



DATE	January 29, 2026
TO	Education and Practice Committee
FROM	Judith McLeod Supervising Nursing Education Consultant
SUBJECT	Agenda Item 5. Discussion and Possible Recommendations to the Board on LVN Scope of Practice Updates and Proposed Regulations to Amend California Code of Regulations, title 16, section 2518.5 – Scope of Vocational Nursing Practice. (McLeod)

Summary

The purpose of this memo is to provide background and context for the Committee members regarding the need to further develop the existing licensed vocational nurse (LVN) scope of practice and to conduct an open and candid discussion about possible future amendments to existing regulations.

Background

Staff provide the following information relative to this topic, including the Board of Vocational Nursing and Psychiatric Technicians' relevant statutes and regulations.

General Provisions Regarding the Practice of Vocational Nursing

- (a) The practice of vocational nursing within the meaning of this chapter is the performance of services requiring those technical, manual skills **acquired by means of a course in an approved school of vocational nursing**, or its equivalent, practiced under the direction of a licensed physician and surgeon or registered nurse, as defined in Section 2725, or naturopathic doctor, as defined in Section 2859.1, and in accordance with this section and Section 2859.1.
- (b) A vocational nurse, within the meaning of this chapter, is a person who has met all the legal requirements for a license as a vocational nurse in this state and who for compensation or personal profit engages in vocational nursing, as defined under subdivision (a).
- (c) The changes made to this section by the act adding this subdivision do not authorize a licensed vocational nurse acting under the direction of a naturopathic doctor to perform any function outside the existing scope of practice of a licensed vocational nurse.

(d) A licensed vocational nurse practicing under the supervision of a naturopathic doctor shall be limited to performing those duties included within the scope of practice of a naturopathic doctor.

(e) A naturopathic doctor supervising a licensed vocational nurse and furnishing or ordering drugs in accordance with standardized procedures or protocols developed with the approval of a supervising physician and surgeon, as authorized under Section 3640.5, shall identify within the established protocol that the naturopathic doctor is responsible for the supervision of a licensed vocational nurse or nurses and provide procedures for assistance and consultation with the supervising physician and surgeon regarding any issues that arise involving the naturopathic doctor's supervision of a licensed vocational nurse or nurses in the furnishing or ordering of drugs.

(f)(1) A naturopathic doctor supervising a licensed vocational nurse shall establish a written supervision protocol, listing the practice agreement, that includes all of the following:

- (A) A description of the duties and responsibilities of the licensed vocational nurse and, if applicable, disclosure of the procedure or protocol for the furnishing or ordering of drugs, as described in subdivision (e).
- (B) Policies and procedures to ensure adequate supervision of the licensed vocational nurse, including, but not limited to, appropriate communication, availability of supervision, location of venue or venues where services are to be provided, and availability of consultations between the naturopathic doctor and the licensed vocational nurse regarding the practice of vocational nursing.
- (C) The methods for the training and continuing evaluation of the competency and qualifications of the licensed vocational nurse.

(2) The written supervision protocol required by this subdivision may be provided by means of an employment agreement or other practice agreement document.

(3) A licensed vocational nurse shall provide a copy of the written supervision protocol prescribed by this subdivision to the board upon request by the board.

(g) In addition to other acts constituting unprofessional conduct within the meaning of this chapter, failure to comply with the requirements for supervision in this chapter or any regulation adopted pursuant to it is considered unprofessional conduct and grounds for disciplinary action. (Emphasis added.) (Bus. & Prof. Code, § 2859)

Specified Permissible Practices

(a) Subject to subdivision (b), a licensed vocational nurse when directed by a licensed physician and surgeon or naturopathic doctor may do all of the following:

- (1) Administer medications by hypodermic injection.
- (2) Withdraw blood from a patient, if the licensed vocational nurse has been instructed by a licensed physician and surgeon and has demonstrated competence to the licensed physician and surgeon in the proper procedure to be employed when withdrawing blood, or has satisfactorily completed a prescribed course of instruction approved by the board, or has demonstrated competence to the satisfaction of the board.
- (3) Start and superimpose intravenous fluids if all of the following additional conditions are satisfied:

(A) The licensed vocational nurse has satisfactorily completed a prescribed course of instruction approved by the board or has demonstrated competence to the satisfaction of the board.

(B) The procedure is performed in an organized health care system in accordance with the written standardized procedures adopted by the organized health care system as formulated by a committee which includes representatives of the medical, nursing, and administrative staffs. "Organized health care system," as used in this section, includes facilities licensed pursuant to Section 1250 of the Health and Safety Code, clinics, home health agencies, physician's offices, naturopathic doctor's offices, and public or community health services. Standardized procedures so adopted will be reproduced in writing and made available to total medical and nursing staffs.

