



Legislative Analysis: Education

BILL NUMBER:	Senate Bill 389
SUBJECT:	School Nurses and Student Healthcare
INTRODUCTION DATE:	February 14, 2025
AUTHOR:	Senator Ochoa Bogh
SPONSOR:	California School Nurses Organization

DESCRIPTION OF PROPOSED LEGISLATION:

[Senate Bill 389 \(Bogh\)](#) (SB-389) clarifies that Licensed Vocational Nurses (LVNs) acting under the supervision of a credentialed school nurse may perform respiratory care resolving an ambiguity created by the passage of [Senate Bill 1436 \(Roth, 2022\)](#) (SB-1436) in 2022.

STAFF POSITION/RECOMMENDATION: SUPPORT

BACKGROUND:

Under [California Education Code §49423.5](#) (EDC §49423.5), any student who requires physical healthcare services during the regular school day, may be assisted by qualified, designated school personnel trained in the administration of specialized healthcare services if they perform those services under the supervision of a credentialed school nurse, public health nurse, or licensed physician and surgeon. LVNs are not specifically mentioned within the text.

In 2022, SB-1436 was enacted amending and adding provisions to the Business and Professions Code relating to respiratory therapy. SB-1436 amended Section 3765 of the Business and Professions Code to allow LVNs employed by home health agencies licensed by the State Department of Public Health to perform respiratory tasks and services identified by the Respiratory Care Board (RCB) if the LVN completed patient-specific training satisfactory to their employer, and patient-specific training by the employer in accordance with guidelines adopted by the RCB by January 1, 2025, in collaboration with the BVNPT. [Senate Bill 1451 \(Ashby, 2024\)](#) (SB-1451), among other things, extended the deadline for the

Legislative Analysis: Education

RCB to adopt these guidelines to no later than January 1, 2028. To date, no guidelines have been adopted by the RCB.

LVNs are not specifically identified in EDC §49423.5 as authorized to perform respiratory tasks or services within the school-nurse setting. This has caused uncertainty as to whether an LVN acting under the direction of a school nurse may perform respiratory tasks or services in school settings under EDC §49423.5. SB-389 would clarify that, notwithstanding any other law, under the supervision of a credential school nurse, LVNs may provide specialized physical health care services under EDC §49423.5. EDC §49423.5, subdivision (d) provides that “specialized physical health care services” includes “catheterization, gastric tube feeding, suctioning, or other services that require medically related training.”

ANALYSIS:

SB-389 has one primary function. It would clarify that, notwithstanding any other law, under the supervision of a credential school nurse, LVNs would be authorized to provide specialized physical health care services, as defined, pursuant to EDC §49423.5.

Although the Board expressed concern with the LVN scope of practice being defined outside of the Vocational Nursing Practice Act (Business and Professions Code, § 2840 et seq.), this bill does not change the scope of practice. Rather, it provides clarification regarding “specialized physical health care services,” as defined, that may be performed by an LVN under the supervision of a credentialed school nurse.

Additionally, having LVNs available to perform “specialized physical health care services” during the regular school day for individuals with exceptional needs requiring such care serves the Board’s highest priority of public protection. It is good for every student that would not otherwise have trained staff available.

FISCAL:

This bill holds no fiscal impact on the BVNPT itself.

SUPPORT:

California School Nurses Organization (sponsor)
Alameda County Office of Education
Association of California School Administrators
California County Superintendents

Legislative Analysis: Education

California State Council on Developmental Disabilities

OPPOSITION:

None