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| <b>DATE</b>    | January 26, 2026                          |
| <b>TO</b>      | Board Members                             |
| <b>FROM</b>    | Elaine Yamaguchi<br>Executive Officer     |
| <b>SUBJECT</b> | Executive Officer's Report: February 2026 |

Happy New Year!

### **February 2026 Board Meeting**

We're looking forward to seeing everyone at this upcoming meeting. On Wednesday, February 4, 2026, the Education and Practice Committee will meet in person in Sacramento to discuss updating the Board's LVN scope of practice regulations; we hope to bring the Committee's recommendations to a future meeting this year. On Thursday, February 5, a Board training is scheduled for the updated Board Administrative Policy Manual, and an overview training on the regulatory process. Following the training, Board members are all invited to a celebratory lunch. On Friday, February 6, the Board will hold elections for President and Vice President and then proceed to the regular business meeting.

### **BVNPT Budget**

The Board's most current Fund Condition report is attached. Assistant Executive Officer Mark Ito will report the Board's fiscal health.

### **BVNPT Fee Study**

Following the Board's discussions on the prospective fee study, Mr. Ito and I met with the minority and majority Business and Professions committee consultants in December. They agreed that an external third-party study may not be essential, although a study itself is critical. We will work with the DCA Budget Office to develop a work plan to present to the Board for approval.

### **Updates on Respiratory Care Board (RCB) Regulations**

#### **1. RCB Emergency Regulations (Basic Respiratory Tasks and Services)**

The Respiratory Care Board (RCB) authorized their staff to pursue emergency regulations regarding RCB regulation section 1399.365 (Basic Respiratory Tasks

and Services) ([Laws and Regulations](#)) in title 16 of the California Code of Regulations at their November 15, 2025 board meeting. The emergency regulation ensures that LVNs at home and community-based facilities and services could continue to operate as they had prior to October 1, 2025, so as not to disrupt existing patient care. This was in recognition of the many urgent reports from providers, families, individuals and professional associations describing service interruptions, staff reassignments, and delayed care in the home health and community-based settings impacted by this RCB regulation. OAL approved the emergency action on January 12, 2026. The RCB's emergency action was effective on January 12, 2026, and expires on July 14, 2026.

2. New RCB Rulemaking Package (Exemption for Home and Community-based Care Services)

At their November 15, 2025, board meeting, RCB also approved beginning the process for another second regulatory package, section 1399.361 (Exemption for Licensed Vocational Nurses to Perform Specified Respiratory Care Tasks and Services). The proposed regulation would allow LVNs at a specified list of facilities to perform a more comprehensive set of respiratory tasks and services, i.e., making the exemption in the emergency regulations permanent, and set forth the list of tasks and services for the specified settings. ([Consideration and Possible Action to Initiate a Rulemaking for the Proposed Regulation to Adopt California Code of Regulations, Title 16, Section 1399.361, Home and Community-Based Respiratory Tasks and Services](#))

3. Stakeholder Meeting

On December 18, 2025, BVNPT organized a public stakeholder forum to discuss regulatory changes from the RCB around the respiratory tasks that a Licensed Vocational Nurse (LVN) may perform, and at what work settings. Almost 150 people attended some or all of the meeting.

BVNPT continues to receive questions and concerns from LVNs, professionals overseeing LVNs, families of patients and organizations representing care facilities and employers. Most requested clarification is how the new RCB regulations interact with the LVN duties in a wide variety of environments. There were also many concerns with limitations on LVNs, and how they would impact the health, safety, and quality of life for Californians.

#### **4. Professional Qualifications Meeting**

RCB is convening a meeting of their Professional Qualifications Committee on January 23, 2026, to discuss nasal, tracheal and oropharyngeal suctioning. BVNPT has been invited to attend and participate.

#### **NCSBN Annual Report**

Further to the Board's action in November 18, 2025 (agenda Item 7AIII), staff informed the NCSBN staff that BVNPT would like to join their Annual Report project. We will be on a conference call on January 23, 2026, for a status check-in with other participants.

#### **NCSBN Midyear Meeting**

This regular event will be convened in Phoenix, Arizona in March 2026. BVNPT Staff has prepared and submitted an Out-of-State Travel request to attend.

#### **BVNPT Regulations Update**

Staff and Regulations Counsel continue to work on regulations to implement the Board's authority to create a retired license program. In addition, the Education Team has been working on a comprehensive update of the school program approval and oversight regulations. We hope to have at least one of these packages presented to the Board for approval by the May 2026 meeting.

#### **Possible BVNPT Legislative Concepts**

##### **Retired Licensee Clean-Up Language**

In the process of developing regulations to implement the Retired Licensee Program, some flaws in the existing statute were identified. In 2025, staff requested that the language be included in the annual Senate Committee technical bill, but it was too substantive. Staff has met with an Assembly office to request authorship.

##### **New Program Approval Process**

As discussed at the November 18, 2025, Board meeting, staff recommends seeking some changes in the statutes governing BVNPT's new program approval processes, in order to increase efficiency. Staff has met with an Assembly office to request authorship.

##### **"Good Samaritan" Emergency Care Statute**

As discussed at the November 18, 2025, Board meeting staff recommends seeking some changes in the "Good Samaritan" statute in the Vocational Nursing Practice Act (Business and Professions Code section 2861.5) to provide increased protection from civil liability for LVNs who provide emergency care to patients in the workplace. Staff has met with an Assembly office to request authorship.

### **Other Legislative Issues**

2026 is the second year in the two-year session. The Legislature retains some bills from 2025, but none that would likely impact BVNPT.

The bill introduction deadline for 2026 is February 20, 2026. In addition to the possible bills discussed above, staff will be monitoring introductions and identify bills that may be of interest. The Legislation and Regulations Committee is scheduled to meet January 29, 2026, and staff will have a preliminary list for that meeting.

This year, the Sunset Committee will be reviewing our colleagues, the Respiratory Care Board, the Board of Registered Nursing, and the Bureau of Private Postsecondary Education. The specific hearing dates are not yet scheduled, but staff will be monitoring. These hearings are usually webcast and we will send links to the Board if possible.

### **Closing**

Please don't hesitate to call or email with any questions or suggestions, or if you need help with anything. We're looking forward to seeing everyone at the meeting.