

**DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. RESPIRATORY CARE BOARD OF CALIFORNIA**

**PROPOSED REGULATORY LANGUAGE
Home and Community-Based Respiratory Tasks and Services**

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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ADD SECTION 1399.361 of Division 13.6 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.361. Exemption for Licensed Vocational Nurses to Perform Specified Respiratory Care Tasks and Services

(a) For the purposes of subdivisions (i) and (j) of section 3765 of the Business and Professions Code, a licensed vocational nurse may perform the following respiratory care tasks and services:

(1) Ventilator Reconnection, Change-Out, and Circuit Management Tasks and Services

(A) Authorized tasks and services include:

1. Connecting a patient to a ventilator who may breathe independently at other times of the day.
2. Transferring a patient from a stationary ventilator to a travel ventilator that has been preprogrammed by a physician or respiratory care practitioner.
3. Changing out to a backup ventilator that has been preprogrammed by a physician or respiratory care practitioner when necessary.
4. Reassembling or reattaching a ventilator circuit using standardized components as directed by the manufacturer or as prescribed by a physician, after cleaning, replacement, ventilator change-out, or in response to an emergency.
5. Connecting or disconnecting the ventilator circuit as needed.
6. Changing to an alternative ventilator setting that has been preprogrammed by a physician or respiratory care practitioner.
7. Reconnection, change out or replacement of heat moisture exchanger (HME) or other humidification device.
8. Filling, refilling, or cleaning a heater humidifier water chamber.
9. Using a manual resuscitation device (bag-valve mask) for a ventilated patient during an emergency.

(B) Tasks and services not authorized include:

1. Programming or configuring a ventilator pursuant to prescription for initial use by a home care provider.

2. Initiating or modifying any ventilator setting.
 3. Performing the initial build or configuration of a ventilator circuit.
- (2) Ventilator Alarm Management Tasks and Services
 - (A) Authorized tasks and services include:
 1. Verifying and testing ventilator alarms prior to patient connection.
 2. Responding to ventilator alarms by identifying the cause and either taking corrective action within the LVN's training and competency or escalating to the supervising provider.
 3. Silencing alarms temporarily when the cause has been or is being resolved within the LVN's training and competency.
 - (B) Tasks and services not authorized include:
 1. Programming or adjusting alarm parameters from a locked settings menu.
- (3) Non-Invasive Ventilation (NIV) Mask and Strap Management Tasks and Services
 - (A) Authorized tasks and services include:
 1. Applying the NIV mask to a patient for ventilator use, including securing straps to ensure proper fit and seal.
- (4) Ventilator Oxygen Concentration Management Tasks and Services
 - (A) Authorized tasks and services include:
 1. Adjusting the oxygen concentration delivered through a ventilator, provided it does not involve changing the ventilator's programmed settings.
- (5) Aerosol Treatment Administration Tasks and Services
 - (A) Authorized tasks and services include:
 1. Configuring and applying tracheostomy masks, face masks, and inline ventilator circuits for the purpose of administering nebulized medications.
 2. Connecting and disconnecting aerosol delivery circuits as needed.
 3. Performing pre-treatment assessments.
 4. Administering preoxygenation.
 5. Using prescribed medical gas mixtures during treatments.
 6. Conducting post-treatment assessments.
 7. Activating ventilator controls (e.g., pushing nebulizer delivery buttons) when applicable to provide aerosol treatments.
 8. Aerosolized Medication Delivery, for example:
 - a. Metered dose inhalers (both independent devices and those connected to ventilator or tracheostomy tubes).
 - b. Medication delivery via ventilators.
 - c. Specialized medication delivery for antibiotics.

- d. Treatments delivered via Continuous Positive Airway Pressure (CPAP) and Non-invasive Positive Pressure Ventilation (NiPPV) devices.

(6) Ventilator Weaning Tasks and Services

(A) Authorized tasks and services include:

- 1. Performing “sprints” off the ventilator for progressively increasing periods of time.

