

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 1304 (Wahab) – As Amended July 1, 2026

Policy Committee: Business and Professions

Vote: 17 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill extends, until 2031, the sunset of the Respiratory Care Board of California (RCB) and makes various changes to the regulation of licensed respiratory care practitioners (RCPs) and the practice of respiratory care by licensed vocational nurses (LVNs).

More specifically, this bill:

- 1) Extends the operation of the RCB until January 1, 2031.
- 2) Authorizes the RCB to automatically suspend and revoke licenses for specified serious felony convictions.
- 3) Makes changes to the exempted congregate, day center, and home health settings where LVNs may practice respiratory care, and adds specific suctioning and suctioning-related activities to an LVN's scope of practice.
- 4) Specifies activities that are not considered the practice of respiratory care.
- 5) Defines, for purposes of all respiratory care exempted from the Respiratory Care Act (RC Act), "employer" as a person, agency, facility, organization, or entity responsible for assigning, directing, or coordinating the care provided by an LVN, and where applicable, a family member or legal guardian authorized under the patient's plan of care to perform that function.
- 6) Deletes the \$300 fee for issuance of an initial license for a respiratory care practitioner, increases the license renewal fee from \$230 to \$330, and authorizes the RCB to increase the fee to \$375 through rulemaking.

FISCAL EFFECT:

Costs of approximately \$4.4 million per year to extend the operation of the RCB (Respiratory Care Fund).

The RCB notes that if all fees were set at the caps established by this bill, revenues for RCB would increase by up to approximately \$450,000 per year; however, the RCB would be required to promulgate regulations to increase fees. The RCB also anticipates reduced costs of an

unknown amount as a result of automatic license suspensions and revocations for practitioners convicted of certain felonies.

The Board of Vocational Nursing and Psychiatric Technicians anticipates potential costs of an unknown amount due to an increase in the number of complaints received and consequent workload and costs (Vocational Nursing and Psychiatric Technicians Fund).

COMMENTS:

- 1) **Purpose.** According to the author, “This bill is necessary to make changes to the Board of Respiratory Care to improve oversight of the regulated professions under the jurisdiction of the Board.”
- 2) **Background. RCPs.** RCPs are one of three licensed healthcare professionals typically found at patients’ bedsides, alongside physicians and nurses. RCPs work under the direction of a medical director and specialize in providing evaluation of, and treatment to, patients with breathing difficulties as a result of heart, lung, and other disorders, as well as providing diagnostic, educational, and rehabilitation services. RCPs provide services to patients ranging from premature infants to older adults and are needed in virtually all health care settings.

RCB. The RCB is responsible for administering and enforcing the RC Act, which establishes the board and contains the regulatory framework for the practice of respiratory care. The RCB’s primary function is to run the licensing, education, and disciplinary programs for RCPs. At the end of fiscal year 2024-25, the RCB reported a total of 21,390 active, in-state licensees.

Sunset Review. Each year, the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions, and Economic Development hold joint sunset review oversight hearings to review the licensing entities under the Department of Consumer Affairs (DCA). The DCA boards, bureaus, and other entities are responsible for protecting consumers and the public and regulating the professionals they license. The sunset review process provides an opportunity for the Legislature, DCA, licensing entities, and stakeholders to discuss the entities’ performance and make recommendations for improvements. This bill is a “sunset” bill, intended to extend the repeal date of the RCB, as well as incorporate the recommendations from the sunset review oversight hearings.

- 3) **Oppose Unless Amended.** A coalition of the California Association of Health Facilities, LeadingAge California, the California Hospital Association, the Association of California Healthcare Districts, and the American Nurses Association\California wrote in opposition to an earlier version of this bill unless amended to:
 - Delete the setting-specific framework in [existing law] that establishes different tasks that LVNs may do in different settings, or include the following additional settings: skilled nursing facilities, intermediate care facilities for the developmentally disabled, pediatric and adult subacute facilities, and hospitals.
 - Clarify that LVNs may perform respiratory tasks as part of their formal training and education program and under the supervision of the training program in any setting.

- Specify the basic respiratory tasks that are within the data collection and observation roles of LVNs' scope and may be performed by LVNs in any setting based on their existing licensure and without additional training.

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