State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
OFFICE OF THE DIRECTOR
PO BOX 45027
NEWARK, NJ 07101

MIKIE SHERRILL
Governor

SHIRLEY U. EMEHELU
Lt. Governor

JENNIFER DAVENPORT
Attorney General

CHRISTOPHER L. PETERSON
Acting Director

New Jersey Consumer Affairs Guidance Circular No. 2026-01

Operation of Medical Spas and Intravenous (IV) Therapy Businesses

New Jersey Division of Consumer Affairs

November 12, 2026

The New Jersey Division of Consumer Affairs ("Division") is charged with protecting the public from professional misconduct, and with providing the infrastructure that allows the 52 professional and occupational licensing boards to carry out their regulatory responsibilities. These boards license many types of health care professionals, and protect consumers and patients by ensuring that health care services are performed by licensed professionals who are appropriately trained, work within their scope of practice, and adhere to the standard of care for the services performed. The statutory authority of the boards is set forth in Title 45 of the New Jersey Statutes and their regulatory authority is set forth in Title 13 of the New Jersey Administrative Code.

The Division and the Board of Medical Examiners, Board of Nursing, Board of Pharmacy, and Board of Cosmetology and Hairstyling (collectively, the "Boards") have become aware of individuals and businesses offering health care services to New Jersey consumers in spa-like and other settings. These businesses include medical spas (or medispas) and intravenous (IV) hydration (or infusion) businesses. These businesses and the individuals who provide the services often contact the Boards and the Division with questions about their licensure and compliance obligations. Accordingly, the Boards are issuing this guidance to inform the public and the regulated community of the applicability of New Jersey law to the health care services performed at these businesses.[1] Licensees should review the statutes and

[1] This concern is not unique to New Jersey. Other states have published similar guidance. See "Rhode Island Department of Health Guidance Document Regarding the Operation of Medical Spas and Intravenous (IV) Therapy Businesses," available at: https://health.ri.gov/sites/g/files/xkgbur1006/files/publications/guidance/Medical-Spa-and-IV-Therapy-Business.pdf; "Joint Advisory Opinion of the South Carolina State Boards of Medical Examiners, Pharmacy, and Nursing Regarding Retail IV Therapy Businesses," available at: https://llr.sc.gov/med/Policies/Joint-Position-Statement-Retail-IV-Therapy.pdf; "Regulatory Considerations for IV Hydration Clinics and Med Spas in Virginia," available at: https://townhall.virginia.gov/l/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\223\GDoc_DHP_8021_v2

regulations applicable to their license for additional information regarding their obligations. In addition, licensees should review generally applicable laws and regulations, including, without limitation, statutes on telemedicine and telehealth at N.J.S.A. 45:1-61 *et seq.* and regulations on prescriber compensation at N.J.A.C. 13:45J-1.1 *et seq.*[2]

Medispas are entities that may offer an array of health care services including aesthetic health care procedures, such as injectable pharmacologics[3] and laser hair removal, that are designed to improve appearance and do not treat illness or disease. Some medispas may also offer IV hydration, in stand-alone practices or mobile units. IV therapy businesses provide patients with IV fluids with or without the addition of other medications, vitamins, minerals, and/or amino acids. **The administration of the contents of an IV bag is the administration of medication because all intravenous fluids, regardless of content, are prescription drug products.** Accordingly, IV hydration is a health care service that must be authorized and performed by a properly licensed or certified health care professional in adherence to the applicable standard of care.

A professional health care license is required to perform any health care service. A certification or a course certificate of completion does not constitute a license. Performing any health care service without proper licensure may subject an individual to fines, civil or criminal penalties, and/or discipline.

Who may own or direct a medispa or business providing IV hydration?

