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.

**ILLINOIS COMPLIANCE CHECKLIST**

* **MSO vs Non-MSO**
  + PAs require a PC/MSO structure
  + RNs require a PC/MSO structure
  + NPs: with or without full practice authority do NOT need PC
    - For NPs to have full practice authority, ask Moxie to send you the requirements (in our database)
* **Legal Entity:** Set up your legal entity.
  + [Get started here](https://www.ilsos.gov/departments/business_services/organization/llc_instructions.html) to set up your entity. LLC is the most common in Illinois.
    - Business Type (if asked) “Medical Aesthetic Services”
    - Once ready to file, use the above link, scroll down to “File” button
  + Why LLC? This is because this entity will be acting as a non-healthcare manager of the PC. Consult with your accountant on individual tax objectives.
* **EIN Completion:**[Complete your EIN here](https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online) per your entity type
* **DBA:** File for your DBA (assumed business name) **\*Will need one under the PC (if MSO) and an additional one only if your MedSpa name is different than your legal entity name**
  + Complete the online filing process:
    - 1st DBA: Under your PC = your LLC name
    - 2nd DBA: Under your LLC = your MedSpa name
    - Do **not** use “Aesthetics, Botox, or Moxie” in your DBA name
    - \*\*If you’d like to work with Moxie’s preferred partner, CSC Global, let us know and we can assist you. Otherwise directly on the site is okay or using LegalZoom.
  + If you’re doing it on your own - [click here to start](https://www.ilsos.gov/departments/business_services/assumed_name_adoptions/corpinstructions.html)
    - Input Moxie PC’s Filing #74154557
    - Click “yes” for continue
    - Enter your desired DBA Name
    - No similar names → Continue
    - Officer signature = Miki Lager / Title = Officer
    - Continue if all looks okay
    - Choose expedited or not
    - Complete billing information and complete payment
* **Prescriptive Delegation & Collaboration (NPs & PAs)**:
  + - **NPs:** Standard NP <> MD Collab agreement. Nothing to file with the state but must include a statement indicating the supervising physician has deleted prescriptive authority for legend drugs/and or schedule II, III, IV, or V controlled substances.
    - **PAs:** Standard PA<>MD collab agreement. Please keep this on site. MD must file a supervision notice with IL Dept. of Health within 60 days.
* **Salon Registration:** Required for aesthetics: If the practice’s activities qualify as esthetic or cosmetology services (facials, nonmedical peels), then the practice must complete a salon registration in Illinois. Steps below:
  + - Completion of the [Salon/Shop Registration form](https://idfpr.illinois.gov/content/dam/soi/en/web/idfpr/renewals/apply/forms/cos-salonshop.pdf);
    - Payment of a $40 non-refundable registration fee; and
    - Submission of the registered business’s Articles of Organization as filed with the Illinois Secretary of State, including the submission of any assumed names. The documents and accompanying application must be mailed to the Illinois Department of Financial and Professional Regulation (“IDFPR”).
* **Laser Registration Requirements:** A class 3b or 4 laser must be registered with the Illinois Emergency Management Agency, Division of Nuclear Safety. Throughout registration, registrants are required to keep detailed records for up to 5 years, be ready for inspections or investigations by the Agency, and pay an annual $50 fee; and medical lasers must be calibrated and have a means for measuring levels of laser radiation.
  + [Laser Registration Form Here](https://iemaohs.illinois.gov/content/dam/soi/en/web/iemaohs/nrs/radsafety/documents/laser.pdf)
* **Sales Tax (on retail products)**
  + - **MSO State (MSO/PC structure):** The PC owner is responsible for paying the state all sales tax owed from the retail you sell. We suggest quarterly collection.
    - **\*\*If under Moxie PC,** Moxie pays the states but will collect quarterly through a standard Moxie invoice. Do NOT create a sales tax account, this will cause state issues. Moxie will update your Sales Tax rate on retail products when they are added to your Moxie Suite.
    - **Non-MSO State (no PC):** The MSO (you as the Medspa Owner) are responsible for paying sales tax on retail products. Please work with the state to create a sales use tax account
* **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)
* **Medical Waste**: If you conduct medical waste management activities, you should note how to dispose of it properly.
  + Place all needles and syringes in a secured puncture proof plastic container with a screw-on lid (for example: a rigid detergent, bleach or fabric softener bottle). Clearly label the container "Non-Recyclable" and dispose of it in your trash container.
* **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 any business and nursing license is posted in your MedSpa (we recommend in a hall on the way to the treatment room or where other notices are posted)
  + We recommend posting your Medical Director’s information in your MedSpa: Name, License Type (MD), License #
  + If you have employees: Print out the [IL labor law poster state and federal combo](https://www.laborlawcc.com/illinois-state-and-federal-poster-set/) for employee and customer visibility and hang in your breakroom
  + Post a discrimination law [sign](https://www.dol.gov/sites/dolgov/files/OFCCP/regs/compliance/posters/pdf/22-088_EEOC_KnowYourRights.pdf) within your MedSpa
* **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 (provided in Moxie Suite)
  + Physician name needs to be listed in ads with “MD,DO” for Medical/RX ads only.
  + 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
* **Illinois Official & Governmental Resources**
  + Medical Board of Illinois [Website Here](https://idfpr.illinois.gov/profs/boards/statemedboard.html)
  + Nursing Board of Illinois [Website Here](https://idfpr.illinois.gov/profs/nursing.html)

This checklist is to be used as an initial guide and is not intended to be legal advice or relied upon. Please consult with a legal specialist licensed in your state. If you need a referral, let us know, we are happy to make a connection.