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.

**SOUTH 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://sosenterprise.sd.gov/BusinessServices/Business/RegistrationInstr.aspx) to set up your entity. LLC is the most common in South 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://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/Trade Name
	+ **You need this in SD if your MedSpa name is different from your LLC name**
	+ **You do NOT need one under Moxie PC (DBA form does not ask for PC info, just LLC)**
		- 1. Complete the online filing process for DBA: [Online Portal](https://sosenterprise.sd.gov/BusinessServices/Fictitious/FictitiousHome.aspx)
			* Do **not** use “Botox” or “Moxie” in your DBA name
* **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.
			* PAs need to complete at least 30 hours of continuing education annually or maintain current certification by the National Commission on Certification of Physician Assistants (NCCPA) for licensed renewal. The supervision plan, detailing the supervisory relationship and protocols, must be documented in a practice agreement and approved by the board. Additionally, both the physician and PA must practice within the same specialty.
* **Laser Services:** RNs can perform certain non-invasive procedures without direct supervision, but are **prohibited** from using lasers.
* **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
* **Medical Waste**: If you conduct medical waste management activities, you should note what is required when it comes to rules of disposal.
	+ Medical/infectious waste must be rendered non-infectious by incineration, steam sterilization, chemical disinfectant or an equally effective treatment method prior to 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 [South Dakota state, federal & OSHA labor law poster](https://www.laborlawcc.com/south-dakota-labor-law-posters-state-and-federal-combo/?gad_source=1&gclid=Cj0KCQjwq_G1BhCSARIsACc7NxogRVlUVpgYXhhikOWkR1AxGyDVqqu20P_ljja-j82v9ikl_WHGvTkaAsc-EALw_wcB) 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
* **South Dakota Official & Governmental Resources**
	+ Medical Board of South Dakota [Website Here](https://www.sdbmoe.gov/)
	+ Nursing Board of South Dakota [Website Here](https://www.sdbon.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.