

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

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JOINT COMMITTEE MEETING:  
PILOT FITNESS AND RULES AND REGULATIONS COMMITTEES  
October 30, 2012  
**MEETING MINUTES**  
**1:00 p.m.**

The Board of Pilot Commissioners Pilot Fitness Committee and Rules and Regulations Committee met jointly on October 30, 2012 at 1:00 p.m. at the Board of Pilot Commissioners office, 660 Davis Street, San Francisco, California. Commissioner Dave Wainwright presided over the meeting with Rules and Regulations Committee member Vice President RAdm. Frank Johnston present. Representing the Fitness Committee along with Chairman Commissioner Roberts was Brigadier General Chester Ward, MD, MPH., Members of the staff present were Executive Director Allen Garfinkle, Staff Services Analyst Kelly Dolcini, Office Technician Sigrid Hjelle and Board Counsel Dennis Eagan. Fitness Committee members Barbara Price and University of California Associate Clinical Professor Dr. Robert Kosnik arrived while the meeting was in progress.

### Open Meeting:

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

Commissioner Wainwright called the meeting to order at 1:10 p.m. There was a quorum established for the Rules and Regulations Committee, but not initially for Pilot Fitness.

#### **2. Approval of Joint Rules and Regulations and Pilot Fitness Committee meeting minutes of October 9, 2012.**

Having no quorum at the commencement of the meeting, the approval of the minutes was postponed until later in the meeting.

Prior to adjournment, Chairman Wainwright returned to the approval of the minutes. Chairman Wainwright queried Committee members if there were any corrections to the minutes as submitted. Hearing none, General Ward moved to approve the minutes of the October 9, 2012 meeting. Vice President Johnston seconded the motion, which passed unanimously on a voice vote.

3. **Review completed draft document of pilot fitness regulations as amended by the Committee on September 20, 2012. Edit or change document consistent with review process, if necessary.**

Agenda items three and four were substantially blended and addressed as one item. Chairman Wainwright gave the floor over to Board Counsel Eagan who proceeded to discuss his proposals for the appeals process under CCR 217.40 (a), (b), and (c). He explained that there are three different classes of persons with rights to appeal.

Board Counsel Eagan also proposed removal of all references to “permanently not fit for duty” from the draft regulations. He reasoned that this is external to the process of determinations of fitness for duty and is a function serving the pension statutes rather than the fitness regulations. He further reasoned that it is not necessary to go beyond fit or not fit in order to serve the Board function have only medically fit pilots performing licensed work. The Committee members discussed this concept and the appeals process and universal consensus on both issues was reached ratifying Board Counsel Eagan’s proposals as presented.

Additional revisions to CCR section 217.15 were proposed by Board Counsel Eagan to capture the changes to section 1176.5(a) and (b), which requires the person being examined to disclose enumerated personal data. The initial proposal was to have the examining physician inquire of the disclosures, but the Committee felt that adding the disclosures to one of the forms made more sense, and the suggestion was made that this form and disclosure be listed as section 217.15(b)(1)(E). Board Counsel Eagan was tasked with making the edits to a form to coincide with the change.

The Committee then considered proposed revisions to section 217.25. Board Counsel initially suggested that the section titled Fitness Determination by Board-Appointed Physicians Following Receipt of Medical Information be changed to Fitness Determination by Board-Appointed Physicians Following Receipt of Medical Information, DMV Report, or Referral by Medical Review Officer, and make the receipt of a new item on the DMV pull-notice system trigger an automatic fitness review. The Committee rejected the concept that the pull-notice notifications should be automatically passed to the examining physician and instead decided that some level of staff review should be conducted prior to a determination that a medical issue exists.

4. **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.**

This agenda item, being substantially similar to agenda item three, was merged with item three.

**5. Review all forms suggested by the Pilot Fitness Study and by currently completed work on regulations.**

Work on this agenda item was deferred until a form is created capturing the intent of the changes to section 217.15 are made as detailed under agenda item three.

**6. 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. Discuss obtaining healthcare consulting services for market analysis.**

Due to time constraints, this agenda item was not discussed and deferred to a later meeting.

**7. Review and discuss memorandum by Gabor Morocz dated April 2, 2012, detailing new requirements related to submissions of regulatory packages to the Office of Administrative Law.**

Discussion on this item was deferred to a later meeting.

**8. Discuss possible term limits on medical disability leave.**

The Committee did not address this item.

**9. Public comments on matters not on the agenda.**

There were none.

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

There were none.

**11. Adjournment.**

The Committee adjourned at 3:27 p.m.

Respectfully Submitted,



Allen Garfinkle  
Executive Director