(C) If the licensed vocational nurse is directed by a naturopathic doctor, the naturopathic doctor is qualified to administer intravenous therapy under Section 3640.8.

(b) A licensed vocational nurse acting solely under the direction of a naturopathic doctor shall only perform the functions specified in this section that are within the scope of authorized activities for a licensed naturopathic doctor under Section 3640.

(c) The changes made to this section by the act adding this subdivision do not authorize a licensed vocational nurse acting under the direction of a naturopathic doctor to perform any function outside the existing scope of practice of a licensed vocational nurse or a naturopathic doctor. (Bus. & Prof. Code, § 2860.5)

Skin Tests and Immunization Services

(a)(1) A licensed vocational nurse, acting under the direction of a licensed physician and surgeon or naturopathic doctor may perform any of the following:

(A) Tuberculin skin tests, coccidioidin skin tests, and histoplasmin skin tests, providing such administration is within the course of a tuberculosis control program.

(B) Immunization techniques, providing such administration is upon standing orders of a supervising licensed physician and surgeon or naturopathic doctor, or pursuant to written guidelines adopted by a hospital or medical group with whom the supervising licensed physician and surgeon or naturopathic doctor is associated.

(2) A licensed vocational nurse acting solely under the direction of a naturopathic doctor shall only perform the functions specified in this subdivision that are within the scope of authorized activities for a licensed naturopathic doctor under Section 3640.

(b) The supervising licensed physician and surgeon or naturopathic doctor under whose direction the licensed vocational nurse is acting pursuant to subdivision (a) shall require the licensed vocational nurse to do all of the following:

(1) Satisfactorily demonstrate competence in the administration of immunizing agents, including knowledge of all indications and contraindications for the administration of such agents, and in the recognition and treatment of any emergency reactions to such agents which constitute a danger to the health or life of the person receiving the immunizations.

(2) Possess such medications and equipment as required, in the medical judgment of the supervising licensed physician and surgeon or naturopathic doctor, to treat any emergency conditions and reactions caused by the immunizing agents and which constitute a danger to the health or life of the person receiving the immunization, and to

demonstrate the ability to administer such medications and to utilize such equipment as necessary.

(c) This section does not require physical presence of a directing or supervising licensed physician and surgeon or naturopathic doctor, or the examination by a licensed physician and surgeon or naturopathic doctor of persons to be tested or immunized.

(d) The changes made to this section by the act adding this subdivision do not authorize a licensed vocational nurse acting under the direction of a naturopathic doctor to perform any function outside the existing scope of practice of a licensed vocational nurse or naturopathic doctor. (Bus. & Prof. Code, § 2860.7)

Board Regulation – Scope of Practice

In 1995, this Board adopted a regulation at Title 16, California Code of Regulations section 2518.5 (16 CCR section 2518.5), which states:

Scope of Vocational Nursing Practice.

The licensed vocational nurse performs services requiring technical and manual skills which include the following:

(a) Uses and practices basic assessment (data collection), participates in planning, executes interventions in accordance with the care plan or treatment plan, and contributes to evaluation of individualized interventions related to the care plan or treatment plan.

(b) Provides direct patient/client care by which the licensee:

(1) Performs basic nursing services as defined in subdivision (a);

(2) Administers medications;

(3) Applies communication skills for the purpose of patient/client care and education; and

(4) Contributes to the development and implementation of a teaching plan related to self-care for the patient/client.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2859, 2860.5, 2860.7, 2878(a) and 2878.5, Business and Professions Code; and Section 11215, Health and Safety Code.

Statutes and Regulations Regarding the Authority of Respiratory Care Board

Business and Professions Code section 2860 provides:

(a) This chapter [Vocational Nursing Practice Act] confers no authority to practice medicine or surgery, to provide respiratory care services and treatment, or to undertake the prevention, treatment, or cure of disease, pain, injury, deformity, or mental or physical condition in violation of any provision of law.

(b) Notwithstanding subdivision (a), a licensed vocational nurse who has received training and who demonstrates competency satisfactory to their employer may, when directed by a physician and surgeon, **perform respiratory tasks and**

services expressly identified by the Respiratory Care Board of California
pursuant to subdivision (a) of Section 3702.5. (Emphasis added.)

