

<b>Date:</b>  <b>January 14, 2016</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>PILOT FITNESS COMMITTEE MEETING MINUTES</b>	<b>Page 1 of 4</b>
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**Committee Members Present:**

Knute Michael Miller, Past Board President, Committee Chairman  
 Captain Joe Long, Commissioner  
 Brig. Gen. Chester L. Ward, MD

**Committee Members Absent:**

Robert Kosnik, MD  
 Barbara Price

**Staff Present:**

Roma Cristia-Plant, Assistant Director  
 Dennis Eagan, Board Counsel  
 Kelly Dolcini, Staff Services Analyst  
 Sigrid Hjelle, Office Technician

**Public Present:**

Commissioner John Connolly; Port Agent Peter McIsaac; Ray Paetzold, San Francisco Bar Pilot (SFBP) Business Director – General Counsel; Mike Jacob, Pacific Merchant Shipping Association Vice President and General Counsel.

**OPEN MEETING**

**1. Call to Order. Roll Call. (Chairman Miller)**

Chairman Miller called the meeting to order at 9:30 a.m. Staff Services Analyst Dolcini called roll and confirmed there was a quorum.

**2. Approval of minutes of Pilot Fitness Committee meeting on August 25, 2015.**

There was no discussion of the minutes.

**MOTION:** Dr. Ward moved to approve the minutes of the meeting held on August 25, 2015. Capt. Long seconded the motion.

**VOTE:** Yes: Miller, Long, and Ward.  
 No: None.  
 Abstain: None.

**ACTION:** The motion was approved.

**3. Update from staff regarding implementation of new regulations concerning licensee fitness determination protocols. Discussion of current fitness determination regime. (Executive Director Garfinkle)**

Executive Director Garfinkle reported on a meeting he had with medical staff at the University of San Francisco (UCSF) last October and discussed the administration of the

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current pilot and trainee fitness protocols and contractual matters that he reported to the Committee at its August 25, 2015 meeting. He stated one issue that resulted from his discussion with the physicians is a potential need for an interim fit for duty determination. He explained that while the physicians believe a pilot may be currently fit for duty, a medical condition may need follow up or further testing within the year. However, the current fit for duty regulations require that the determination be made in one year increments. Currently, he is acting within his Executive Director authority and requiring pilots to follow up with a physician upon a physician request made to him.

Dr. Ward stated that a conditional fit for duty determination contingent upon further medical testing and/or follow up appears reasonable. Commissioner Long expressed a concern about how such a determination would work with the Federal fitness determination process. Commissioner Connolly encouraged caution and to follow the Federal medical fitness example.

Executive Director Garfinkle also stated that the Pilot Fitness Committee may want to make a recommendation for policy change to the Rules and Regulations Committee since a conditional fit for duty determination will need to be in regulations.

Due to Dr. Kosnik's absence, the Committee agreed to keep this item on the agenda pending further discussion.

**4. Discussion of possible modifications to improve Pilot Fitness Regulations. Possible recommendation to Board to accept suggested modifications to Pilot Fitness Regulations. (Chairman Miller)**

Commissioner Long reported to the Committee that pilots had expressed concerns about access to private medical information on file with a personal physician since these medical records can now be accessed by UCSF doctors during fitness determination medical examinations. He explained that he was aware that Kaiser medical records, for one example, could be accessed by UCSF physicians.

Executive Director Garfinkle stated that the Board attempts to maintain medical data privacy by only accepting physician-completed Fit for Duty determinations as per the pilot fitness regulations, and that sometimes medical information privacy is breached by pilots sending private medical information directly to the Board.

Board Counsel Eagan stated that pursuant to the regulations, the Board's contracted physicians are entitled to obtain information that bears on a fit for duty decision, and concluded that the Board may not have the ability to cure the medical records access problem.

There was a general discussion that the pilot may not necessarily know what medical information is important to the Board's physician when making a fit for duty determination,

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and that the Board also does not want a pilot to not seek medical treatment because of an issue with access to private medical records.

Chairman Miller discussed that he is aware of new physician-required prescription drug reporting procedures that prevent prescription drug abuse and “doctor shopping” in which medical physicians will be able to access prescription medications prescribed by other physicians, and that he would like to discuss the medical records access issue further with Dr. Kosnik at the next Committee meeting.

There was also a discussion of mental health evaluations as required by statute and regulation. Executive Director Garfinkle commented that the statutes also require that pilots be mentally fit. He apprised the Committee that inquired with the California Highway Patrol regarding their cadet training program mental health entrance evaluations. The Committee agreed to discuss this issue at future Committee meetings.

**5. Discussion of modifications made to U.S. Coast Guard from CG-719K and impacts to Pilot Fitness Regulations, if any. (Executive Director Garfinkle/Chairman Miller)**

Executive Director Garfinkle noted for the Committee that the U.S. Coast Guard made wide-reaching modifications to its CG-719K form without input from industry or the American Pilots Association. He stated that given public comment about lack of input into the new form, the USCG is still currently still accepting the prior version of the CG-719K (version 6/30/2012), and as of now there are no impacts or necessary modifications to Pilot Fitness Regulations since the regulations reference a specific form name and date.

Executive Director Garfinkle also stated that the UCSF physicians are completing the CG-719K as a courtesy to the pilots, and that some pilots have their personal physician complete this federal medical information reporting form when a federal license renewal date does not coincide with the State’s license renewal date.

**6. Review and discuss executive summary of San Francisco Bar Pilots fatigue management system recommendations. (Commissioner Long)**

Commissioner Long reviewed the Port Agent’s letter to the Board dated January 12, 2016, that summarized the revisions to the SFBP’s work-rest policy recommendations resulting from the work-rest study commissioned by the San Francisco Bar Pilots and conducted by researchers at the Harvard Medical School Department of Medicine and Neurology, Division of Sleep and Circadian Disorders. Commissioner Long reported that the dispatch system required considerable re-programming, that both pilots and dispatchers needed to be trained on the new pilot assignment regime, and that the SFBP is presently in a six-month test period with the new policies.

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Mr. Jacob commented positively about the trial work-rest policies, and suggested that the SFBP seek feedback from industry to find out the impacts of the adjustments and share the information with the Committee.

**7. Update on status of contracting process with San Jose State University Research Foundation and projected timeline for commencement of work on fatigue study. (Board Staff)**

Assistant Director Cristia-Plant reported that the Department of General Services has come up with a standard contract for use between state agencies and UCs, CSUs, and their respective foundations, which will be used for the Board’s pilot fatigue study contract. Additionally, Assistant Director Cristia-Plant reported that she met with staff of the Office the Office of Health Information Integrity, and they will review the proposed fatigue study and recommend appropriate medical information privacy conditions to be included in the study contract.

**8. Public comment on matters not on the agenda.**

There were no comments.

**9. Proposals for additions to next committee meeting agenda.**

There were no proposals for additions to the next committee meeting agenda. Chairman Miller stated that he will work with staff to schedule the next meeting.

**10. Adjournment.**

There being no further business before the Committee, Chairman Miller called for a motion to adjourn.

**MOTION:** Dr. Ward moved to adjourn the meeting. Commissioner Long seconded the motion.

**VOTE:** YES: Miller, Long and Ward.

NO: None.

ABSTAIN: None.

**ACTION:** The motion was approved and the meeting was adjourned at 12:00 p.m.



Allen Garfinkle, Executive Director