The corporate practice of medicine doctrine applies to medispas and IV hydration businesses because they offer medical services. A physician may practice in a partnership, professional association, or limited liability company, but such entity must be composed solely of health care professionals in the same or in a closely allied medical or professional health care field. Closely allied fields include health care professions licensed by the professional boards housed in the Division. **Licensees of the Board of Cosmetology and Hairstyling are *not* closely allied fields with, for example, the Board of Medical Examiners, the Board of Nursing, or the Board of Pharmacy.**

The director of a partnership, professional association, or limited liability company comprised of health care professionals must be licensed to conduct *all* health care services offered at the premises of the medispa or IV hydration business. **A licensed medical professional who can authorize treatment cannot delegate medical decision-making to an unlicensed owner of a business or to a licensee with a**

.pdf; and "Joint Advisory Opinion of The Wisconsin Examining Boards of Medical, Nursing, Pharmacy, And Cosmetology, The Physician Assistant Affiliated Credentialing Board, And the Wisconsin Controlled Substances Board Regarding IV Hydration Therapy Business," available at https://dsps.wi.gov/MediaFileLocation/mcahzs2s/2025-10_iv-hydration-guidance-iac.pdf.

[2] Licensees should also be aware of any practice requirements that may be imposed by the New Jersey Department of Health, such as oversight of body art and ear-piercing.

[3] A dentist may administer an injectable pharmacologic only in the peri-oral area in accordance with N.J.A.C. 13:30-8.4A. "'Injectable pharmacologic' means any medication classified as a neurotoxin, adjuvant or therapeutic agent including, but not limited to, hyaluronic acid (such as Restylane<(R)>), fillers (such as collagen), Botulinum Toxin Type A (such as Botox<(R)>) or similar products that have been approved by the Federal Food and Drug Administration." N.J.A.C. 13:30-8.4A.

narrower scope of practice. The scope of practice of an employee cannot exceed the scope of practice of the owner(s) of the practice.

A physician cannot be employed by or directed to make medical decisions by a chiropractor, a nurse (including an advanced practice nurse (APN)), a physician assistant (PA), a cosmetologist, an unlicensed person, or any entity that is not composed of a permissible professional practice structure as discussed in N.J.A.C. 13:35-6.16.[4] A nurse or PA cannot solely own or be a majority owner (more than 50%) of a medispa or IV hydration business because they cannot oversee or employ a practitioner whose scope of practice includes the authorization of medical treatment. This prohibition specifically includes APNs because N.J.S.A. 45:11-49 prohibits APNs—even those with independent practice authority—from providing elective aesthetic or cosmetic services without a joint protocol with a collaborating physician. A physician cannot be employed by a nurse or PA because the rules of the Board of Medical Examiners prohibit a practitioner with a plenary license from being employed by, or having medical decision making directed by, a practitioner with a narrower scope of license. See N.J.A.C. 13:35-6.16.

Are there rules on the cosmetology and other services that may be offered at a medispa or business providing IV hydration?

Any service provided at a medispa or an IV hydration business must be within the scope of practice of the licensee providing the service.

Licensees of the Board of Cosmetology and Hairstyling cannot provide services in a location that is not licensed by the Board of Cosmetology and Hairstyling as a shop or a school, except in the very limited circumstances set forth in N.J.S.A. 45:5B-8. Further, a licensed skin care specialty shop shall engage in only business activities within the scope of that shop's specific license, as set forth in N.J.A.C. 13:28-2.7A. **Board of Cosmetology and Hairstyling licensees are thus precluded from providing cosmetology and hairstyling services at a location that also provides health care services, such as an injectable pharmacologic and IV hydration, except for locations excepted by N.J.S.A. 45:5B-8.** Additionally, unless the licensee of the Board of Cosmetology and Hairstyling is also a licensed health care professional, they cannot provide any services that are required to be performed by a licensed health care professional.

Licensees of the Board of Cosmetology and Hairstyling are also prohibited from using any medical device other than a Class 1 medical device approved by the Federal Food and Drug Administration. Cosmetologists cannot cross the stratum corneum, the outermost layer of the epidermis, and are specifically prohibited from using or offering to use a credo blade, skin scraper, lancet, or other comparable implement. Other specific practices prohibited for licensees of the Board of Cosmetology and Hairstyling are set forth at N.J.A.C. 13:28-2.15 and include, without limitation, any service that claims to cure or remedy any disease or illness; injections of Botox, Restylane or other similar medications for purposes of skin enhancement or collagen production; and the removal of skin tags. Cosmetologists

[4] "Employment" includes an ongoing associational relationship for the provision of professional services, whether the physician is denominated as an employee or independent contractor, regardless of remuneration. See N.J.A.C. 13:35-6.16.

also cannot perform hair transplants. Proper procedures for the performance of hair transplant by physicians are addressed in N.J.A.C. 13:35-6.21.

