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New Jersey Issues Guidance for MedSpas and IV Hydration Businesses: Time to Check Your Structure

Monday, November 23, 2026

On November 12, 2026, the New Jersey Attorney General and the New Jersey Division of Consumer Affairs (DCA), together with the Board of Medical Examiners, Board of Nursing, Board of Pharmacy, and Board of Cosmetology and Hairstyling, issued Guidance Circular No. 2026-01 on the operation of medical spas (MedSpas) and IV hydration businesses in New Jersey. Read Guidance Circular No. 2026-01 here.

The Guidance Circular gives insight into how New Jersey regulators intend to interpret and apply existing rules on ownership, supervision, prescribing, administration, and patient care in MedSpas.

Key Takeaways on the Guidance:

- **IV fluids are prescription drugs.** All intravenous fluids, regardless of content, are prescription drug products. Administering an IV bag is considered administering medication.
- **Prescribing requires individualized evaluation.** Only physicians and advanced practice clinicians (APNs and PAs with prescriptive authority) may prescribe IV hydration and injectable pharmacologics. The prescriber must evaluate each patient individually. Patients may not "self-prescribe" from a menu, and generally applicable standing orders are not permitted.
- **Administration and on-premises coverage are restricted.** Only physicians, nurses, and PAs may administer IV hydration and injectable pharmacologics, subject to the guidance's certified medical assistant (CMA) exception. A physician may direct a CMA to administer IV hydration in accordance with N.J.A.C. 13:35-6.4, with the directing physician or other licensed health care professional authorized to render the services on the premises at all times during administration. More broadly, except as specified in the rules, 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 whenever patients receive health care services.
- **Medical directors remain responsible for clinical care.** The medical director must be licensed to conduct all health care services the business offers. The director may not delegate medical decision-making to unlicensed owners or to licensees with a narrower scope of practice, and is responsible for care provided to every patient.
- **A professional practice entity must be composed solely of health care professionals in the same or closely allied medical or professional health care fields**. According to the Guidance Circular, a nurse or PA, including an APN with independent practice authority, cannot solely own or hold a majority (greater than 50%) interest in a MedSpa or IV hydration business. The reason stated in the guidance is that they cannot oversee or employ a practitioner who authorizes medical treatment. The guidance also explains that APNs—even those with independent practice authority—must have a joint protocol with a collaborating physician to provide elective aesthetic or cosmetic services.
- **Cosmetology licensure does not authorize medical services.** The Guidance Circular provides that cosmetology licensure does not authorize the provision of medical services. Laser hair removal is a medical service that should not be performed by someone acting as a cosmetologist or electrologist. Cosmetology licensure alone likewise does not authorize injectables; an individual who is also a licensed health care professional must act within that health care license's scope of practice. Also,

cosmetology board licensees generally may not provide cosmetology and hairstyling services at a location that also offers health care services, except for locations excepted by N.J.S.A. 45:5B-8.

- **Standard of care applies in every setting.** This includes a patient exam (a self-administered questionnaire is not enough), contraindication assessment, informed consent, follow-up, records, privacy, proper storage and compounding, and truthful advertising. Telehealth encounters must meet New Jersey requirements, and a physician or advanced practice clinician treating a patient located in New Jersey virtually must be licensed in New Jersey. Advertising requirements include filing copies of advertisements offering discounted medical services, such as group discounts and package deals, with the Board of Medical Examiners. The guidance warns that disclaimers stating that medical services are not intended to diagnose, treat, cure, or prevent disease, or are intended only for healthy individuals, are inconsistent with informed consent and truthfulness in advertising. Adding anything to an IV bag counts as compounding.
- **Compounded products face specific restrictions.** Compounding must comply with U.S. Pharmacopeia requirements and Board of Pharmacy rules. A compounded drug product ordered from a registered pharmacy for administration to patients must be compounded pursuant to a patient-specific prescription and cannot be maintained as office-use drug stock. The patient's medical record should explain why a compounded medication is needed instead of a commercially available product. The guidance states that compounding drugs that are essentially copies of commercially available products, including semaglutide, is prohibited, subject to very limited exceptions. It prohibits semaglutide salt forms for patient administration and states that Rybelsus tablets should not be ground for use as a compounding base. Board of Medical Examiners licensees prescribing, administering, or dispensing drugs to treat obesity must also follow N.J.A.C. 13:35-7.5A.

What This Means for Existing Operators:

Certain businesses may need to restructure. Businesses should review their ownership, governance, staffing, and operations before the regulators do. Arrangements involving non-physician control, limited physician oversight, nurse- or PA-majority ownership, standing orders or menu-based treatment, co-located cosmetology services, or business-driven clinical decisions may need to be restructured to match the regulators' stated position.

If you have questions about the Guidance Circular, or would like assistance reviewing your current structure or planning any necessary restructuring, please call a member of the Health Care Law team at 855-Wilentz.

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