

---

THIRD READING

---

Bill No: SB 1304  
Author: Wahab (D)  
Amended: 4/15/26  
Vote: 21

---

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 10-0, 4/20/26  
AYES: Wahab, Choi, Archuleta, Caballero, Grayson, Menjivar, Niello,  
Smallwood-Cuevas, Strickland, Umberg  
NO VOTE RECORDED: Arreguín

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26  
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

---

**SUBJECT:** Respiratory Care Practice Act

**SOURCE:** Author

---

**DIGEST:** This bill is the sunset bill for the Respiratory Care Board (RCB or Board) which makes various changes to the regulation of licensed respiratory care practitioners (RCPs) by RCB stemming from the joint sunset review oversight of the RCB.

**ANALYSIS:**

Existing law:

Establishes, until January 1, 2027, the RCB responsible for the licensing and enforcement of the respiratory care profession in California. (Business & Professions Code (BPC) § 3700 et seq.)

This bill:

- 1) Extends the operations of RCB and its authority for RCB to appoint an executive officer (EO) from January 1, 2027, to January 1, 2031.

- 2) Increases the renewal fee to \$330, increases the renewal ceiling fee to \$375 and permanently eliminates the license fee for applicants applying for licensure.
- 3) Provides a technical name change to the national examination title to consolidate both the National Board for Respiratory Care's multiple-choice exam and the clinical exam.
- 4) Adds additional exempt practice settings licensed vocational nurses (LVNs) may perform respiratory care services, as specified; requires LVN's to complete patient-specific training satisfactory to their employer on or before January 1, 2028 and before the provision of care; and on or after January 1, 2028 requires LVN's, in accordance with guidelines that shall be promulgated by the RCB and in collaboration with the Board of Vocational Nurses and Psychiatric Technicians (BVNPT), to complete task-specific training on each respiratory task or service the LVN will perform; specifies that training may be provided by the employer directly or through the California Association of Medical Suppliers (CAMPS), the California Society for Respiratory Care (CSRC), or another organization identified by the Board; and requires LVN's complete patient-specific training provided by their employer.
- 5) Provides the RCB with authorization to grant automatic license suspension upon felony conviction for specified offenses and automatic license revocation for licensees convicted of specified felonies involving sexual misconduct or serious violence.

## **Background**

*Oversight Hearings and Sunset Review of Licensing Boards and Programs.* In March 2026, the Senate Business, Professions and Economic Development Committee and the Assembly Committee on Business and Professions (Committees) began their comprehensive sunset review oversight of 10 regulatory entities including the RCB. The Committees conducted three oversight hearings. This bill and the accompanying sunset bills are intended to implement legislative changes as recommended by the staff of the Committees, and which are reflected in the Background Papers prepared by the Committee staff for each agency and program reviewed this year.

*Background on RCB.* RCB licenses and regulates Respiratory Care Practitioners. RCPs are one of three licensed health care professionals who work at patients' bedsides, the other two being physicians and nurses. RCPs work under the direction of a medical director and specialize in evaluating and treating patients

with breathing difficulties as a result of heart, lung, and other disorders, as well as providing diagnostic, educational, and rehabilitation services. RCPs are utilized in virtually all health care settings.

RCPs provide services to patients ranging from premature infants to older adults. RCPs provide treatments for patients who have breathing difficulties and care for those who are dependent upon life support and cannot breathe on their own. RCPs treat patients with acute and chronic diseases including chronic obstructive pulmonary disease (COPD), trauma victims, and surgery patients. Common RCP patients include individuals suffering from:

- Asthma
- Bronchitis
- Heart attack
- Cystic fibrosis
- Emphysema
- Stroke
- Lung cancer
- Premature infants and infants with birth defects
- High-risk influenza/COVID-19

The Board currently issues over 1,200 new licenses and renews over 10,000 licenses each year. As of June 30, 2025, the Board had 21,390 active licensees, 2,799 delinquent licensees, and 891 current but inactive licensees. Of these licensees, 1,536 live out of the state or country. An additional 1,474 licenses have been placed in retirement status as of June 30, 2025.

Current law, (BPC § 3710.1), states that the protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Committee on Appropriations, “The 2026-27 Governor’s Budget provides approximately \$4.15 million (Respiratory Care Fund) and 16.4 positions to support the continued operation of the RCB’s licensing and enforcement activities. The RCB anticipates an increase in annual fee revenue of approximately \$450,000 resulting from the raised renewal fee cap, unknown costs

to promulgate regulations to increase fees within the new statutory limit and minor annual cost savings of approximately \$15,000 in Attorney General enforcement costs due to RCB's new authority to automatically suspend or revoke licenses for certain felony convictions. The BVNPT notes that this bill addresses specific respiratory tasks performed by vocational nurses. BVNPT anticipates a potential increase in complaints filed with the board, which would result in additional workload costs; however, the exact fiscal magnitude is unknown."

**SUPPORT:** (Verified 5/14/26)

California Association of Medical Product Suppliers  
Pediatric Day Health Care Coalition  
Respiratory Care Board

**OPPOSITION:** (Verified 5/14/26)

Association of California Healthcare Districts  
California Association of Health Facilities  
California Hospital Association  
Leading Age California  
One individual

**ARGUMENTS IN SUPPORT:** The Respiratory Care Board, the California Association of Medical Product Suppliers, and the Pediatric Day Health Care Coalition write in support stating that the bill streamlines and simplify the process whereby LVNs working for employers in exempted settings may perform specific respiratory care tasks and services, and ensures that there are adequate respiratory care services and providers in all care settings so that individuals with complex medical needs will continue to have the choice to safely reside in their homes or community based settings, maintain their independence and quality of life, and stay connected with their loved ones and communities.

**ARGUMENTS IN OPPOSITION:** Opposition to the bill states that establishing a different scope of practice for LVN's based on the setting in which they are practicing is inconsistent with how scope of practice has been historically determined for other licensed health professionals. They request the bill be

amended to include additional settings where an LVN may perform respiratory care tasks to include skilled nursing facilities, pediatric and adult subacute facilities and hospitals.

Prepared by: Anna Billy / B., P. & E.D. /  
5/16/26 11:09:52

**\*\*\*\* END \*\*\*\***