

COVID-19 Guidance for Med Spas in Colorado

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Reopening of Med Spas in Colorado

On April 26, 2020 Colorado Governor Jared Polis adopted Executive Order D 2020 044 Safer at Home Guidance and Executive Order D 2020 045 permitting the limited recommencement of voluntary or elective procedures in Colorado. In conjunction with these Executive Orders, the Colorado Department of Public Health and Environment (CDPHE) issued Public Health Orders 20-28 and 20-29 which outline required protocol and procedures to be implemented for businesses that are reopening. This article addresses these regulations and guidance for reopening for med spas.

Med spas providing services that include the use of a laser, radio-frequency device, intense pulsed light, or other technique that results in the revision, destruction, incision or other structural alteration of human tissue and/or for hair removal; or that provides injection(s) of any substance into the human body, must comply with the following guidelines. If you provide spa services that do not include any of the above, please refer to our alert regarding the reopening of professional beauty services for further guidance.

Note, proper compliance will require a highly fact-intensive inquiry with respect to applicability and implementation. As such, we highly recommend consulting a lawyer before reopening to ensure compliance and proper procedures are implemented.

Separate Restrictions by County

Med spas located in these localities cannot reopen until the stay at home orders are lifted

Statewide rules and regulations are not applicable until counties have lifted their stay at home orders. The following counties have extended their stay at home orders through **May 8, 2020**:

- Denver
- Boulder
- Broomfield
- Jefferson
- Arapahoe
- Adams

Med Spa Protective Procedures

Services can resume April 27, 2020, subject to implementation of extensive protective procedures

Med spas must establish guidelines to ensure adherence to the Executive Orders and the Public Health Orders. In establishing such guidelines, the facility must include a process for consultation with the treating provider about a designation

that the service is elective or non-essential. Facilities must also deputize a staff member as the workplace coordinator charged with addressing COVID-19 issues. Further, facilities must implement and comply with certain restrictions regarding scheduling, symptom testing, distancing and personal protective equipment (“PPE”), and cleaning/hygiene requirements as set forth below.

Scheduling

- Consider the balance of risks and benefits for patients who are “Vulnerable Individuals” as categorized by Colorado Department of Public Health and Environment (“CDPHE”), consider creating special hours for people at higher risk of severe illness from COVID-19;
- Schedule patients intermittently to provide for social distancing, enhanced cleaning, sufficient time to change PPE and clean the treatment area, and to minimize aerosol contamination;
- If possible, allow patients to check-in through a virtual waiting room or outside the building, and require patients to stay in their cars or outside the building until the treatment room is ready; and
- Continue maximizing the use of telehealth and virtual office visits.

Symptom Testing

- Implement a universal symptom screening process for all staff, patients, and visitors upon arrival to the facility, and screen patients’ symptoms prior to the initiation of treatment, including but not limited to asking for recent history of fever, cough, shortness of breath, sore throat, muscle aches, and chills and where possible, perform this screening via telehealth;
- Utilize a health screening form, a [sample form](#) is provided by CDPHE, to track staff, patient, and visitors’ symptoms;
- If a patient or visitor reports symptoms refer him/her to their primary care provider;
- If a staff member reports symptoms, refer him/her to the [CDPHE Symptom Tracker](#), send him/her home immediately, increase cleaning in the facility and require social distancing of staff, exclude the symptomatic employee from work until they are fever-free (without medication) for 72 hours and 7 days have passed since their first symptoms; and
- If multiple staff members have symptoms, contact your local health department immediately.

Distancing and PPE

- Have access to adequate PPE, ventilators, trained staff, medications, anesthetics, beds, and all medical surgical supplies to prepare for a possible COVID-19 surge;
- Require PPE or face coverings for all providers, staff, patients, and visitors;
- Implement source control for everyone entering the facility, and if an individual enters without a face covering, be prepared to provide a face covering for such an individual;
- Mandate social distancing in waiting rooms, small spaces, and patient care areas;
- Share data with CDPHE and the State Emergency Operations Center concerning PPE use and supply;
- To allow staff to remove masks for meals and breaks, schedule and locate meals and breaks in areas that ensure 6 feet of distance can be maintained between each staff member when they remove their masks; and
- Use shields or barriers wherever possible.

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Cleaning – Hygiene

- Maintain proper hand hygiene, and if a facemask is touched, adjusted, or removed, hand hygiene should be performed immediately;
- Implement an enhanced cleaning process, including strict infection control policies as recommended by Centers for Disease Control and Prevention (CDC), in patient care areas, waiting areas, and for other high touch surfaces; and
- Implement viable methods to eliminate, reduce, or contain aerosol production during care, including but not limited to prophylactic preventive treatment, delaying all non-urgent care for patients with COVID-19 symptoms, and selectively canceling or postponing voluntary or elective surgeries and procedures.

Med spas must also establish a plan to reduce or stop services if there is a surge of COVID-19 infections in the county or municipality in which the facility is located. CDPHE will determine the conditions that constitute a surge. Med spas must reassess operations every two (2) weeks to ensure the facility is adhering to its surge plan, and that CDPHE's protocols, criteria, and best practices set forth in Executive Orders and Public Health Orders are being prioritized.

Links to Executive Orders [2020-044](#) and [2020-045](#).

Links to Public Health Order [20-28](#) and [20-29](#).

Please do not hesitate to contact Messner Reeves attorneys Michelle Harden, LaRona Kitzinger, or Maria Bock if you have further questions or would like assistance complying with these laws.