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MEMORANDUM

TO: William L. Harp, MD
Executive Director
Virginia Board of Medicine

FROM: Erin L. Barrett
Assistant Attorney General

DATE: August 17, 2015

SUBJECT: *Regulations Governing the Practice of Respiratory Care Practitioners*
18VAC85-40-10 *et seq.*

I have reviewed the amendments to the *Regulations Governing the Practice of Respiratory Care Practitioners*, 18VAC85-40-10 *et seq.* The proposed amendments change the term “respiratory care practitioner” to “respiratory therapist,” consistent with the change in the Code of Virginia following HB 1818. These proposed amendments are exempt in accordance with Va. Code § 2.2-4006(A)(4)(a) of the Virginia Administrative Process Act, which section provides an exemption for regulations “[n]ecessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved.” Va. Code § 2.2-4006(A)(4)(a). The Board of Medicine has the statutory authority to amend these Regulations under Va. Code §§ 54.1-2400(6) and 54.1-2954.1. The proposed amendments are constitutional and do not conflict with existing federal or state laws or regulations.