Laser hair removal is a health care service that must be performed by a physician or other appropriately licensed and trained health care provider. A hair removal laser is a medical device and the person using it is performing a medical service. Laser hair removal may not be performed by an electrologist or a cosmetologist. The definition of electrology specifically excludes laser and other intense light source hair removal, and cosmetologists are explicitly prohibited from engaging in laser hair removal. See N.J.A.C. 13:35-12.2; N.J.A.C. 13:28-2.15.

Who can prescribe medication (including IV hydration and injectable pharmacologics)?

Only physicians and advanced practice clinicians (APC) (meaning, for purposes of this guidance, APNs and PAs with *prescriptive authority)* may prescribe medication, including IV hydration and injectable pharmacologics, and only within their training, experience, and competence and consistent with the standard of care. Patients may not "self-prescribe" by selecting a prescription medication or combination of medications from an IV hydration menu. The prescribing physician or APC must evaluate whether the medication (including IV hydration alone or in combination with other substances) is appropriate for each patient. An event at which everyone is offered identical IV hydration does not meet this standard of care unless a physician or APC evaluates each patient individually at the event and prescribes each patient the appropriate medication(s).

Who can administer an IV and injectable pharmacologics?

IV hydration and injectable pharmacologics are health care treatment. Only physicians, nurses, and PAs may administer IV hydration and injectable pharmacologics.[5] A physician may direct a certified medical assistant (CMA) to administer IV hydration in accordance with N.J.A.C. 13:35-6.4, but either the directing physician, or another licensed health care professional authorized to render the medical services, must be on the premises at all times when the IV hydration is administered, per the requirements of N.J.A.C. 13:35-6.16(d).

What standard of care governs the prescription and administration of medication, including IV hydration and injectable pharmacologics, and the performance of medical services?

The prescription and administration of medication and the performance of medical services must be performed in compliance with the applicable standard of care and all applicable laws and regulations, regardless of the location in which services are provided, including in medispas, IV hydration businesses, and mobile units. Pursuant to P.L. 2026, c. 6, APNs with independent practice are held to the same

[5] This guidance does not address the scope of practice of paramedics, who work in mobile intensive care programs licensed by the New Jersey Department of Health.

standard of care as other independent health care practitioners. These standards and laws include, without limitation:

1. Patient examination: Examine the patient, which includes taking a health history prior to determining a course of treatment, including hydration treatment. A self-administered questionnaire does not constitute a patient exam.

2. Assessment of contraindications: Assess the patient for contraindications. Depending on the recommended course of treatment, an assessment of contraindications may include bloodwork before proceeding with treatment.

3. Informed consent: Engage in an accurate, transparent process of informed consent with the patient in order for the patient to authorize medical treatment. Informed consent includes a discussion of the diagnosis, recommended treatment, and the benefits and risks of both the treatment *and of forgoing treatment*.

4. Follow-up: The examination, assessment, and treatment create a provider-patient relationship that creates responsibility for appropriate follow-up with the patient.

5. Medical records: Make and maintain a thorough medical record that documents, without limitation, the patient examination, assessment, informed consent, treatment, and follow-up provided. The medical record must be retained and stored in accordance with applicable laws and standards.

6. Privacy and security of patient information: Keep patient information private and secure in compliance with applicable state and federal laws.

7. Medication storage and compounding: Store medication according to manufacturer requirements; any compounding must comply with the U.S. Pharmacopeia and the requirements of the Board of Pharmacy.

8. Advertising and fees: IV hydration businesses and medispas must comply with professional rules and standards related to advertising, the use of testimonials, guarantees, payments for referrals, and discounts, including filing copies of advertisements offering discounted medical services, such as group discounts and package deals, with the Board of Medical Examiners. See N.J.A.C. 13:35-6.10. The Board of Medical Examiners may require its licensees to substantiate the truthfulness of any assertion or representation in an advertisement. Providing medical services with a disclaimer that they are not intended to diagnose, treat, cure, or prevent any disease or that the services are intended only for healthy individuals is inconsistent with the principles of informed consent and truthfulness in advertising.

