

Needles and Notices: New York Warns Consumers of Unlicensed Med Spa Practices



Client Alert

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Following a statewide inspection of more than 200 medical spas (commonly referred to as “med spas”), the New York Department of State (the “DOS”) issued a Consumer Alert on January 8, 2026, warning about risks associated with the unlicensed practice of medical services at med spas throughout the state. The DOS Division of Licensing led the inspections, which resulted in 87 citations for alleged violations. Investigators observed a wide array of violations, from expired or suspected counterfeit products to improper licensure. While many of the investigations are pending hearing, outcomes thus far have included fines, suspensions, and license revocations.

Med spa service providers are required to maintain licensure based on the services they provide. The DOS licenses and regulates businesses and individuals that provide appearance enhancement services, such as cosmetology, esthetics, nail specialty, natural hair styling, or waxing. On the other hand, the New York Education Department (the “Education Department”) licenses and regulates businesses and individuals that practice any healthcare profession (including medicine and nursing). Only individuals professionally licensed by the Education Department may provide medical services.

Medical services are typically more invasive than appearance enhancement services. For example, the following are all considered to be the practice of medicine in New York:

- injections of any drugs or any fillers, whether by needle or pressure pen, including Botox;
- microneedling;
- laser procedures (except for laser hair removal);
- peels (dermal); pen treatments; plasma treatments;
- radiofrequency procedures (e.g., facials and body treatments);
- glucagon-like peptide-1 (GLP-1, compound or name-brand weight loss drugs such as Ozempic);
- intravenous (IV) therapy; and
- vitamin infusions.

Although the Education Department did not co-author the Consumer Alert, State Education Commissioner Betty A. Rosa provided a statement emphasizing the Education Department's commitment to uphold licensure standards and collaborate with other agencies to protect the public.

How This Impacts Med Spas in New York

In short, the Consumer Alert urges consumers to obtain a medical consultation before any procedure, verify that the provider holds the appropriate professional license and qualifications, and report complaints to the proper licensing authority (either DOS or the Education Department). It is unclear what steps the Education Department may take in response to the Consumer Alert, but, at a minimum, the Education Department is on notice regarding the potential unlicensed practice of medicine at med spas.

With regulators watching, New York med spas must ensure that they maintain appropriate licensure and that all personnel are acting strictly within their scope of practice.

For more information about the Consumer Alert or if you need assistance with an inspection or inquiry, contact Gregory Measer at gmeaser@lippes.com or another member of our Health Care Practice Team.

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