



DATE	September 19, 2026
TO	Board Members
FROM	Elaine Yamaguchi Executive Officer
SUBJECT	Executive Officer's Report: October 2026

October 2026 Board Meeting

Welcome, everyone. We're looking forward to seeing you all at this upcoming meeting.

BVNPT Budget

The Board's most current Fund Condition report is included in the meeting materials and covers the final period of the 2025-26 Fiscal Year. Assistant Executive Officer Mark Ito will report on the Board's fiscal health.

New Agency and Secretary

As of July 1, 2026, the California Business, Consumer Services and Housing Agency became two separate cabinet-level agencies. The Department of Consumer Affairs now reports to the Business and Consumer Services Agency. The new Agency is charged with administering and enforcing laws that protect families and businesses, while also promoting a fair and dynamic economy for all Californians. This includes financial services, health care, real estate, retail and hospitality, agriculture, professional services, higher education, and more.

On May 14, 2026, Governor Newsom appointed Rohit Chopra as the inaugural Secretary who was sworn in on July 1, 2026. Secretary Chopra has a long history in the world of consumer protection, having served as director of the federal Consumer Financial Protection Bureau (CFPB) and as a member of the Federal Trade Commission. He plans to meet the Board and share his vision as soon as schedules permit.

Respiratory Care Board (RCB) Sunset Bill and Regulations

The Legislature convened RCB's Sunset hearing earlier this year. Their bill, Senate Bill (SB) 1304 (Wahab) was approved by the Legislature on August 26, 2026, and was

approved by the Governor and filed with the Secretary of State on September 20, 2026. The provisions of SB 1304 will become effective on January 1, 2027.

RCB Sunset Bill

SB 1304 adds language to the Vocational Nursing Practice Act identifying specific respiratory tasks and services that are included in the practice of vocational nursing. Specifically, this bill recognizes oral, nasal and tracheal suctioning tasks that do not permeate the airway, as specified, are included in the practice of vocational nursing. This bill also provides that an LVN may perform the respiratory tasks and services as authorized by the Respiratory Care Board (RCB) in Section¹ 3765(a)(9) of the Respiratory Care Act. The RCB is working on regulations to implement Section 3765(a)(9). This bill clarifies that tasks that are not considered the practice of respiratory care. Specifically, clerical documentation without analysis, interpretation, or independent clinical decisionmaking and tasks that do not require a respiratory assessment are not considered the practice of respiratory care. Whenever a task requires a respiratory assessment, as defined in the bill, it must be performed by a practitioner licensed by the RCB.

RCB Regulations

Information regarding RCB regulations, including proposed text and public comment periods, is available on the RCB's website, www.rcb.ca.gov, under the Enforcement Tab with a link to [Laws and Regulations](#); scroll down to Pending Regulations.

After the RCB initially adopted CCR, title 16, section 1399.365 (Basic Respiratory Tasks and Services), the RCB amended it as an emergency regulation to clarify that the Basic Respiratory Tasks and Services regulation does not apply to LVNs working in the exempt settings and under the conditions described in BPC section 3765, subdivisions (i) and (j). The emergency regulation ensures continuity of care while the RCB proceeds through the rulemaking process. On July 9, 2026, RCB re-adopted the emergency regulation pending the completion of the rulemaking process.

RCB has started another regulatory package, which would add section 1399.361 (Exemption for Licensed Vocational Nurses to Perform Specified Respiratory Care Tasks and Services). This pending regulation can be found under Home and Community-Based Respiratory Tasks and Services. As noticed, the proposed regulation would allow LVNs working at specifically exempted facilities to perform a more

¹ All Section references are to the Business and Professions Code, unless otherwise indicated.

comprehensive set of respiratory tasks and services. The proposed regulation was noticed on August 14, 2026; the public comment period is from August 14, 2026 through September 28, 2026.

BVNPT continues to share information with a list of stakeholders including the California Association of Health Facilities, the California Hospital Association, the California School Nurses Organization and many others.

OIO Collaboration

The Department of Consumer Affairs' (DCA), Organizational Improvement Office (OIO) provides change management services, business process mapping, and information technology system requirement documentation to boards, bureaus, and divisions. OIO also offers collaborative consulting on process reengineering to optimize the use of existing resources, enhance productivity, and improve quality.

BVNPT asked OIO to conduct a comprehensive operational review of the Education Division (ED) to evaluate current processes, documentation, reporting practices, and available performance metrics. The goal was to identify opportunities to improve efficiency, quality, accountability, and tracking. The review identified opportunities to strengthen procedural consistency and possibly transition to an integrated system that supports automated application processing, as no formal system is currently in place.

OIO has submitted their final report, and the Executive team will be working with the team to plan changes.

In conjunction with the review, OIO convened a series of meetings with BVNPT, BRN and BPPE to help identify opportunities to enhance efficiency, consistency, and long-term sustainability. The groups identified shared challenges in complaint handling, school oversight, data reporting, and regulatory alignment, emphasizing the need for clearer complaint routing, stronger interagency coordination, updated MOUs, and consistent transparency practices. They highlighted substantial differences in accreditation and approval authority, varied regulatory cycles, and inconsistent data collection methods, while also agreeing that joint inspections, improved information sharing, shared dashboards, standardized processes, and aligned oversight strategies would strengthen public protection.

NCLEX Fee Increase

At the Annual Meeting in August of the National Council of State Boards of Nursing (NCSBN), the Delegate Assembly voted to adjust the registration fees for the NCLEX, both RN and PN/VN. Effective February 1, 2027, the NCLEX registration fee will be \$350 in the United States and Australia. In Canada, the fee will be \$570 (CAD). The current fee for the examination is \$200 in the US.

While this is a large increase to implement all at once, it is the first adjustment to the NCLEX registration fee since 2000. This information was shared with the schools and programs and is posted on the BVNPT website.

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.