

PROPOSED LANGUAGE CONCERNING BASIC RESPIRATORY TASKS AND SERVICES

Legend—added text indicated by underline, deletion by ~~strikethrough~~.

Add section 1399.365 to read as follows:

1399.365 Basic Respiratory Tasks and Services

Pursuant to subdivision (a) of section 3702.5 of the ~~Business and Professions code~~ B&P, basic respiratory tasks and services (“tasks”) described more specifically below, as defined in subdivision (b), are considered tasks that do not require a respiratory assessment by a licensed respiratory care professional exclusively, and only require manual, technical skills, or patient data collection. Basic respiratory tasks and services shall not be considered the practice of respiratory care by the Board when performed by a licensed vocational nurse meeting the criteria in this section and B&P section 2860. ~~do not include manipulation of an invasive or non-invasive ventilator and do not include assessment or evaluation of chest auscultation. Basic respiratory tasks include:~~

(a) For purposes of this section, “respiratory assessment” ~~is defined as~~ includes making an analysis or judgment of a patient’s breathing to identify changes to respiratory function and making recommendations to a medical director concerning the therapy, management, rehabilitation, diagnostic evaluation, and treatment or care of a patient’s respiratory condition pursuant to B&P sections 3702.5 and 3702.7. ~~or as a means to perform any task in regard to the care of a patient. Assessment as used in this section is beyond documenting observations, and gathering and reporting data to a licensed respiratory care professional, registered nurse, or physician.~~

(b) For purposes of subdivision (a) of section 3702.5 of the Business and Professions code and this section, ~~basic respiratory tasks and services do not require a respiratory assessment and include the following~~ includes:

- (1) Patient data collection.
- (2) Application and monitoring of a pulse oximeter.
- (3) Medication administration by aerosol that does not require manipulation of an invasive or non-invasive mechanical ventilator.
- (4) Heat moisture exchanger (HME) and oxygen tank replacement for patients who are using non-invasive mechanical ventilation.
- (5) Hygiene care including replacement of tracheostomy ties and gauze and cleaning of the stoma sites.
- (6) Use of a manual resuscitation devices and other cardio-pulmonary resuscitation technical skills (basic life support level) in the event of an emergency.

(7) Documentation of care provided, which includes data retrieved from performing a breath count or transcribing data from an invasive or non-invasive ventilator interface.

(8) Observe and gather data from chest auscultation, palpation and percussion.

(9) Preoxygenation, or endotracheal or nasal pharyngeal suctioning.

(10) Tracheal suctioning, cuff inflation/deflation, use or removal of an external speaking valve, or removal and replacement of the tracheostomy tube or inner cannula.

(11) Adjusting oxygen as directed by a supervising provider (physician and surgeon, registered nurse, nurse practitioner or naturopathic doctor).

~~(c) — For purposes of subdivision (a) of section 3702.5 of the Business and Professions code, basic respiratory tasks and services do not include the following:~~

~~(1) — Manipulation of an invasive or non-invasive ventilator.~~

~~(2) — Assessment or evaluation of observation and gathered data from chest auscultation, palpation and percussion.~~

~~(3) — Pre-treatment and post-treatment assessment.~~

~~(4) — Use of medical gas mixtures other than oxygen.~~

~~(5) — Preoxygenation, or endotracheal or nasal suctioning.~~

~~(6) — Initial setup, change-out, or replacement of the breathing circuit or adjustment of oxygen liter flow or oxygen concentration.~~

~~(7) — Tracheal suctioning, cuff inflation/deflation, use or removal of an external speaking valve, or removal and replacement of the tracheostomy tube or inner cannula.~~

NOTE: Authority cited: Sections 3702.5 and 3722, Business and Professions Code.

Reference: Sections 2860, 3701, 3702, 3702.5, 3702.7, 3703, and 3765 Business and Professions Code.