



DATE	September 25, 2026
TO	Board Members
FROM	Elaine Yamaguchi Executive Officer
SUBJECT	Agenda Item 11BV: Letter from the California Association of Health Facilities (CAHF)

PURPOSE

The purpose of this memo is to provide context for Board review and discussion of the attached letter dated September 4, 2026, from the California Association of Health Facilities (CAHF) regarding the clarification of non-respiratory care tasks defined in Business and Professions Code section 3762. CAHF is requesting additional clarification regarding tasks that are not considered the practice of respiratory care and are within the existing authority of the BVNPT to define given the current proposed regulations from the Respiratory Care Board (RCB) regarding respiratory tasks and services performed by Licensed Vocational Nurses (LVNs) and other individuals who are not licensed respiratory care practitioners licensed by the RCB.

BACKGROUND

CAHF represents thousands of facilities in California, including skilled nursing facilities (SNFs) and intermediate care facilities for the developmentally disabled (ICF-DDs). Their member facilities operate in virtually all the regions in the state and are frequently the only care facility available in rural and underserved areas.

CAHF has been a very vocal stakeholder over the past few years, advocating for clarity and comprehensive, scope-appropriate respiratory care services provided by LVNs working under the supervision of a physician and surgeon or registered nurse in all settings.

SUMMARY OF LETTER

The attached letter requests BVNPT to begin the process of identifying and defining LVN tasks that may impact respiratory health that are within the scope of practice, and to refine these definitions to ensure that licensees and employers have a clear understanding of what the law allows them to do. CAHF urges BVNPT to hold a public

hearing and solicit input from LVN licensees and other stakeholders to inform this process.

CONTEXT FOR DISCUSSION

CAHF's letter underscores the Board's need to update and clarify the scopes of practice for both LVNs and Psychiatric Technicians (PTs) set forth in the Board's regulations. This action would help BVNPT protect its licensees, schools, programs, employers and stakeholders, and most importantly, to ensure that LVNs are trained and deployed appropriately to protect patients.

RECOMMENDATIONS

Staff recommend that the Board authorize and direct the Executive Officer to begin the projects of research and analysis regarding the scopes of practice for both LVNs and PTs to open board and public discussion.

The end goal would most likely be presented as drafts of statutory and/or regulatory language to be discussed and possibly approved by the Board to be included in the Board's Sunset review in 2028.