



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

**TO:** David E. Brown, D.C.  
Director  
Virginia Department of Health Professions

**FROM:** M. Brent Saunders  
Senior Assistant Attorney General

**DATE:** July 9, 2026

**SUBJECT:** Regulations Governing the Practice of Respiratory Therapists  
18VAC85-40

I have reviewed the proposed amendments to the Regulations Governing the Practice of Respiratory Therapists (18VAC85-40), as adopted by the Board of Medicine on June 4, 2026. The Board has the authority to adopt these amendments as an exempt regulatory action pursuant to Va. Code § 54.1-2400 and Chapters 561 and 553 of the 2025 Acts of Assembly. The proposed amendments are constitutional and do not conflict with existing federal or state laws or regulations.