**Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun**
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# PILOT FITNESS COMMITTEE MEETING
## November 8, 2010
## MINUTES

The Board of Pilot Commissioners Pilot Fitness Committee met November 8, 2010 at 9:45 a.m. at the Board of Pilot Commissioners office, Pier 9, Suite 102, San Francisco, California.

In attendance were Commissioner Roberts, presiding, Committee members Brigadier General Chester Ward, MD, MPH, and Barbara Price. Members of the public present were Commission President K.M. Miller, Dr. Robert Kosnik of the University of California San Francisco (UCSF), San Francisco Bar Pilots (SFBP) Port Agent Bruce Horton, SFBP Maritime Counsel Ray Paetzold, Executive Director Allen Garfinkle and Staff Services Analyst Brian Vu.

Open meeting – Continued from September 21, 2010:

**Agenda items that follow are continued from September 10, 2010 and October 6, 2010 meetings:**

1. **Status report of the study work plan as outlined within the contract with UC San Francisco. Determine UCSF's ability to complete study before contract expiration. Discuss benefits of extending contract one calendar year.**

2. **Review current Board and USCG standards of physical and mental fitness for pilots, inland pilots and pilot trainees/applicants for pilot trainee training program; develop recommendations for amendments to board's standards.**

3. **Review current procedures for determining fitness for duty, appeal procedures (7 CCR 217); develop recommendations for amending or supplementing same.**

4. **Develop recommendations for the establishment of a medical review officer to provide advice on pilot fitness matters, review fitness determinations and ensure consistency in resolving fitness-related issues.**

5. **Review state of the art in assessing mental acuity and fitness and in identifying degradation of performance due to gradual loss of situational awareness or judgment; develop recommendations as warranted.**

**Note: The recommendations that follow are in response to agenda items #3 through #6**

SFBP Maritime Counsel Raymond Paetzold reviewed Dr. Kosnik's updated recommendations in the Pilot Fitness Study in regards to the transition from Seafarers Health Improvement Program

(SHIP) to Navigation and Vessel Circular (NVIC) 04-08, a procedure that provides guidance for evaluating the physical and medical conditions of applicants for merchant marine documents. It also assists medical practitioners in evaluating the mariner's physical and medical status to meet the requirements.

**Recommendation #1:** The Board of Pilot Commissioners replace the Seafarers Health Improvement Program (SHIP) Committee guidelines with the NVIC 04-08 "Medical and Physical Evaluation Guidelines for Merchant Mariner Credentials", or any successor thereto, as guidance to the Board appointed physician conducting the physical examination and fitness for duty as a pilot, inland pilot or pilot trainee in HNC 1176(b) and (c).

Portions of NVIC 04-8, or any successor thereto, specifically applicable to "First Class Pilots and those individuals "Serving As' Pilots" should be highlighted and portions dealing with Great Lake Pilots should be excluded. The Physical Abilities Guidelines in Enclosure (2) are not specific to Pilots. These should be met for routine movement and emergency routines. The agility required for embarking and disembarking on a pilot ladder is addressed later in this study.

**Recommendation #2:** The Board of Pilot Commissioners establishes the following qualifications for the appointed physician through the contracting process in support of HNC §1176(a):

- licensed by a California Medical Board
- At least 5 years of experience in general occupational medicine or maritime occupational medicine
- Has accompanied a bar pilot on at least one trip or obtained equivalent experience acceptable to the MRO, once per contract year.

The committee discussed concerns with the word "equivalent" and wanted to set the direction for the Rules and Regulations Committee. The Committee agreed that equivalent should encompass:

- Interview the MRO
- Review video
- Witness agility test

**Recommendation #3:** The Board of Pilot Commissioners adds a requirement to the contract for appointed physicians to review and maintain a copy of the following:

- The NVIC 04-08 or its successor "Medical and Physical Guidelines
- The National Maritime Center from CG-719K, "Medical Evaluation Report"
- Applicable board regulations.

The Committee recommended that staff or MRO check up periodically with physicians to see if they have the current forms.

**Recommendation #4:** The Board of Pilot Commissioners amends 7 CCR 217 to use conforming language to HNC 1176. For example, the former uses the terms "designated" and "examined" whereas HNC 1176 uses "appointed" and "conducting".

**Recommendation #5:** The Board of Pilot Commissioners maintain §217 Medical Examination (a)(1), 217(b)(1) and 217(b)(2) to require pilots, inland pilots and pilot trainees to provide a fitness for duty status from a board appointed physician prior to each of the following:

1. The entry into a training program and annually thereafter while in the program
2. The issuance of the original license
3. The renewal of a license

Further, the Board of Pilot Commissioners amends §217 Medical Examination to require pilots, inland pilots and pilot trainees to provide an updated duty status from a Board appointed physician prior to each of the following:

4. The addition or change of a medication listed in NVIC 04-08, or the successor thereto, under circumstances that would require further review or a waiver, following statutory language in 1176.

