

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun

660 Davis Street, San Francisco, CA 94111
Phone: (415) 397-2253 Fax: (415) 397-9463
E-mail: allen.garfinkle@bopc.ca.gov
Website: www.bopc.ca.gov



JOINT COMMITTEE MEETING:
PILOT FITNESS AND RULES AND REGULATIONS COMMITTEES
June 5, 2012
MEETING MINUTES
9:30 a.m.

The Board of Pilot Commissioners Pilot Fitness Committee and Rules and Regulations Committee met jointly on June 5, 2012 at 9:30 a.m. at the Board of Pilot Commissioners office, 660 Davis Street, San Francisco, California. Commissioner Dave Wainwright presided over the meeting with Committee members Vice President Frank Johnston, Commissioner John Cronin, Fitness Committee Chairman Capt. Steve Roberts, and University of California Associate Clinical Professor Dr. Robert Kosnik present. Members of the staff present were Executive Director Allen Garfinkle, and Board Counsel Dennis Eagan Business, Transportation and Housing (BTH) was represented by Administrative Analyst Amanda Esquivias.

Open Meeting:

1. **Call to Order and Roll Call.**

Commissioner Wainwright called the meeting into order at 9:43 a.m. There was a quorum established for the Rule and Regulations Committee, but not initially for Pilot Fitness.

2. **Approval of Joint Rules and Regulations and Pilot Fitness Committee meeting minutes of May 17, 2012.**

Due to lack of a quorum in the Pilot Fitness Committee, approval of the minute was deferred to a future meeting.

The Chairman directed the Committee to take up agenda item 5.

3. Review of issues "set aside" in multiple previous Committee meetings.

The Committee did not address this item.

4. Review completed draft document of pilot fitness regulations as amended by the Committee on May 17, 2012. Edit or change document consistent with review process, if necessary. **Possible Committee recommendation to the full Board to direct staff to commence work on a contract for a Market Analysis in furtherance of the formal rulemaking process.**

The Committee did not address this item.

5. Review, discuss and edit as necessary, portions of draft document submitted to Board Counsel, Committee members, or Board staff for review and drafting outside of Committee meetings.

Board Counsel Dennis Eagan opened with a discussion of the document titled "Notice, Disclosures, and Acknowledgment and Consent to Disclosure" (revision for the 6.5.12 meeting) by explaining that there should be a preamble to disclosure. The Committee reviewed Mr. Eagan's changes to the document.

The Committee then came to a consensus that acknowledgment and consent by the person subject to assessment should be signed annually at a minimum and should be stored by the Board. Vice President Johnson inquired whether there should be a witness to the signature and Board Counsel did not think this was a necessary element. Mr. Eagan also commented that his changes to the document clarify Board processes and simplify the tense.

Dr. Kosnik suggested adding consultations as an item that might need to be provided under the Disclosures section, paragraph 3. The Committee members present agreed and approved the document by consensus.

Mr. Eagan then turned the Committee's attention to the June 5, 2012 revisions of Section 217: Purpose of Fitness Regulations and Section 217.15: Description of Medical Assessment; Detailed Standards and reviewed the recent edits to the document. He noted that the forms should be incorporated by reference in this section.

As a result of the discussion resulting from this review, the Committee agreed that any correspondence from the Coast Guard affecting a person subject to reviews right to act as a pilot on his federal license should to be made available to the examining physician and this should trigger a review.

To facilitate this review based on a waiver, it was agreed that another check box should be added to the Notification form and the Request for Review form consistent with receiving correspondence from the Coast Guard concerning the pilot's right to act under the authority of their license.

It was also noted that Section 219 should be amended to include language that licensee's must notify Board immediately if their federal license is suspended.

After much discussion it was decided that a new box is added, in the fourth position, to the Notification form to read: I have received correspondence from the U.S. Coast Guard

concerning my medical condition and right to act under the authority of my federal licensed pilotage endorsement.

Correspondingly a new box is to be added, in the fourth position, to the Request for Review of Fitness for Duty form to read: I have received correspondence from the U.S. Coast Guard concerning my medical condition and right to act under the authority of my federal licensed pilotage endorsement. I have also included copies of all correspondence with the U.S. Coast Guard regarding this action, including correspondence with any health care professionals.

The Committee also agreed to re-title these two forms from “Notification Form – Review of Fitness for Duty” to “Notice to Executive Director”, and from “Request for Review of Fitness for Duty” to “Notice to Board Appointed Physician”.

Following the addition of the Coast Guard correspondence notification it was realized that changes should be made to other sections of the regulations. There for Section 217.10 Events Requiring Medical Assessment, was amended to add a new sub-section (h) to read: upon receipt of correspondence from the U.S. Coast Guard concerning my medical condition and right to act under the authority of my federal licensed pilotage endorsement.

Correspondingly, Section 217.20 Duty to Report Medical Information, was amended to add a new sub-section (d) to read: Upon receipt of correspondence from the U.S. Coast Guard concerning my medical condition and right to act under the authority of my federal licensed pilotage endorsement. I have also included copies of all correspondence with the U.S. Coast Guard regarding this action, including correspondence with any health care professionals.

These additions will require a re-numbering of the sub-sections.

6. Review all forms suggested by the Pilot Fitness Study and by currently completed work on regulations. **Possible Committee recommendation to Board on draft forms to be included in regulations.**

Portions of the forms were discussed as part of the discussion of agenda item 5.

7. Discuss and compile statistical estimates of medical services to be utilized in obtaining a market analysis of the fiscal and economic impacts of implementing a medical regime based on these regulations.

This item was deferred to a later meeting.

8. Public comments on matters not on the agenda.

There were none.

9. Proposals for additions to next committee meeting agenda.

Chairman Wainwright requested Board Counsel Eagan to consider changes to Section 219 to include adding a duty to report changes in federal license status.

10. Adjournment.

The Committee adjourned at 12:12 p.m.

Respectfully Submitted,



Allen Garfinkle
Executive Director