

MEDSPAS AT A GLANCE

A medspa typically offers esthetic and non-surgical medical treatments that are designed to enhance the look and feel of their client's skin and body. Services could include traditional esthetic services like facials, applying eyelash extensions, and using wax or tweezers to temporarily remove unwanted hair, which are usually performed by licensed estheticians or cosmetology operators.

Laser hair removal services may also be offered at medspas. A person and facility must hold the appropriate license with TDLR to perform or offer to perform laser hair removal, unless the person or facility is exempt from licensure.

Massage therapy is another service that might be offered at a medspa and those services must be provided by a licensed massage therapist. Other services provided at medspas, such as botox and filler injections, body cavitation and contouring, laser-assisted skin treatments, and medical-grade facial treatments, fall under medical treatments that must be provided under the order and delegation of a licensed physician.

Anyone offering services at a medspa must have the appropriate license and training for the services they are providing, or be under the delegation of a licensed physician, when providing medical treatments. Anyone offering a regulated service must be in compliance with the licensing and regulation requirements that apply to those services, unless an exception is allowed by the specific statutes or rules that govern that treatment or procedure.

Who Regulates Medspas?

It depends. Although TDLR regulates cosmetology, massage therapy and laser hair removal, the agency does not have jurisdiction over all the services provided at a medspa.

A person who offers regulated services or products, or practices a regulated profession, must comply with the regulations of the appropriate regulatory jurisdiction. For example, tanning and permanent makeup are services regulated by the Texas Department of State Health Services, and medical acts are regulated by the Texas Medical Board.

Estheticians may only perform esthetic services at an establishment licensed by TDLR. If an esthetician works in a medical office providing esthetic services, the medical office should have an establishment license from TDLR.

It may not always be clear whether the service provided is a cosmetology service, medical, or something else. If you have any questions about the service being provided, you should ask the practitioner or contact an appropriate state agency.



What Services Can Estheticians and Cosmetology Operators Provide?

- Regardless of a facility's name (salon, medical office, medspa, medispa, etc.), an esthetician and cosmetology operator may lawfully provide any services allowed under the scope of their esthetician license if the facility holds an appropriate TDLR license. No physician or other medical provider needs to be present or delegate to the esthetician in those circumstances.
- Someone who holds an esthetician license can:
 - cleanse, stimulate, or massage a person's scalp, face, neck, or arms by hand or by using a device, apparatus, or appliance, and with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, powder, oil, clay, cream, or appliance;
 - beautify a person's face, neck, or arms using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, clay, cream, or appliance;
 - administer facial treatments, (please note that these treatments do NOT include injectables, fillers and other types of medical-type procedures that require the use of needles);
 - remove superfluous hair from a person's body using depilatories, preparations, or tweezing techniques; and
 - apply semi-permanent, thread-like extensions composed of single fibers to a person's eyelashes.

View [the scope of an esthetician's license](#).

- **Can an esthetician or cosmetology operator perform microdermabrasion?** It depends. Estheticians and cosmetology operators can remove excess accumulations of dead skin cells from a person's skin by exfoliation. One method of exfoliation is microdermabrasion, commonly performed with a specialized device. To the extent that the microdermabrasion device and technique removes only **dead** skin cells from the outermost layer (epidermis) of a client's skin, and does not pierce the dermal layer of skin, then an esthetician or cosmetology operator may perform microdermabrasion. Deeper microdermabrasion treatments that contact or penetrate the dermis (living tissue) do not fall within the scope of an esthetician or cosmetology operator license and must be administered or delegated by a physician.

- **Can an esthetician or cosmetology operator perform chemical peels?** It depends. Estheticians and operators can remove excess accumulations of dead skin cells from a person's skin, including peeling or exfoliation. Estheticians and cosmetology operators may perform "light peels" or "superficial peels" that are non-invasive and/or non-aggressive in nature and enhance or beautify the epidermis by removing dead cells, but do not pierce the dermis (living tissue). "Medium peels" and "deep peels" penetrate the dermis (living tissue) and are considered medical procedures regulated by the Texas Medical Board.