5. The onset of a new medical condition listed in CG-719K, or the successor thereto, under circumstances that would require further review or a waiver under NVIC.

6. Any change in a current medical condition which impairs, to an appreciable degree, the ability of the individual to conduct his or her pilot duties.

In addition, the Board of Pilot Commissioners amends §219 Duties of Pilots and Inland Pilots (q) to require (may not require) pilots, inland pilots and pilot trainees (who are not covered under §219 (q)) to be medically examined by a Board appointed physician and to provide an updated duty status prior to:

7. The return to duty after a medical disability.

The committee stated its desire to remove the 60 day language proposed in 217, noting that it may be inconsistent with the work that eventually comes out of this committee and is premature.

**At the direction of the Chairman, there was a five minute recess**

**Recommendation #6:** The Board of Pilot Commissioners adopts a process whereby the pilots, inland pilots and pilot trainees provides the most recent completed CG-719K, information supporting a waiver, and the result of the NMC decision on a waiver to the Board appointed physician and the Medical Review Officer.

This process could be done in two parts. First, at the time of the application for the pilot license or engagement as a pilot trainee, there is an acknowledgement of the disclosure of personal health information to the Board appointed physician and the Medical Review Officer (reviewing physicians) similar to the privacy act statement on page 1 of the most recent CB-719K. Secondly, the pilot, inland pilot or pilot trainee would acknowledge the release of information under §217 medical Examination (c) (1) to provide the information to the reviewing physician(s). It could be similar to the release in Section II of the most recent CG-719K form.

**Recommendation #7:** The Board of Pilot Commissioners amend §217 Medical Examination (c)(1) whereby the Board appointed physician attests to having reviewed the most recent CG-719K, information supporting a waiver, the list of medications mandate in HNC 1176(b), and the information supporting any interim events listed in Recommendation #5-7 and provides a fitness for duty status. The Medical Review Officer, having reviewed the same information, would attest to the review and, the concurrence or non-concurrence of the findings of the Board appointed physician.

**Recommendation #8:** The Board of Pilot Commissioners amend §217 Medical Examination to require pilots, inland pilots and pilot trainees to undertake agility testing which simulates the embarkation and disembarkation prior to entry into the training program, issuance of the original license or the renewal, return to work after an accident or illness which affects movement; biannually thereafter; and as directed by the Board appointed physician or the Medical Review Officer.

The agility test will be administered in conjunction with an existing fitness for duty status determination listed in Recommendation #5 and will be administered by a qualified personal trainer physiotherapist or kinesiologist. The content of the agility test will include a balance activity, a stair climb activity, floor to waist lifts, a pilot ladder circuit climb, and a single rope slide. The content and performance of the agility test will be monitored by the Medical review Officer who will periodically report to the Board on his or her observations.

**Recommendation #9:** Has not been changed from previous recommendation

**Recommendation #10:** The Board of Pilot Commissioners amends §217 Medical Examination to include a separate appointed physician termed a Medical Review Officer. The duties of the Medical Review Officer will include the following:

- Provide a statement of concurrent or non-concurrence following a review the CG-719K, related medical information, changes to medication or medical conditions, and the findings of the Board appointed physician.
- Maintain the personal health information in the above point in a separate set of files.
- Monitor and report periodically to the Board on the content and performance of the agility testing.
- Monitor and report periodically to the Board on cogitative testing which would be applicable in evaluating pilots.
- Undertake periodic peer review of the Board appointed physicians.
- Undertake periodic quality assurance on medical examination and fit for duty processes.
- Provide advice to the BOPC on matters relating to pilot fitness.
- Participate as a member of the Appeal Board to review fitness determinations of pilots, including the appointment of an independent medical evaluator.

SFBP Maritime Counsel Ray Paetzold added that a review process would have to be provided for in regulation. Committee will have to consider how the review process might be structured.

**Recommendation #11:** The Board of Pilot Commissioners establishes the following qualifications for the Medical Review Officer the contracting process in support of the proposed amendments to 7 CCR 217 in Recommendation #10:

- Licensed by the California Medical board
- Board certified in Occupational Medicine by the American board of Preventive medicine
- At least 10 years experience in occupational medicine
- Ideally, experience with the oversight of medical monitoring programs on groups of workers, and
- Has accompanied a bar pilot on at least one trip or obtained equivalent experience acceptable to the board, once per contract year.

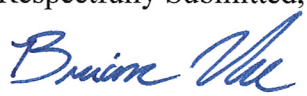
**8. Planning agenda for next committee meeting.**

The committee agreed to meet on December 15, 2010 at 9:30 a.m.

**9. Adjournment**

The meeting was recessed at 12:45 p.m.

Respectfully Submitted,



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