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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 2. HEALING ARTS [500 - 4999.129] (*Division 2 enacted by Stats. 1937, Ch. 399.*)

CHAPTER 6.5. Vocational Nursing [2840 - 2895.5] (*Chapter 6.5 added by Stats. 1951, Ch. 1689.*)

ARTICLE 2. Scope of Regulation [2859 - 2873.6] (*Article 2 added by Stats. 1951, Ch. 1689.*)

2859. (a) The practice of vocational nursing within the meaning of this chapter is the performance of services requiring those technical, manual skills acquired by means of a course in an approved school of vocational nursing, or its equivalent, practiced under the direction of a licensed physician and surgeon or registered nurse, as defined in Section 2725, or naturopathic doctor, as defined in Section 2859.1, and in accordance with this section and Section 2859.1.

(b) A vocational nurse, within the meaning of this chapter, is a person who has met all the legal requirements for a license as a vocational nurse in this state and who for compensation or personal profit engages in vocational nursing, as defined under subdivision (a).

(c) The changes made to this section by the act adding this subdivision do not authorize a licensed vocational nurse acting under the direction of a naturopathic doctor to perform any function outside the existing scope of practice of a licensed vocational nurse.

(d) A licensed vocational nurse practicing under the supervision of a naturopathic doctor shall be limited to performing those duties included within the scope of practice of a naturopathic doctor.

(e) A naturopathic doctor supervising a licensed vocational nurse and furnishing or ordering drugs in accordance with standardized procedures or protocols developed with the approval of a supervising physician and surgeon, as authorized under Section 3640.5, shall identify within the established protocol that the naturopathic doctor is responsible for the supervision of a licensed vocational nurse or nurses and provide procedures for assistance and consultation with the supervising physician and surgeon regarding any issues that arise involving the naturopathic doctor's supervision of a licensed vocational nurse or nurses in the furnishing or ordering of drugs.

(f) (1) A naturopathic doctor supervising a licensed vocational nurse shall establish a written supervision protocol, listing the practice agreement, that includes all of the following:

(A) A description of the duties and responsibilities of the licensed vocational nurse and, if applicable, disclosure of the procedure or protocol for the furnishing or ordering of drugs, as described in subdivision (e).

(B) Policies and procedures to ensure adequate supervision of the licensed vocational nurse, including, but not limited to, appropriate communication, availability of supervision, location of venue or venues where services are to be provided, and availability of consultations between the naturopathic doctor and the licensed vocational nurse regarding the practice of vocational nursing.

(C) The methods for the training and continuing evaluation of the competency and qualifications of the licensed vocational nurse.

(2) The written supervision protocol required by this subdivision may be provided by means of an employment agreement or other practice agreement document.

(3) A licensed vocational nurse shall provide a copy of the written supervision protocol prescribed by this subdivision to the board upon request by the board.

(g) In addition to other acts constituting unprofessional conduct within the meaning of this chapter, failure to comply with the requirements for supervision in this chapter or any regulation adopted pursuant to it is considered unprofessional conduct and grounds for disciplinary action.

(Amended by Stats. 2022, Ch. 713, Sec. 1. (SB 994) Effective January 1, 2023.)

2859.1. (a) For purposes of this chapter, the following definitions apply:

(1) "Naturopathic doctor" means a person who holds a current, active, and unrestricted license pursuant to the Naturopathic Doctors Act (Chapter 8.2 commencing with Section 3610).

(2) (A) "Supervision" or "supervising," as used in connection with the supervision of a licensed vocational nurse by a naturopathic doctor, means the supervision of procedures authorized by this section and Section 2859 that are within the scope of practice of the naturopathic doctor, and means that a naturopathic doctor oversees the activities of, and accepts responsibility for, those services described in this section and Section 2859 that are performed by a supervised licensed vocational nurse. "Supervision" in this context does not require the physical presence of a naturopathic doctor, but does require both of the following:

(i) Adherence to adequate supervision as agreed to in the practice agreement described in Section 2859.