(B) Tasks and services not authorized include:

- 1. Independently managing or directing the ventilator weaning process.

(7) Oxygen Management Tasks and Services

(A) Authorized tasks and services include:

- 1. Reconnection, change-out, or replacement of the oxygen circuit or tubing.
- 2. Adjustment of oxygen liter flow or oxygen concentration from oxygen tanks.
- 3. Applying, adjusting, or maintaining tracheostomy oxygen interfaces.

(8) Tracheostomy Care Tasks and Services

(A) Authorized tasks and services include:

- 1. Inflating and deflating the tracheostomy cuff.
- 2. Placement or removal of an external speaking valve or tracheostomy cap as prescribed by a physician.
- 3. Removal or replacement of the tracheostomy tube, including inner and outer cannula.
- 4. Reconnection, change out or replacement of heat moisture exchanger (HME) or other humidification device from a tracheostomy tube.
- 5. Filling, refilling, or cleaning a heater humidifier water chamber.
- 6. Using a manual resuscitation device (bag-valve mask) to provide emergency ventilation for a patient with a tracheostomy.
- 7. Hygiene care including replacement of tracheostomy ties and gauze and cleaning of the stoma sites.

(B) Tasks and services not authorized include:

- 1. Clinical assessment of whether a speaking valve or tracheostomy cap is appropriate for use.

(9) Troubleshooting Artificial Airway Management Tasks and Services

(A) Authorized tasks and services include:

- 1. Checking that the tracheostomy tube is correctly positioned and clear.
- 2. Identifying and correcting common airway issues such as blockages or dislodgement.

3. Making selections or adjustments only within the options explicitly prescribed by a physician.
- (B) Tasks and services not authorized include:
 1. Making clinical decisions regarding the type, size, or style of tracheostomy tube beyond the options prescribed by a physician.
- (10) Assessment and Response to Patient Respiratory Status Tasks and Services
 - (A) Authorized tasks and services include:
 1. Observing patients for signs and symptoms of respiratory distress.
 2. Taking appropriate action, such as calling 911, in response to respiratory distress.
- (11) Respiratory Treatments, Therapies, and Device Management Tasks and Services
 - (A) Authorized tasks and services include:
 1. Instruction, assistance, assembly, operation, connection, disconnection, and troubleshooting of the following respiratory treatments and devices as applicable:
 2. Lung Inflation Techniques, for example:
 - a. Intrapulmonary Percussive Ventilator (IPV) treatments and percussive vest therapy.
 3. Bronchial Hygiene, for example:
 - a. Manual chest percussion therapy.
 - b. Cough assist machines, including activating ventilator cough assist functions when applicable.
 4. Humidification Techniques, for example:
 - a. Air compressors for cool mist, heater, and humidifier functions.
 5. Respiratory Monitors, for example:
 - a. Apnea monitors.
 - b. Pulse oximetry.
 6. Oxygen Delivery, for example:
 - a. Nasal cannula.
 - b. Oxygen mask.
 - c. Direct tracheostomy interfaces (high flow oxygen/humidifier devices).
 7. Device power supply management.
- (12) Suctioning Tasks and Services
 - (A) Authorized tasks and services include:
 1. Nasal tracheal suctioning, including deep suctioning.
 2. Suctioning via tracheostomy, including surface and deep suctioning.

3. Suctioning via stoma, including surface and deep suctioning.
 4. Oral suctioning.
- (13) Documentation Tasks and Services
- (A) Authorized tasks and services include:
1. Documenting all care provided.
 2. Recording observations of patients' status and responses.
- (14) Education and Instruction Tasks and Services
- (A) Authorized tasks and services include:
1. Providing instruction on the proper operation or application of respiratory devices, procedures, or therapies for which the LVN has received training.
 2. Offering advice or instruction regarding safety hazards related to respiratory care.

Note: Authority cited: Sections 3722 and 3765, Business and Professions Code.

Reference: Section 3765, Business and Professions Code.