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 DAKOTA COMPLIANCE CHECKLIST**

* **MSO:** MSO/PC structure required. Please talk to your onboarding manager about Moxie Medical Hub PC.
* **Legal Entity:** Set up your legal entity.
  + [Get started here](https://firststop.sos.nd.gov/) to set up your entity. LLC is the most common in North Dakota.
  + 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://irs.ein-taxid-usa.com/?keyword=ein%20irs&source=Google&adAccount=255-850-9668&network=g&device=c&devicemodel=&mobile=&campaign=20973754685&matchType=e&a=fdav&gad_source=1&gclid=CjwKCAiAopuvBhBCEiwAm8jaMXzLm6hxiCPxbxjjva7LoyfYfIwLxK9dk_kV7IeP3x1eRDdKIx7MyRoCviEQAvD_BwE) per your entity type
* **DBA:** File for your DBA/Trade Name **You need this in ND for your LLC if your MedSpa name is different from your LLC name**
  + **\*DBA *must also be filed under the PC*\***
    - 1. Complete the online filing process for DBA: [FirstStop Portal](https://firststop.sos.nd.gov/)
    - 2. Complete via mail using this form: [Trade Name Registration](https://www.nd.gov/eforms/doc/sfn13401.pdf)
      * Skip to Number 3 of Application “Trade name to be registered’
      * Do **not** use “Botox” or “Moxie” in your DBA name
  + Print & mail application (If not filing online):
    - State of North Dakota - 600 E Boulevard Ave Dept 108 Bismarck, ND 58505-0500
* **Prescriptive Delegation & Collaboration (NPs & PAs)**:
  + - **NPs:** Standard NP <> MD Collab agreement. Nothing to file with the state but please have a copy at your medspa.
    - **PAs:** Standard PA <> MD Collab agreement.
      * Note: Needs State Collaborative Agreement form filed with state - can be standard Collaborative Agreement form.
* **Lasers:** Can be practiced by physicians or physician-supervised practitioners with required training.
* **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 collections.
    - **\*\*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.
* **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.
  + 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 or purchase the [North Dakota state, federal & OSHA labor law poster](https://www.laborlawcenter.com/north-dakota-labor-law-posters) for employee and customer visibility and hang in the 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 Dakota Official & Governmental Resources**
  + Medical Board of North Dakota [Website Here](https://www.ndbom.org/)
  + Nursing Board of North Dakota [Website Here](https://www.ndbon.org/)

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.