(ii) The naturopathic doctor being available by telephone at the time the licensed vocational nurse examines the patient.

(B) This definition does not prohibit the board from requiring the physical presence of a naturopathic doctor as a term or condition of the discipline, reinstatement, or probation of a licensed vocational nurse.

(b) This section does not authorize a naturopathic doctor to supervise or direct a licensed vocational nurse to start or superimpose intravenous fluids in a manner that would violate Section 2860.5, including by performing the procedure outside of an organized health care system.

(c) This section does not authorize a licensed vocational nurse to perform any of the following acts:

(1) Administering Botox, Juvederm, Kybella, or glutathione injections.

(2) Performing platelet-rich plasma therapy.

(3) Performing skin growth removal procedures.

(4) Performing other cosmetic procedures outside the scope of practice of a licensed vocational nurse, as determined by the board.

(5) Administering laser, light, steam, or ultraviolet treatment therapies, unless directed by a physician and surgeon or naturopathic doctor for a medically necessary purpose.

(6) Starting or superimposing intravenous fluids independently in unsupervised home care or other unauthorized setting.

(d) This section does not authorize an unlicensed naturopathic doctor to hire, direct, or supervise a licensed vocational nurse.

(e) This section does not authorize a licensed naturopathic doctor to hire, direct, or supervise a licensed vocational nurse who has a license that is not current and active.

(f) If a naturopathic doctor provides supervision of a licensed vocational nurse who has a restricted license due to a probationary order, then the supervising naturopathic doctor shall ensure that they comply and provide supervision within the terms of the probationary order.

(Added by Stats. 2022, Ch. 713, Sec. 2. (SB 994) Effective January 1, 2023.)

2860. (a) This chapter confers no authority to practice medicine or surgery, to provide respiratory care services and treatment, or to undertake the prevention, treatment, or cure of disease, pain, injury, deformity, or mental or physical condition in violation of any provision of law.

(b) Notwithstanding subdivision (a), a licensed vocational nurse who has received training and who demonstrates competency satisfactory to their employer may, when directed by a physician and surgeon, perform respiratory tasks and services expressly identified by the Respiratory Care Board of California pursuant to subdivision (a) of Section 3702.5.

(Amended by Stats. 2022, Ch. 624, Sec. 1. (SB 1436) Effective January 1, 2023.)

2860.5. (a) Subject to subdivision (b), a licensed vocational nurse when directed by a licensed physician and surgeon or naturopathic doctor may do all of the following:

(1) Administer medications by hypodermic injection.

(2) Withdraw blood from a patient, if the licensed vocational nurse has been instructed by a licensed physician and surgeon and has demonstrated competence to the licensed physician and surgeon in the proper procedure to be employed when withdrawing blood, or has satisfactorily completed a prescribed course of instruction approved by the board, or has demonstrated competence to the satisfaction of the board.

(3) Start and superimpose intravenous fluids if all of the following additional conditions are satisfied:

(A) The licensed vocational nurse has satisfactorily completed a prescribed course of instruction approved by the board or has demonstrated competence to the satisfaction of the board.

(B) The procedure is performed in an organized health care system in accordance with the written standardized procedures adopted by the organized health care system as formulated by a committee which includes representatives of the medical, nursing, and administrative staffs. "Organized health care system," as used in this section, includes facilities licensed pursuant to Section 1250 of the Health and Safety Code, clinics, home health agencies, physician's offices, naturopathic doctor's offices, and public or community health services. Standardized procedures so adopted will be reproduced in writing and made available to total medical and nursing staffs.

(C) If the licensed vocational nurse is directed by a naturopathic doctor, the naturopathic doctor is qualified to administer intravenous therapy under Section 3640.8.

(b) A licensed vocational nurse acting solely under the direction of a naturopathic doctor shall only perform the functions specified in this section that are within the scope of authorized activities for a licensed naturopathic doctor under Section 3640.