On June 5, 2025, the Office of Administrative Law (OAL) approved the Respiratory Care Board's (RCB) regulations related to Basic Respiratory Tasks and Services codified at California Code of Regulations, title 16, section 1399.365. This regulation impacted an LVN's capacity to perform basic respiratory tasks and services, including limitations by setting and interactions such as assessment within a patient's body. The regulation came into effect on October 1, 2025. Emergency regulations related to Basic Respiratory Tasks and Services were subsequently approved and became effective on January 12, 2026, and will expire on July 14, 2026 (see Attachment G).

On January 1, 2026, Senate Bill (SB) 389 also amended the RCB's practice act at Business and Professions Code section 3765 to add the following scope of practice standard, in pertinent part, as follows:

(I) The performance of suctioning and other basic respiratory tasks and services by a vocational nurse licensed by the Board of Vocational Nursing and Psychiatric Technicians of the State of California under the supervision of a credentialed school nurse in accordance with Sections 49423.5 and 49426.5 of the Education Code.

Based on the foregoing, staff recommend the Committee explore augmenting the Board's existing regulations to further enumerate the types of medical tasks and services that licensed vocational nurses (LVNs) perform in every setting where LVNs find employment.

Analysis

Staff has reviewed the LVN scope of practice in other states and reviewed national standards for licensure. Example materials are listed as one internet link or as attachments. Staff finds that with California's increasing demand for LVN support in a wide variety of settings that stakeholder input will be required for a complete view of what tasks and services LVNs could possibly listed in the Board's regulations, including 16 CCR section 2518.5. Staff shall perform a critical comparison of the stakeholder needs with the training LVNs receive and national standards before making a final recommendation for the Committee to consider at a future committee meeting.

Recommendation

Staff recommends the Education and Practice Committee (Committee) review the attached documents, provide any suggested input on this topic and invite stakeholders to submit recommendations on possible amendments to 16 CCR section 2518.5 to the Committee at this meeting. Staff will evaluate all input and recommendations provided by the Committee and the public at this meeting and bring back a proposal to update the Board's regulation for the Committee's consideration at a future Committee meeting.

LINK

Texas Board of Nursing Position Statements

ATTACHMENTS:

- Attachment A: Examples of Nursing Practice Acts of Other States
- Attachment B.i: Texas Health and Human Services publication entitled “Differentiating RN from LVN Scope of Practice Under Rule 217.11 Standards of Nursing Practice”
- Attachment B.ii: Texas Board of Nursing’s “Synopsis of Differences in Scope of Practice for Licensed Vocational, Associate, Diploma and Baccalaureate Degree Nurses, adopted 01/2022
- Attachment C: Washington State Board of Nursing’s “Licensed Practical Nurse and Medical Assistant Scope of Practice Comparison,” Revised August 15, 2025
- Attachment D: State of Delaware, Board of Nursing’s Scope of Practice Decision Tree, updated 10/11/24
- Attachment E: National Council of State Boards of Nursing, Inc. (NCSBN)’s NCLEX-PM Test Plan, effective April 2026 (reprinted with permission)
- Attachment F: 16 CCR § 1399.365 RCB’s Basic Respiratory Tasks and Services Emergency Regulation

Examples of Nursing Practice Acts of Other States

New York Education Law, section 6902

Definition of Practice of Nursing

2. The practice of nursing as a licensed practical nurse is defined as performing tasks and responsibilities within the framework of casefinding, health teaching, health counseling, the application of topical fluoride varnish, and provision of supportive and restorative care under the direction of a registered professional nurse or licensed physician, dentist or other licensed health care provider legally authorized under this title and in accordance with the commissioner's regulations

Illinois Administration Code, title 68, section 1300.250

LPN Scope of Practice

Practice as a licensed practical nurse means a scope of basic nursing practice, with or without compensation, as delegated by a registered professional nurse or an advanced practice registered nurse or as directed by a physician assistant, physician, dentist or podiatric physician, and includes all of the following and other activities requiring a like skill level for which the LPN is properly trained:

- a) Conducting a focused nursing assessment and contributing to the ongoing comprehensive nursing assessment of the patient performed by the RN.
- b) Collaborating in the development and modification of the RN's or APRN's comprehensive nursing plan of care for all types of patients.
- c) Implementing aspects of the plan of care.
- d) Participating in health teaching and counseling to promote, attain, and maintain the optimum health level of patients.
- e) Serving as an advocate for the patient by communicating and collaborating with other health service personnel.
- f) Participating in the evaluation of patient responses to interventions.
- g) Communicating and collaborating with other health care professionals.
- h) Providing input into the development of policies and procedures to support patient safety. (Section 55-30 of the Act)

Revised Code of Washington, title 18, section 18.79.280

Licensed practical nurse—Activities allowed. (Effective until June 30, 2027.)

