CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR

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DATE	November 6, 2026
TO	Board Members
FROM	Elaine Yamaguchi Executive Officer
SUBJECT	Executive Officer's Report: November 19-20, 2026, Meeting

November 2026 Board Meeting

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

BVNPT Budget and Finance

On Friday November 20, 2026, Assistant Executive Officer Mark Ito will present a report on BVNPT's financial structure and history for a Board discussion on possible changes and priorities.

Board Calendar and Events

This is the last scheduled meeting of the Board for 2026. In 2025, the Board approved a different pattern of meetings for 2027, which is attached. We are scheduled to have three Board meetings, instead of four, and hope to have all the Committees meet each quarter. This means that our next full Board meeting, including election of officers, will be in April 2027. Hopefully, this will coincide with the appointment of new members.

The attached calendar also reflects the change in the committee structure, combining the Enforcement/Investigations and the Licensing Committees into one Consumer Protection Committee.

BVNPT Website

The good people at DCA have been working to update the websites for boards and bureaus. I'm very happy to announce that we have a new look on ours. Take a look: https://www.bvnpt.ca.gov/

It is not complete, and the teams are working on reviewing and updating the content. Suggestions from board members are welcome.

Respiratory Care Board (RCB) Sunset Bill & Regulations

The Respiratory Care Board (RCB) met on Friday, October 23, 2026, here in Sacramento. Here are updates from their meeting and the ongoing work.

SB 1304 (Wahab): Chapter 431 of the Statutes of 2026 (RCB Sunset bill)[1]
As discussed at BVNPT's October meeting, RCB's Sunset Bill added language to Section[2] 2860 of the Vocational Nursing Practice Act. This includes clarification that the defined basic respiratory tasks and services apply to all settings except those identified as "exempt."[3] It also states that the practice of LVNs includes oral suctioning performed within the oral cavity that does not enter the oropharynx or beyond; nasal suctioning performed within the nasal cavity that does not enter the nasopharynx or beyond; tracheostomy tube suctioning when the suctioning device remains within the tracheostomy tube and does not pass beyond the distal end of the tube; removal and replacement of an external speaking valve for purposes of suctioning the tracheostomy tube. These tasks are authorized for all practice settings.

The Coalition Letter
A coalition of stakeholders, including the California Association of Health Facilities, California Hospital Association, LeadingAge California, American Nurses Association\California and the Association of California Healthcare Districts sent a letter to the RCB outlining their continued concerns regarding the limitation of respiratory tasks that may be performed by LVNs and the settings in which they may be performed. Key concerns involve the differentiation of authorized tasks at different work settings and the need to ensure that students receive complete respiratory care training at clinical sites in order to become licensed. Skilled nursing and long-term care facilities, which are not included in the "1399.365 exemption"[4], are the main settings for LVN clinical training. RCB plans to research these issues and address them at a future meeting.

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[1] SB 1304 was approved by the Governor and filed with the Secretary of State on September 20, 2026. For additional information regarding SB 1304, please visit: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB1304
[2] This refers to the Business and Professions Code.
[3] The "exempt" settings are currently set forth in Business and Professions Code section 3765(j)(2). Upon the effective date of SB 1304, the exempt settings will be set forth in Business and Professions Code section 3765(a)(9)(C).
[4] See RCB regulations section 1399.365 of title 16 of the California Code of Regulations.

RCB Regulations

RCB's regulations, including proposed text, proposed amended text and public comments are available on the RCB website, www.rcb.ca.gov.

1. CCR title 16, section 1399.365 (Basic Respiratory Tasks and Services) clarifies 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).

   RCB considered and approved two separate regulatory actions involving section 1399.365.

   A. RCB considered the comments received during the 45-day public comment period and staff's recommended responses for the pending rulemaking. Many of the comments recommended that RCB revise the regulation to reflect the statutory changes made by SB 1304. Other suggested changes would require statutory changes. RCB chose not to make any further amendments to the text.

   B. RCB considered and approved additional proposed amendments to section 1399.365 addressing suctioning, oxygen administration, and CPAP/BiPAP activities.

      STATUS: RCB plans to address the necessary conforming changes pursuant to section 100 of title 16 of the California Code of Regulations

2. CCR Section 1399.361 (Exemption for Licensed Vocational Nurses to Perform Specified Respiratory Care Tasks and Services).

   RCB received several dozen comments, both written and emailed, during the 45-day comment period for this package. RCB considered the comments and staff's recommended responses for the pending rulemaking. Many of the comments recommended that RCB revise the regulation to reflect the statutory changes made by SB 1304. RCB replied that they planned to address the necessary conforming changes pursuant to section 100 of title 16 of the California Code of

Regulations. Other suggested changes would require statutory changes.

STATUS: RCB chose not to make any further amendments to the text.

3. California Code of Regulations (CCR), Title 16, Sections 1399.362 (Patient Specific Training Guidelines), and 1399.363 (Task Specific Training Guidelines). This proposed package established guidelines for mandated training for LVNs providing respiratory care to patients. During 2027, an LVN may perform the respiratory tasks and services per Section 1399.361 after completing patient-specific training from their employer. Starting January 1, 2028, an LVN must complete both patient and task-specific training before performing those duties.

   STATUS: RCB voted to approve the text as written in order to move the process along and open for the 45-day comment period.

Moving forward

RCB accepted some of the changes that BVNPT recommended. Most of BVNPT's key concerns at this point can only be achieved through legislation. With the Board's concurrence, our staff and Counsel will continue to work with RCB and their Counsel on the proposed training regulation packages.

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.