnp-001.pdf) to access the online PDF form
    - Requires the PC owner’s SS#, license #, and signature
    - Requires FNP options - [Check what is in use here](https://www.mbc.ca.gov/Licensing/Fictitious-Name-Permit/) (change License Type to Ficticious Name Permit)
    - Complete sections 1,2,3,6a or 6b, and 7
    - Print out a copy of the PC’s Articles of Incorporation (AOI)
    - Include the following documents when mailing to California:
      * The completed PDF form
      * Copy of AOI
      * Check for $70 made payable to The Medical Board of California
    - Mail all documents & check to the following address: Licensing Program 2005 Evergreen Street, Suite 1200 Sacramento, CA 95815-5401
* **PA Practice Agreement (standard):** If you’re a PA collaborating with an MD, you will need to sign the PA practice agreement. Moxie has a copy that you can request. Once signed by you and your MD, please file at your facility. No need to file with the state.
* **Insurance:** You are required to carry malpractice and general liability insurance (included in all Vouch policies, our preferred insurance provider). For help with your Vouch policy, contact Cierra Ramou: [cierra.ramos@vouch.us](mailto:cierra.ramos@vouch.us)
* **Permitting**: Complying with all local and state zoning and building codes. [CalGold](https://www.calgold.ca.gov/) is the best place to determine requirements for a MedSpa per county. Input your county & business type = “Nail, Hair, and Skincare” or “personal care” . *\*inclusive of medical waste/hazardous materials, and other licensing requirements. This will need to be entered into under the PC name.* Otherwise if for the LLC, enter personal care services.
* **OSHA:** There are critical requirements that every MedSpa should follow when it comes to OSHA.
  + [Understand OSHA here](https://americanmedspa.org/blog/osha-what-you-dont-know-can-hurt-you)
  + Comply with the seven particular OSHA standards listed
  + [Bloodborne Pathogens](https://www.cpr.io/courses/bloodborne-pathogens/?gad_source=1&gclid=CjwKCAiA1MCrBhAoEiwAC2d64d1qfY6Inb0vEp9QJdbcODCmgG1wGaCfGQ1uqwBUJwmuk83gp7Ge9RoCXxAQAvD_BwE) course Moxie recommends ($10 and valid for one year)
  + If you have employees: Print out the [OSHA job safety and health poster](https://www.osha.gov/sites/default/files/osha3165-8514.pdf) for your MedSpa
* **Physical Signage:**
  + Make sure a copy of your business license is posted in your MedSpa (we recommend in a hall on the way to the treatment room or where other notices are posted)
  + Healthy workplaces/healthy families act - [required CA labor poster for your MedSpa](https://www.dir.ca.gov/dlse/publications/paid_sick_days_poster_template_(11_2014).pdf)
  + We recommend posting your Medical Director’s information in your MedSpa: Name, License Type (MD), License #
  + If you have employees:
    - Print out the [CA labor law poster state and federal combo](https://www.laborlawcc.com/california-labor-law-posters-state-and-federal-combo/) for employee and customer visibility and hang in the breakroom
    - [Workplace Postings to print and post in your MedSpa](https://www.dir.ca.gov/wpnodb.html)
  + If you have **hourly** employees: [This notice](https://www.dir.ca.gov/dlse/lc_2810.5_notice.pdf) to employee needs to be completed for each hourly employee
  + Post a [discrimination law sign](https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2017/06/DFEH_WorkPlaceDiscriminationHarassmentPoster.pdf) within your MedSpa
  + CA requires warnings regarding possible chemical exposure to be posted in businesses that have 10+ employees pursuant to [Prop 65](https://www.p65warnings.ca.gov/businesses/frequently-asked-questions-businesses). Several companies sell [compliant signs online](https://www.mysafetysign.com/chemical-hazard-signs).
  + Print out and post the [MD Notice Poster](https://mbc.ca.gov/Download/Documents/SampleSign-PhysicianSurgeon.pdf) inside your MedSpa. This is required by CA law as of 1/1/2023.
  + Ensure that every patient signs the “*MD notice and acknowledgments of receipt and understanding* “. [Example Here.](https://mbc.ca.gov/Download/Documents/SampleNotice-AcknowledgementOfReceipt-PhysicianSurgeon.pdf) This is required by CA law as of 1/1/2023.
* **California Workplace Violence Prevention Plan (only if you have employees):** Moxie has purchased a comprehensive suite of documents drafted by a top-notch California employment firm, Ogletree Deakins, (a $1,000 value) to address the new California Workforce requirements affecting those with employees.
  + **Background:** On September 30, 2023, Governor Gavin Newsom signed Senate Bill No. 553 into law. This bill mandates that virtually every California employer must implement a workplace violence prevention plan with specific requirements.
  + **Effective Date:** The new requirements take effect on July 1, 2024.
  + **Cal/OSHA Focus:** Cal/OSHA is expected to actively enforce workplace violence prevention measures.
  + [**Linked Resources**](https://drive.google.com/drive/u/1/folders/1z37qs2Vk3qy-qQENKKV3fLL9Zq-m-V2F)**:** We have linked sample templates and a training deck to assist your locations with employees in preparing to meet the new law’s requirements.
* **Marketing & Advertising Guidance**
  + Do not have any needles in any of your pictures. The Meta (owner of Facebook & Instagram) algorithm does not allow them
  + Never ‘boost’ any images with needles, pharmaceutical products (inclusive of vials of Tox, botox, filler..), and before and afters
  + Be sure to have signed photo waivers that allow you to use patient pictures for marketing that includes language around the patient waiving privacy.
  + Videos on websites must have closed captioning capability for ADA compliance
  + Ads cannot be false or misleading. Ads that use models must say it’s a model
  + Ads that use before or after photos must specify the treatment provided
* **California Official & Governmental Resources**
  + Medical Board of California [Website Here](https://www.mbc.ca.gov/)
  + Nursing Board of California [Website Here](https://www.rn.ca.gov/)
  + CA County Requirements: [Website Here](https://www.calgold.ca.gov/)
* **Workplace Violence Policy:** This will require a written plan and interactive training to prevent and respond to on-the-job threads of violence. Moxie has templates for your use. If you’re in Onboarding, you’ll see a full task on it. If launched, please request these from your PSM.