

## Medical Aesthetic Services

Physicians who choose to provide medical aesthetic services must adhere to the rules set forth in Iowa Administrative Code rule 653–13.8.

### **What is a “medical aesthetic service?”**

Medical aesthetic services constitute the practice of medicine in Iowa. Iowa Administrative Code rule 653–13.8 defines “*medical aesthetic service*” as: “the diagnosis, treatment, or correction of human conditions, ailments, diseases, injuries, or infirmities of the skin, hair, nails and mucous membranes by any means, methods, devices, or instruments including the use of a biological or synthetic material, chemical application, mechanical device, or displaced energy form of any kind if it alters or damages or is capable of altering or damaging living tissue below the superficial epidermal cells, with the exception of hair removal.”

Examples of medical aesthetic services include, but is not limited to, the following:

- laser therapy;
- vaporizing laser therapy;
- nonsuperficial light device therapy;
- injectables;
- tissue alteration services;
- nonsuperficial light-emitting diode therapy;
- nonsuperficial intense pulse light therapy;
- nonsuperficial radiofrequency therapy;
- nonsuperficial ultrasonic therapy;
- nonsuperficial exfoliation;
- nonsuperficial microdermabrasion;
- nonsuperficial dermaplane exfoliation;
- nonsuperficial lymphatic drainage;
- collagen induction therapy (microneedling);
- fat-freezing treatment (cool sculpting);
- Botox injections;
- collagen injections; and
- tattoo removal.

Generally, such procedures become the practice of medicine when they are *nonsuperficial*, meaning that the practice alters or damages or is capable of altering or

damaging living tissue below the superficial epidermal cells. *Superficial* procedures are generally regulated by the Iowa Board of Cosmetology Arts and Sciences.

In Iowa, medical aesthetic services are generally provided in medical spas, overseen by medical directors. In this setting, medical directors may delegate provision of these services to non-physicians, under certain circumstances as detailed below.

### **Who can be a medical director of a Medical Spa?**

Pursuant to Board rules, only physicians may serve as medical directors of medical spas. Therefore, as used in this guidance and in the Board of Medicine's rules, a "medical director" refers only to a physician. **However**, the Iowa Board of Medicine does not oversee *other* healthcare providers who, depending on their scopes of practice, may be permitted by their own boards to practice and delegate medical aesthetic services.

If you are a licensed healthcare professional ***other than a physician (MD & DO)*** in Iowa, and you are interested in running a medical spa, you must adhere to the rules, regulations, and standards of the Iowa licensing board that oversees your license. While that board may refer you to the Iowa Board of Medicine's rules for providing medical aesthetic services, your board retains ultimate authority over your license. Questions about your permissible scope of practice and compliance with Iowa laws and rules should be directed to your specific licensing board.

### **I'm not a licensed professional in Iowa. Can I perform medical aesthetic services?**

**No**, with one limited exception. An unlicensed individual practicing any medical aesthetic service in Iowa is engaging in the unlawful practice of medicine in violation of Iowa Code section 147.2, which is a felony.

The only exception to this rule is with regard to qualified laser technicians. Iowa does not license laser technicians, but the Iowa Board of Medicine permits medical directors to delegate certain laser-related services to non-licensed individuals who successfully complete 120 hours of training in the safe and effective use of lasers in the performance of medical aesthetic services at an accredited laser training program, as required by rule 653-13.8. Importantly, an unlicensed qualified laser technician **may not** perform any medical aesthetic services outside of those involving lasers they are qualified to use.

## **What medical aesthetic services may a medical director delegate to a nonphysician?**

In order to delegate any medical aesthetic service to a nonphysician, all of the following must be true:

- The service must be within the medical director's scope of practice and medical competence to supervise;
- The service must be of the type that a reasonable and prudent physician would conclude is within the scope of sound medical judgment to delegate; and
- The service may only be a routine and technical service, the performance of which does not require the skill of a licensed physician.
- The service is within the delegatee's scope of practice, and the delegatee is educated, trained, and competent to perform the service.

In sum, if a physician is not fully capable of competently and safely performing the service on their own, they should not delegate that service to someone else. This includes, for example, receiving the same training and certification as qualified laser technicians in order to delegate laser hair removal.

## **To whom may a medical director delegate the performance of medical aesthetic services?**

To anyone in Iowa who is licensed by a professional licensing board in this state and for whom performance of a medical aesthetic service is within their scope of practice, *and* to qualified laser technicians as described above. Common delegates include licensed nurses and physician assistants.

**Importantly**, per Iowa Code section 157.1, persons only licensed by the Iowa Board of Cosmetology Arts and Sciences **may not** perform medical aesthetic services in Iowa, as their practice is limited only to *superficial* services. Consequently, a medical director **may not delegate** the performance of a medical aesthetic service to individuals only licensed by the Iowa Board of Cosmetology Arts.

A medical director is ultimately responsible for the performance of all medical aesthetic services that they delegate. A medical director who fails to adhere to these rules may be subject to disciplinary action by the Iowa Board of Medicine.

## What about tattoos?

Tattooing is *not* a medical aesthetic service. Pursuant to Iowa Code section 641.22(2), “*tattooing*” means to “puncture the skin of a person with a needle and insert indelible permanent colors through the puncture to leave permanent marks or designs.” The practice of tattooing requires the insertion and use of such “indelible permanent colors.” Tattooing includes the following:

- General tattooing
- Microblading
- Permanent Makeup

Tattoos are regulated by the Iowa Tattoo Program. More information about the program can be found [here](#).

**However**, tattoo **removal** constitutes a medical aesthetic service regulated by the Iowa Board of Medicine, regardless of the means by which the tattoo is removed.