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.

**NORTH CAROLINA COMPLIANCE CHECKLIST**

* **Legal Entity:** Set up your legal entity.
  + If you plan to hire for your medspa in the future, please note that you will need to set up your own PC. This means you will own your own MedSpa. If you do NOT plan to hire, you’ll be able to create your own LLC and use the Moxie PC/MSO structure.
  + [Get started here](https://www.sosnc.gov/Guides/launching_a_business/preparing_the_document_and_attachments) to set up your entity. LLC is the most common in NC.
  + 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.
  + Since a DBA is required, make sure your LLC name is different from what you plan to “do business as”. *Example: LLC “Moxie LLC” // DBA “Moxie Aesthetics”*
  + *Pleae note: Ownership Rules - a PA or group of PAs can own a MedSpa. An NP or group of NPs can own a MedSpa. A combination of PA + NP* ***cannot*** *own a MedSpa.* [*Legislation Here*](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_55B/GS_55B-14.pdf)
* **DBA:** File for your DBA (assumed business name) \*\*Must file under the PC Name
  + [Click here](https://www.sosnc.gov/divisions/business_registration/assumed_business_names) to begin the process
    - Check that the name you want is still available “Search Assumed Business Names”
    - Once ready, click [here to access the forms.](https://edpnc.com/start-or-grow-a-business/start-a-business/business-forms/)
    - Click the “Assumed business name certificate” form. Instructions below:
      * Question #1: Enter your desired assumed business name
      * Question #2: Input Moxie Medical PC or your PC Name (depends what you are under)
      * Question #3: Input “Medical Aesthetic Services”
      * All signature fields must be signed by the Moxie team
      * DBA forms along with the $26 fee should be returned to your county register of deeds location.
    - \*If for any reason you need Moxie PC’s EIN: 931380040
    - Do **not** use “Botox, or Moxie o rother trademark names” in your DBA name
* **MSO Registration with NC Nursing Board:** In North Carolina, it’s required that the PC registers the MSO with the state nursing board. If under Moxie PC, Moxie will manage this, otherwise please have your PC owner complete this.
* **Prescriptive Delegation (NPs & PAs)**: No online prescriptive delegation is required
  + - **NPs:** Standard collab agreement
    - **PAs:** No additional agreement with Medical Director. Basic supervisor agreement requred. But PAs should document monthly meetings with MD. Written record should include a description of the relevant clinical issues discussed and quality improvement notes. Must also include signatures.
* **IV Hydration Hood:** Required if you are performing IV Hydration Services. [Article here](https://djholtlaw.com/iv-hydration-therapy-and-compounding-guidelines/) on background of new law as of November 2023.
* **RNs & Lasers:** An RN cannot perform an initial H&P of a patient and may only perform LHR after an MD, NP, or PA has performed an initial H&P which includes a history and focused physical examination.
* **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 what is required when it comes to rules of disposal.

# [North Carolina Medical Waste Resource](https://www.deq.nc.gov/about/divisions/waste-management/solid-waste-section/medical-waste/medical-waste-guidance-and-interpretation#Sharps-3012)

* **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:**
  + We recommend posting your Medical Director’s information in your MedSpa: Name, License Type (MD), License #
  + If you have employees: Print out the [NC labor law poster state and federal combo](https://www.laborlawcc.com/north-carolina-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.
  + 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
* **North Carolina Official & Governmental Resources**
  + Medical Board of North Carolina [Website Here](https://www.ncmedboard.org/)
  + Nursing Board of North Carolina [Website Here](https://www.google.com/search?q=nursing+board+of+north+carolina&oq=nursing+board+of+north+carolina&gs_lcrp=EgZjaHJvbWUyBggAEEUYOTIGCAEQRRg7MgYIAhBFGDsyBggDEEUYPdIBCDQ0MDhqMGo0qAIAsAIA&sourceid=chrome&ie=UTF-8)

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.