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 easy-to-follow checklists to use as an initial guide.

**TENNESSEE COMPLIANCE CHECKLIST**

* **MSO/PC Setup Required**
* **Legal Entity:** Set up your legal entity
  + [Get started here](https://tnbear.tn.gov/Ecommerce/RegistrationInstr.aspx) to set up your entity. LLC is the most common in Tennessee.
    - Business Type (if asked) “Medical Aesthetic Services”
    - Once ready to file, click “start now” on the page linked above
  + 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) **\*You may need two. You will need one under the PC and an additional one under your MSO only if your MedSpa name is different than your legal entity name**
  + Complete the online filing process: [click here to start](https://business.ct.gov/manage/records/trade-name-certificate)
    - 1st DBA: Under your PC
    - 2nd DBA: Under your LLC (if LLC and DBA are vastly different)
      * Ex: LLC = “Miki Motion LLC” // DBA = “Miki Vision Spa”
    - Do **not** use “Aesthetics, Botox, or Moxie” in your DBA name
    - \*\*If you’d like to work with Moxie’s preferred partner, CorpNet, let us know and we can assist you. Otherwise directly on the site is okay or using LegalZoom.
* **Prescriptive Delegation & Collaboration (NPs & PAs)**:
  + - **NPs:**
      * Standard NP <> MD Collab agreement (moxie has a template)
      * [Nursing Notice and Formulary](https://www.tn.gov/content/dam/tn/health/healthprofboards/nursing/applications/Nursing%20Notice%20and%20Formulary%204-2018.pdf) (if you haven’t done this)
    - **PAs:**
      * Standard PA<>MD collab agreement (moxie has a template)
      * [PA TN Application](https://www.tn.gov/content/dam/tn/health/documents/PH-3563.pdf) (if you haven’t done this)
        + See page 12-14 for the PA form that needs to be filled out and sent to the Board of Medicine.
* **Register Medspa with Department of Health** 
  + 1. Any medical director or supervising physician who is responsible for or supervises a medical spa must register the medical spa with the Board of Medical Examiners. A “medical spa” is any entity, however named or organized, which offers or performs cosmetic medical services.
  + 2. “Cosmetic medical service” means any service that uses biologic or synthetic material, a chemical application, a mechanical device, or a displaced energy form of any kind that alters or damages, or is capable of altering or damaging, living tissue to improve the patient’s appearance or achieve an enhanced aesthetic result
  + Moxie MD’s will have the form pre-filled. You will need to simply mail in with $185 registration fee
  + Non Moxie MD’s - start [here](https://www.tn.gov/content/dam/tn/health/healthprofboards/med-spa/PH4289.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.
* **HIPAA Training:** A good way to make sure you are taking the appropriate steps for your business is by educating yourself about HIPAA (if you aren’t already). Moxie recommends training to be completed but this is your choice.
  + [HIPAATraining.com](http://hipaatraining.com/) ($29.99 per 1.5h course, certification for 2 years)
  + [HIPAA by](https://www.protrainings.com/en/courses/hipaa/general) [ProTrainings.com](http://protrainings.com/) ($29.95 per <1h course, certification for 1 year)
* **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 [TN labor law poster state and federal combo](https://www.laborlawcc.com/tennessee-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
  + nnAds 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
* **Tennessee Official & Governmental Resources**
  + Medical Board of Tennessee [Website Here](https://www.tn.gov/health/health-program-areas/health-professional-boards/me-board.html)
  + Nursing Board of Tennessee [Website Here](https://www.tn.gov/health/health-program-areas/health-professional-boards/nursing-board/nursing-board/about.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.