(c) The changes made to this section by the act adding this subdivision do not authorize a licensed vocational nurse acting under the direction of a naturopathic doctor to perform any function outside the existing scope of practice of a licensed vocational nurse or a naturopathic doctor.

(Amended by Stats. 2022, Ch. 713, Sec. 3. (SB 994) Effective January 1, 2023.)

2860.7. (a) (1) A licensed vocational nurse, acting under the direction of a licensed physician and surgeon or naturopathic doctor may perform any of the following:

(A) Tuberculin skin tests, coccidioidin skin tests, and histoplasmin skin tests, providing such administration is within the course of a tuberculosis control program.

(B) Immunization techniques, providing such administration is upon standing orders of a supervising licensed physician and surgeon or naturopathic doctor, or pursuant to written guidelines adopted by a hospital or medical group with whom the supervising licensed physician and surgeon or naturopathic doctor is associated.

(2) A licensed vocational nurse acting solely under the direction of a naturopathic doctor shall only perform the functions specified in this subdivision that are within the scope of authorized activities for a licensed naturopathic doctor under Section 3640.

(b) The supervising licensed physician and surgeon or naturopathic doctor under whose direction the licensed vocational nurse is acting pursuant to subdivision (a) shall require the licensed vocational nurse to do all of the following:

(1) Satisfactorily demonstrate competence in the administration of immunizing agents, including knowledge of all indications and contraindications for the administration of such agents, and in the recognition and treatment of any emergency reactions to such agents which constitute a danger to the health or life of the person receiving the immunizations.

(2) Possess such medications and equipment as required, in the medical judgment of the supervising licensed physician and surgeon or naturopathic doctor, to treat any emergency conditions and reactions caused by the immunizing agents and which constitute a danger to the health or life of the person receiving the immunization, and to demonstrate the ability to administer such medications and to utilize such equipment as necessary.

(c) This section does not require physical presence of a directing or supervising licensed physician and surgeon or naturopathic doctor, or the examination by a licensed physician and surgeon or naturopathic doctor of persons to be tested or immunized.

(d) The changes made to this section by the act adding this subdivision do not authorize a licensed vocational nurse acting under the direction of a naturopathic doctor to perform any function outside the existing scope of practice of a licensed vocational nurse or naturopathic doctor.

(Amended by Stats. 2022, Ch. 713, Sec. 4. (SB 994) Effective January 1, 2023.)

2861. This chapter does not prohibit the performance of nursing services by any person not licensed under this chapter; provided, that such person shall not in any way assume to practice as a licensed vocational nurse.

(Added by Stats. 1951, Ch. 1689.)

2861.5. A person licensed under this chapter who in good faith renders emergency care at the scene of an emergency which occurs outside both the place and the course of his employment shall not be liable for any civil damages as the result of acts or omissions in rendering the emergency care. This section shall not be construed to grant immunity from civil damage to any person whose conduct in rendering emergency care is grossly negligent.

(Added by Stats. 1974, Ch. 824.)

2862. Vocational nursing services may be rendered by a student enrolled in an approved school of vocational nursing when these services are incidental to the student's course of study.

(Amended by Stats. 2021, Ch. 632, Sec. 9. (AB 1536) Effective January 1, 2022.)

2863. This chapter does not prohibit vocational nursing or the care of the sick, with or without compensation or personal profit, when done by the adherents of and in connection with the practice of the religious tenets of any well recognized church or denomination, so long as they do not otherwise engage in the practice of vocational nursing.

(Added by Stats. 1951, Ch. 1689.)

2864. Every licensee under this chapter may be known as a licensed vocational nurse and may place the letters "L.V.N." after the licensee's name.

(Amended by Stats. 2021, Ch. 632, Sec. 10. (AB 1536) Effective January 1, 2022.)

