



RESPIRATORY CARE BOARD OF CALIFORNIA

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September 29, 2025

California Department of Education
1430 N Street
Sacramento, CA 95814

Dear Department of Education Leadership:

The Respiratory Care Board (RCB) has recently been made aware that some school districts are expressing concerns regarding the role of Licensed Vocational Nurses (LVNs) in providing suctioning and other basic respiratory care tasks in educational settings.

Education Code section 49423.5 has long provided that LVNs, when working under the supervision of a credentialed school nurse, may perform suctioning and other basic respiratory care for students who require specialized physical health care services. This authority has been in place since 2001, allowing trained and qualified LVNs to competently meet the healthcare needs of students in schools.

Recently, Senate Bill 389 was introduced and is expected to be signed by the Governor soon. SB 389 does not expand or create new LVN duties or exemptions; rather, it aligns with Education Code section 49423.5, allowing LVNs to perform suctioning and basic respiratory care in educational settings. As outlined in the legislative analyses for SB 389, the bill clarifies that section 49423.5 continues to apply to LVNs in schools under the supervision of a credentialed school nurse, regardless of any future changes to the Business and Professions Code.

The enactment of SB 389, and any time between now and its enactment, will not bring any change to RCB's enforcement policies. Without waiver of RCB's authority and legal duty to address any patient safety concerns, RCB does not intend to pursue any enforcement actions regarding LVNs providing suctioning and basic respiratory care in educational settings. This ensures that students continue to receive uninterrupted care from qualified personnel.

With the October 1, 2025, regulation effective date approaching, we respectfully ask that the Department of Education share this information with all California school districts. We feel this is the most efficient way to ensure that districts receive the information, given that DOE already maintains electronic contact information for each.

We appreciate your assistance and your ongoing support of school healthcare services.
Please feel free to contact me if you have any questions.

Sincerely,

Christine Molina

Christine Molina, Executive Officer
Respiratory Care Board of California