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JOINT COMMITTEE MEETING:
PILOT FITNESS COMMITTEE AND RULES AND REGULATIONS COMMITTEE
February 22, 2012
MEETING MINUTES
9:30a.m.

The Board of Pilot Commissioners Pilot Fitness Committee and Rules and Regulations Committee met jointly on February 22, 2012 at 9:35 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 Commissioner Cronin, Vice President Johnston, Commissioner Roberts present. Barbara Price and University of California Associate Clinical Professor Dr. Robert Kosnik joined shortly after the meeting began. Members of staff present were Executive Director Allen Garfinkle, Board Counsel Dennis Eagan, and Office Technician Kelly Dolcini. Present in the audience was Board President Mike Miller.

Open Meeting:

1. Call to Order and Roll Call.

Commissioner Wainwright called the meeting into order at 9:35 a.m. Commissioner Cronin and Commissioner Johnston were present for the Rules and Regulations Committee, establishing a quorum. Commissioner Roberts was present for the Pilot Fitness Committee and a quorum was established when Barbara Price and Dr. Kosnik arrived later in the meeting.

2. Approval of Joint Rules and Regulations and Pilot Fitness Committee meeting minutes of February 2, 2012.

Commissioner Wainwright requested approval of the February 2, 2012 minutes. As a quorum had not been established for the Fitness Committee the minutes were not approved.

3. Review issues "set aside" in multiple previous committee meetings for later review.

As part of the review of the completed document, several items were set aside for further discussion. A list of these items is attached. Items one through 9 were addressed at the February 2, 2012 meeting. The Committee addressed one item on the list, number ten.

Item ten on the list reads: Some blanket provision that any time the "examining physician" or the "examining physician who did the pilot's last physical" is not available (sacked, retired, etc…), the MRO shall receive such report or do such exam or take such action.

Following discussions the Committee action was to amend the "Duty to Report Medical Information" regulation, subparts a through d, to add the phrase at the end of each paragraph "or, if unavailable, the Medical Review Officer".

As part of the "set aside" review, the Committee reviewed a memo from Business, Transportation and Housing Deputy General Counsel Morocz addressing various "set aside" items, the first of which is the "Definition of Physical Examination". The Committee discussed the content of the memo and the decision was made to substitute the phrase "medical assessment" everywhere physical examination is mentioned, unless, in the context of the text, it is actually referring to a hands on physical examination.

The second issue dealt with in the memo has to do with using the terminology of MRO for Medical Review Officer due to the potential for confusion with the federal chemical testing reference to MRO. Commissioner Roberts proposed that this was not an issue and that the Committee continue using MRO to describe the most senior physician and use the term examining physician for the secondary physician or staff physician. The term Board Appointed Physician will be retained in some contexts to tie the regulation to the statute.

4. **Review completed draft document of pilot fitness regulations as amended by the Committee thus far. Edit or change document consistent with review process if necessary.**

   In addressing various other items on this meeting agenda, the Committee consistently referred back to the completed draft document to check consistency.

5. **Review and discuss other provisions the may require revision in 7 CCR Section 218 and 219. Draft alternative language for these sections to make them consistent with new regulations.**

   Board counsel Dennis Eagan presented a document referred to as "Suggest(ed) revisions to draft regs" for the Committee's consideration. This document also suggested several changes to the regulations under 7 CCR section 218 and 219.

   After review and discussion of the document and suggestions, the Committee accepted all the suggestions with the exception of the one intended to be a preamble to the regulations titled "Purpose of Fitness Regulations". As part of the discussion of "Purpose of Fitness Regulations" the Committee addressed how broad the disclosure of information should be and it was decided that Board members, the Executive Director and Board Counsel should have access to confidential information.

   The committee also changed "illicit drugs" to "dangerous drugs" to conform with the federal definition and amended various references to the federal code to more accurately reflect current placement of these regulations.

6. **Review and discuss what should be included in the "physical examination" referred to in item (c) of section titled "description of physical exam." Review and discuss definition of Physical Examination and Medical Assessment.**

   The Committee has yet to address this agenda item.

7. **Review and discuss Release and Authorization of medical information to individuals other than Board appointed physicians, such as medical specialists, Board members and Board staff. Possible committee recommendation on scope of release forms.**

   While discussing the document provided by Board Counsel Eagan, there was a discussion of the scope of disclosure. It was decided that "board staff" was too broad a term and that it should be specified that medical information may only be disclosed to the Executive Director and Board Counsel.

8. **Review all forms suggested by the Pilot Fitness Study and by currently completed work on regulations. Possible committee recommendation on content and format of forms to be included in regulations.**

   The committee has yet to discuss this agenda item.

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

   There were no comments.

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

    There were no proposals.

    The next Joint Committee meeting is scheduled for March 5, 2012 at 9:30 a.m.

11. **Adjournment.**

    This committee adjourned at 12:05p.m.

Respectfully submitted,

Kelly Dolcini

Kelly Dolcini
Office Technician