What are the responsibilities of the physician or APC to IV hydration and medispa patients?

The treating physician or APC is responsible to the patient for fulfilling the standard of care described in 1-8 above. Only a treating physician or APC can evaluate, diagnose, and prescribe IV hydration and injectable pharmacologics. The treating physician or APC is also responsible for ensuring that any health care provider to whom the physician or APC delegates is licensed, trained, educated, and

working within their scope of practice, and for supervising that provider's provision of services. The medical director is responsible for the provision of health care services to every person receiving such services at a medispa or IV hydration business, and also for overseeing the physician or APC authorizing care and any others who provide health care services there.

May a physician issue a generally applicable standing order for IV hydration?

No. The determination of whether IV hydration or any course of treatment is appropriate for a patient must be made on an individualized basis by the treating physician or APC. The physician or APC cannot delegate patient examination, assessment of contraindications, or informed consent via a standing order.

Can a physician or APC see the patient via telemedicine and prescribe a course of treatment for another licensed professional to administer?

If the physician or APC authorizing treatment sees the patient virtually, that patient encounter must conform to New Jersey's telehealth requirements, including meeting the standard of care described in 1-8 above. If the telemedicine patient is located in New Jersey, the physician or APC must be licensed in New Jersey. See N.J.S.A. 45:1-62.

What degree of supervision by the physician or APC is required if administration is delegated?

The physician or APC is responsible for ensuring that any individual to whom they delegate is properly licensed and working within that individual's training, experience, and competence. The physician or APC is responsible for providing supervision appropriate to both the task that is delegated and to the individual to whom the delegation is made to ensure that the delegated care meets the standard of care.

The medical director, an investing licensee, or another licensed health care professional authorized to render the medical services *without direct supervision* must be on the premises at all times when patients receive health care services, except as specified in rules. See N.J.A.C. 13:35-6.16; see also N.J.A.C. 13:37-6.2 (allowing the delegation of selected nursing tasks and requiring that an RN must be available for on-site supervision in all cases of delegation).

How does compounding relate to medispas and IV hydration businesses?

The addition of any substance to an IV fluid bag for administration to a patient constitutes compounding. For example, adding Zofran or vitamins to an IV bag is considered compounding. Compounding must be performed consistent with the requirements of the U.S. Pharmacopeia and the rules of the Board of Pharmacy. See N.J.S.A. 45:14-49(c) and N.J.A.C. 13:39. A compounded drug product cannot be ordered from a registered pharmacy for administration to patients unless the product is compounded pursuant to a patient-specific prescription; it cannot be ordered from a pharmacy and

maintained as drug stock for office use. The patient's medical record should indicate why the patient requires a compounded medication instead of a commercially available one.

Use of compounded semaglutide

Semaglutide is a commercially available drug product. The compounding of drugs that are essentially copies of a commercially available drug product is prohibited, with certain very limited exceptions. See N.J.A.C. 13:39-11.25. If the drug is to be compounded, it must be performed consistent with U.S. Pharmacopeia requirements, as well as applicable state and federal law. No salt form of semaglutide may be used in compounding for patient administration, as safety has not been established. Rybelsus™ tablets should also not be ground to use as a base in compounding, as the manufacturer's instructions prohibit this practice. Please see the Board of Pharmacy's Statement Concerning Semaglutide Compounding for further information.[6] Licensees of the Board of Medical Examiners who engage in the prescribing, administering, or dispensing of drugs for the treatment of obesity must follow the requirements set forth in N.J.A.C. 13:35-7.5A.



Christopher L. Peterson, Acting Director
Date: November 12, 2026

[6] New Jersey Board of Pharmacy, Division of Consumer Affairs, New Jersey Office of the Attorney General, Statement Concerning Semaglutide Compounding, November 6, 2023, available at: Semaglutide-Compounding-Statement-04282023.pdf