

**California Code of Regulations
Title 16. Professional and Vocational Regulations
Division 13.6. Respiratory Care Board
Article 6. Scope of Practice**

PROPOSED MODIFIED LANGUAGE

BASIC RESPIRATORY TASKS AND SERVICES

Legend:

Changes addressed in Notice of Proposed Regulatory Action (45-day comment period):

- Deleted text is indicated by ~~striketrough~~
- Added text is indicated with an underline

Modified Text (15-day comment period):

- Deleted text is indicated by ~~double striketrough~~
- Added text is indicated by double underline
- BVNPT Suggested Amendments are indicated in red

Adopt Proposed Section 1399.365 as follows:

1399.365. Basic Respiratory Tasks and Services.

Pursuant to subdivision (a) of section 3702.5 of the B&P code, basic respiratory tasks and services 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.

~~(a) For purposes of this section, “respiratory assessment” includes means making an analysis or judgment of a patient’s breathing and making recommendations to a medical doctor concerning the management, diagnosis, treatment, or care of a patient 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 practitioner, registered nurse, or physician.~~

~~(b) For purposes of Pursuant to subdivision (a) of section 3702.5 of the B&P Business and Professions code, basic respiratory tasks and services (“tasks”), described more specifically below, do not require a respiratory assessment, and only require manual, technical skills, or data collection. Basic respiratory tasks 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 the following:~~

~~(a1) Patient data collection.~~

- ~~(b2) Application and monitoring of the pulse oximeter.~~
- ~~(c3) Medication administration by aerosol that does not require manipulation of an invasive or non-invasive mechanical ventilator. Basic respiratory tasks do not include pre-treatment assessment, use of medical gas mixtures other than oxygen, preoxygenation, endotracheal or nasal suctioning, or post-treatment assessment.~~
- ~~(d4) Heat moisture exchanger (HME) and oxygen tank replacement for patients who are using non-invasive mechanical ventilation. Basic respiratory tasks do not include the initial setup, change out, or replacement of the breathing circuit or adjustment of oxygen liter flow or oxygen concentration.~~
- ~~(e5) Hygiene care including replacement of tracheostomy ties and gauze and cleaning of the stoma sites. Basic respiratory tasks do not include tracheal suctioning, cuff inflation/deflation, use or removal of an external speaking valve, or removal and replacement of the tracheostomy tube or inner cannula.~~
- ~~(f6) Use of a manual resuscitation device and other cardio-pulmonary resuscitation technical skills (basic life support level) in the event of an emergency.~~
- ~~(g7) 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) Observing and gathering data from chest auscultation, palpation, and percussion.~~

(9) Preoxygenation, or endotracheal or nasal 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.

~~(c) For purposes of subdivision (a) of section 3702.5 of the B&P, basic respiratory tasks and services do not include the following:~~

- ~~(1) Manipulation of an invasive or non-invasive ventilator.~~
- ~~(2) Assessment or evaluation of observed and gathered data from chest auscultation, palpation, and percussion.~~
- ~~(3) Pre-treatment or 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 a 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.