2866. An applicant for a vocational nurse license shall comply with each of the following:

- (a) Be at least 17 years of age.
- (b) Have successfully completed at least an approved course of study through the 12th grade or the equivalent thereof as specified by the board.
- (c) Have successfully completed the prescribed course of study in an approved school of vocational nursing or have graduated from a school which, in the opinion of the board, maintains and gives a course which is equivalent to the minimum requirements for an approved school of vocational nursing in this state.
- (d) Not be subject to denial of licensure under Section 480.

(Amended by Stats. 2021, Ch. 632, Sec. 11. (AB 1536) Effective January 1, 2022.)

2867. An applicant for a license authorizing the practice of vocational nursing in this state under this chapter, upon the filing of an application for a vocational nurse license on a form prescribed by the board, shall pay the fee required by this chapter.

(Amended by Stats. 2021, Ch. 632, Sec. 12. (AB 1536) Effective January 1, 2022.)

2867.5. Every person to whom a license is issued shall, as a condition precedent to its issuance and in addition to any other fee that may be payable, pay the initial license fee prescribed by this chapter.

(Amended by Stats. 2017, Ch. 586, Sec. 9. (AB 1229) Effective January 1, 2018.)

2867.6. After receiving the results of having passed the examination and upon receipt of the initial license fee required by subdivision (h) of Section 2895, the board shall issue a receipt or temporary certificate which will serve as a valid permit for the licensee to practice under this chapter.

(Amended by Stats. 2021, Ch. 632, Sec. 13. (AB 1536) Effective January 1, 2022.)

2868. The board shall hold not less than two examinations each year for applicants desirous of practicing vocational nursing in this State, at such times and places as the board may determine.

(Added by Stats. 1951, Ch. 1689.)

2870. Examinations shall be written, but in the discretion of the board may be supplemented by an oral or practical examination in such subjects as the board determines. All examinations shall be conducted by such persons and in such manner and under such rules and regulations as the board may prescribe.

The board shall finally pass or reject all applicants. Its actions shall be final and conclusive and not subject to review by any court or other authority.

(Added by Stats. 1951, Ch. 1689.)

2871. Any applicant who fails to pass the first examination may take a second examination upon payment of the fee required by this chapter.

(Amended by Stats. 2021, Ch. 632, Sec. 14. (AB 1536) Effective January 1, 2022.)

2872. The board shall issue a license to each applicant who passes the examination. The form of the license shall be determined in accordance with Section 164.

(Amended by Stats. 1971, Ch. 716.)

2872.1. The board upon written application and receipt of the required application fee may issue a license without examination to any applicant who possesses a valid, unrevoked license as a vocational nurse or practical nurse issued by any other state or a foreign country, and who in the opinion of the board meets all the other requirements set forth in Sections 2866 and 2873.

(Added by Stats. 1955, Ch. 1884.)

2872.2. (a) An applicant for license by examination shall submit a written application in the form prescribed by the board.

(b) If the application for licensure by examination is received by the board no later than four months after completion of a board-approved nursing program and approval of the application, the board may issue an interim permit authorizing the applicant to practice vocational nursing pending the results of the first licensing examination, or for a period of nine months, whichever occurs first. An applicant may submit an application for an interim permit at the same time as the applicant submits an application for licensure by examination. The board shall make a decision whether to issue the interim permit and, if the board decides to issue the interim permit, shall issue the interim permit to the applicant within 60 days of receiving the completed application.

(c) If the applicant passes the examination, the interim permit shall remain in effect until an initial license is issued by the board or for a maximum period of six months after passing the examination, whichever occurs first. If the applicant fails the examination, the interim permit shall terminate upon notice by certified mail, return receipt requested, or if the applicant fails to receive the notice, upon the date specified in the interim permit, whichever occurs first.

(d) A permittee shall function under the supervision of a licensed vocational nurse or a registered nurse, who shall be present and available on the premises during the time the permittee is rendering professional services. The supervising licensed vocational nurse or registered nurse may delegate to the permittee any function taught in the permittee's basic nursing program.

