

3 Legal Keys to know when Starting an IV Hydration Clinic or Medical Spa

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Hi there, are you wanting to start an IV Hydration clinic or a Medical Spa, maybe you wanted to be multi-state or let's just take one state to showcase, let's just say, Florida. What are the legal basics that you would need to know?

Well, here's first one. At the moment, there is no single Florida agency that directly and unambiguously regulates IV hydration clinics. The legislature just hasn't gotten that far. But, that doesn't mean that an IV hydration clinic is not subject to a host of other existing legal rules. So, for example, think about who's providing the therapy? Let's just say it's a nurse practitioner. Let's just say the client use a nurse practitioner. So, can you start this IV hydration clinic autonomously?

This is actually two different questions. In Florida, the scope of autonomous nursing practice is limited to primary care areas like internal medicine, family practice, pediatrics, geriatrics. The board of nursing has not really further defined the scope of nursing practice to include (or not include) IV hydration clinics. So, our recommendation right now if you're going to use a nurse practitioner, then the nurse practitioner should have a relationship with a supervising physician in Florida. Now, in some states, this is a collaborative physician, the scope of practice varies by state.

And the next question is whether you need what's called a good faith exam. Currently, Florida does not have this requirement of initial evaluations. But we recommend it because it's best practice, it can be protective, a regulator might say that you should have one even if it's not explicitly written into the law. It really sets the foundation for the clinical relationship with the patient which can be protective against potential malpractice as well.

The follow-ups can be done via telehealth but if you do the first exam by telehealth, it might violate the standard of care or there might be any number of reasons that regulators could take offense to that kind of procedure. And the only way you are going to know that is by having a bird's eye view of lots and lots of situations and seeing where people get in trouble, and the rule aren't always perfectly well delineated.

Third, do you need a license? So, Florida has rules about "home infusion therapy." When you do that, you need a home health agency license. Home infusion therapy is defined as providing IV therapy in a person's home or residence. So, if you do it in a hotel (unless that's your home or residence) typically that doesn't fall within those parameters. What you're seeing is that a lot of times the law is just silent – it doesn't say anything so you're left in-between this gray zone and that means you need legal interpretation from somebody who both knows the law, knows the gaps in the law, and is a veteran, they've seen a lot situations and they have practice experience to know what's going to fly, what's high-risk, what's medium-risk.

So, those are some cornerstones of IV clinical practice in Florida, again, it varies by state. We just use Florida to give you an example. If you're going to do something across states, then you really need to understand what the rules of the road are in different places.

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