What is Not in the Esthetician's or Cosmetology Operator's Scope of Practice?

- An esthetician or cosmetology operator license **does not** authorize an esthetician or cosmetology operator to perform additional procedures or a more advanced or expanded scope of practice based on the type of practice they work in.

- An esthetician or cosmetology operator license **does not** authorize the esthetician or cosmetology operator to use lasers for hair removal, skin resurfacing or teeth whitening.
- An esthetician or cosmetology operator license **does not** authorize the esthetician or cosmetology operator to use hypodermic needles to inject botulinum toxic (for example, Botox) or other substances, even for cosmetic procedures.
- A physician cannot delegate **cosmetology** procedures. A doctor may delegate only **medical** procedures in accordance with the laws and rules relating to their medical license.
- Physicians should consult with the Texas Medical Board about what constitutes a medical act and to whom medical acts may be delegated, including cleansing or exfoliation procedures that are part of a medical procedure.

Facility Requirements

- An "esthetics," "medical esthetics," or other business by any title that employs or leases space to a licensed cosmetologist or esthetician must comply with the facility and equipment requirements under Chapter 1603, Texas Occupations Code, and Title 16, Texas Administrative Code, Chapter 83. Requirements include running water, restroom, and health and safety requirements. You may view these requirements at [16 TAC Chapter 83](#).
- A business may lease space to a cosmetologist as an independent contractor only if the business is licensed by TDLR as an establishment under Chapter 1603, Texas Occupations Code. The person who leases space must also hold the required license to provide regulated services. Leased space must comply with TDLR rules, available at 16 TAC Chapter 83.

See chart on next page for a list of services and which agency regulates them.

| SERVICE | WHO REGULATES |
|---|---|
| Body Contouring | Texas Medical Board, some are unregulated, DSHS for certain equipment |
| Botox | Texas Medical Board |
| Chemical Peeling | Texas Medical Board, TDLR |
| Cool Sculpting | Texas Medical Board |
| Esthetician Services | TDLR (Cosmetology Operator or Esthetician license) |
| Eyelash Extensions | TDLR (Cosmetology Operator, Esthetician, or Eyelash Extension Specialist license) |
| Facial Beautifying or Cleansing | TDLR (Class A Barber, Cosmetology Operator, Hair Weaving/ Esthetician Specialist, or Esthetician license) |
| Hair and Mustache Services | TDLR (Class A Barber or Cosmetology Operator license) |
| Hair Removal | TDLR (Class A Barber, Cosmetology Operator, Hair Weaving/ Esthetician Specialist, or Esthetician license) |
| Hair Weaving | TDLR (Class A Barber, Cosmetology Operator, Hair Weaving/ Esthetician Specialist, or Hair Weaving Specialist license) |
| IV Hydration | Texas Medical Board |
| Laser Hair Removal | TDLR (Laser Hair Removal license) |
| Laser Procedures beyond hair removal (Tattoo removal, etc.) | Texas Department of State Health Services, Texas Medical Board |
| Lymphatic Drainage as a massage technique manipulation of soft tissue for the purpose of body massage | TDLR (Massage Therapy license) |
| Lymphatic Drainage beyond manipulation of soft tissue for the purpose of body massage (i.e., on open wounds or after surgery to help incision area drain) | Texas Medical Board |
| Manicures or Pedicures | TDLR (Class A Barber, Cosmetology Operator, Manicurist, Manicurist/Esthetician license) |
| Massage | TDLR (Massage Therapy license) |
| Microblading | Texas Department of State Health Services, Texas Medical Board |
| Permanent Makeup | Texas Department of State Health Services |
| Shaving with an unguarded razor | TDLR (Class A Barber license) |
| Tanning | Texas Department of State Health Services |
| Tattoos | Texas Department of State Health Services |
| Teeth Whitening, other dental services | Texas State Board of Dental Examiners |