A licensed practical nurse under his or her license may perform nursing care, as that term is usually understood, of the ill, injured, or infirm, and in the course thereof may, under the direction of a licensed physician and surgeon, osteopathic physician and surgeon, dentist, naturopathic physician, podiatric physician and surgeon, physician assistant, advanced registered nurse practitioner, or midwife acting under the scope of his or her license, or at the direction and under the supervision of a registered nurse, administer drugs, medications, treatments, tests, injections, and inoculations, whether or not the piercing of tissues is involved and whether or not a degree of independent

judgment and skill is required, when selected to do so by one of the licensed practitioners designated in this section, or by a registered nurse who need not be physically present; if the order given is reduced to writing within a reasonable time and made a part of the patient's record. Such direction must be for acts within the scope of licensed practical nurse practice.

[Oregon Administrative Rules, chapter 851-045-0050](#)

Standards Related to LPN Scope in the Practice of Nursing

- (1) The LPN's practice of practical nursing must occur at the clinical direction of a plan of care developed by an RN, or at the clinical direction of a treatment plan developed by a health care provider.
- (2) The LPN's clinically directed practice of practical nursing may occur in a variety of roles that can include:
 - (a) Provision of direct care;
 - (b) Participation in the development and implementation of health care policy;
 - (c) Participation in nursing research; and
 - (d) Participation in teaching health care professionals and prospective health care professionals.
- (3) The LPN's engagement in the practice of practical nursing must occur through the following actions:
 - (a) Perform a focused assessment of the client that recognizes the client's priority condition at the time of the interaction;
 - (b) Develop a focused plan of care that identifies prioritized interventions from the plan providing clinical direction of the LPN's practice;
 - (c) Implement prioritized focused plan of care interventions;
 - (d) Evaluate client's:
 - (A) Response(s) to focused plan of care interventions; and
 - (B) Progress toward expected outcomes as identified in the plan providing clinical direction of the LPN's practice;
 - (e) Communicate with the RN or health care provider whose plan is providing clinical direction:
 - (A) The client's response to focused interventions and progress toward expected outcomes; and
 - (B) Data pertinent to the client which falls outside of the plan of care or treatment plan.
- (4) Limitations on scope in the practice of nursing for the LPN.
 - (a) The LPN cannot conduct a focused assessment or generate a focused plan of care outside of the plan providing clinical direction.
 - (b) For a situation presenting outside of the parameters of plan providing clinical direction, the LPN is responsible to collect client data, communicate data to, and seek direction from, the RN or health care provider whose plan is providing clinical direction.
- (5) The LPN may assign focused plan of care interventions to a practice team member per the context of care.
 - (a) The LPN may assign:

- (A) To an LPN, work the LPN is authorized by license and organizational position description to perform in the setting.
- (B) To a UAP, work the UAP is authorized by organizational position description to perform in the setting.
- (C) To a CNA:
 - (i) OAR 851-063-0030 authorized duties the CNA is authorized by organizational position description to perform in the setting.
 - (ii) An OAR 851-063-0035 additional authorized duty when the CNA has been validated by an RN representing the employment site as competent in the performance of the additional duty.
- (D) To a CMA, OAR 851-063-0070 authorized duties the CMA is authorized by organizational position description to perform in the setting.

(b) Prior to assigning interventions, the LPN must know the duties, activities or interventions the recipient is authorized to perform in the setting.

(c) The LPN who assigns must:

- (A) Assign based on their focused plan of care;
- (B) Provide supervision of the assigned work in a manner consistent with the context of care; and
- (C) Revise the distribution of focused plan of care interventions as indicated by:
 - (i) Client safety; and
 - (ii) Discussion with the RN or health care provider whose plan is providing clinical direction.

[Texas Occupation Code, section 301.002](#)

Definitions

(5) Vocational nursing means a directed scope of nursing practice, including the performance of an act that requires specialized judgment and skill, the proper performance of which is based on knowledge and application of the principles of biological, physical, and social science as acquired by a completed course in an approved school of vocational nursing. The term does not include acts of medical diagnosis or the prescription of therapeutic or corrective measures.

Vocational nursing involves:

- (A) collecting data and performing focused nursing assessments of the health status of an individual;
- (B) participating in the planning of the nursing care needs of an individual;
- (C) participating in the development and modification of the nursing care plan;
- (D) participating in health teaching and counseling to promote, attain, and maintain the optimum health level of an individual;
- (E) assisting in the evaluation of an individual's response to a nursing intervention and the identification of an individual's needs; and
- (F) engaging in other acts that require education and training, as prescribed by board rules and policies, commensurate with the nurse's experience, continuing education, and demonstrated competency.