(e) An interim permittee shall not use any title or designation other than vocational nurse interim permittee or "V.N.I.P."

(Amended by Stats. 2021, Ch. 632, Sec. 15. (AB 1536) Effective January 1, 2022.)

2872.3. (a) Applicants and licensees shall provide the board a physical mailing address.

(b) Applicants and licensees shall provide the board an electronic mail address no later than July 1, 2022. Unless an applicant specifies in writing a preference for regular mail, the board shall direct all license-related correspondence to applicants and licensees using the electronic mail address on file, including, but not limited to, renewal notices and deficiency notices.

(c) The board may annually send an electronic notice to applicants and licensees to confirm their electronic mail address is current.

(Added by Stats. 2021, Ch. 632, Sec. 16. (AB 1536) Effective January 1, 2022.)

2873. Any person possessing either the education or the experience, or any combination of both the education and the experience, equivalent to that acquired in an approved school of vocational nursing may be licensed as a vocational nurse under the provisions of this chapter, provided that the person successfully demonstrates to the board that the person possesses the necessary qualifications, and successfully passes the examinations or tests as may from time to time be required by the board.

(Amended by Stats. 2021, Ch. 632, Sec. 17. (AB 1536) Effective January 1, 2022.)

2873.5. Any person who has served on active duty in the medical corps of any of the armed forces, in which no less than an aggregate of 12 months was spent in rendering bedside patient care, and who has completed the basic course of instruction in nursing required by the person's particular branch of the armed forces, and whose service in the armed forces has been under honorable conditions, or whose general discharge has been under honorable conditions, shall be granted a license upon proof that the person possesses the necessary qualifications of this section, as set forth in the person's service records, and upon the passing of an examination.

(Amended by Stats. 2021, Ch. 632, Sec. 18. (AB 1536) Effective January 1, 2022.)

2873.6. (a) Any person who on the effective date of this section is employed as a medical technical assistant or as a senior medical technical assistant by the Department of Corrections and Rehabilitation, who served on active duty in the medical corps of any of the Armed Forces of the United States or who served in the United States Public Health Service, in which no less than an aggregate of 12 months was spent in rendering patient care, who completed the basic course of instruction in nursing required by the United States Public Health Service, or by a particular branch of the armed forces, and who was honorably discharged therefrom, shall be granted an employment restricted license upon proof that the person possesses the necessary qualifications of this section as set forth in the person's service and discharge records. An employment restricted license issued pursuant to this subdivision shall authorize the holder thereof to practice vocational nursing only within a facility of the Department of Corrections and Rehabilitation and shall be valid only for the period of employment. In order to obtain a nonrestricted license as a vocational nurse, a medical technical assistant shall apply and take the examination as required and normally administered by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

(b) On and after the effective date of this section, no person shall be appointed as a medical technical assistant by the Department of Corrections and Rehabilitation unless the person complies with one of the following:

(1) Is a licensed vocational nurse or a registered nurse.

(2) Has served on active duty in the medical corps of any of the Armed Forces of the United States or who served in the United States Public Health Service, in which no less than an aggregate of 12 months was spent in rendering patient care, who completed the basic course of instruction in nursing required by the United States Public Health Service, or by a particular branch of the armed forces, and who has been honorably discharged therefrom. The Department of Corrections and Rehabilitation is authorized only to hire persons who are eligible for licensure, and as a condition of employment shall require that those persons obtain a license as a vocational nurse within six months of employment. The person shall be supervised by a registered nurse or physician and surgeon and shall not administer medications until licensed.

(c) Notwithstanding subdivision (a), any person who was granted a restricted vocational nurse's license pursuant to that subdivision and who was employed in the psychiatric unit of the California Medical Facility at the time of the unit's transfer from the Department of Corrections to the State Department of Mental Health on July 1, 1988, shall continue to hold their license.

(Amended by Stats. 2021, Ch. 632, Sec. 19. (AB 1536) Effective January 1, 2022.)