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JOINT COMMITTEE MEETING:
PILOT FITNESS AND RULES AND REGULATIONS COMMITTEES
April 4, 2012
MEETING MINUTES
1:00 p.m.

The Board of Pilot Commissioners Pilot Fitness Committee and Rules and Regulations Committee met jointly on April 4, 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 Committee members Vice President Frank Johnston, Fitness Committee Chairman Capt. Steve Roberts, and Brigadier General Chester Ward, MD, MPH present. Fitness Committee member Barbara Price was not present. University of California Associate Clinical Professor Dr. Robert Kosnik arrived at 1:46 p.m. Members of staff present were Executive Director Allen Garfinkle, Board Counsel Dennis Eagan, and Staff Services Analyst Kelly Dolcini. Business, Transportation and Housing (BTH) Acting Secretary Brian Kelly was represented by BTH Deputy General Counsel Morocz telephonically from Sacramento.

Open Meeting:

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

   Commissioner Wainwright called the meeting into order at 1:10 p.m. He and Vice President Johnston were present for the Rules and Regulations Committee, establishing a quorum for that Committee. Chairman Roberts and Dr. Ward were present for the Pilot Fitness Committee and when Dr. Kosnik arrived later in the meeting, a quorum was established for that Committee as well.

2. **Approval of Joint Rules and Regulations and Pilot Fitness Committee meeting minutes of February 2, February 22, March 5, March 15, and March 26, 2012.**

   As a quorum had not been established for the Pilot Fitness Committee at the outset of the meeting, the minutes were not approved in agenda order. Later in the meeting, Chairman Wainwright returned to agenda item 2 and called for approval of the minutes for the last five meetings. Dr. Ward moved for approval and Commissioner Roberts seconded the motion, which passed on a unanimous voice vote.

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 March 26, 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 presented suggested language to address the Committee's concern that the regulations clearly state that the Board doctors are not there to provide medical care to the pilots but rather just conduct medical assessments. The language was well received and it was suggested it be inserted into section 217, dividing the first paragraph into two sections, A and B.

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.**

   The Committee members then considered Board Counsel Eagan's suggested language for the last paragraph on page 91 of the Pilot Fitness, study, appendix D5, titled "Request for Review of Fitness for Duty". The suggested language was accepted with the deletion of the last sentence which spoke to enclosing medical records from a primary care physician, instead making the statement elective (e.g. "If the suspension or interruption was in consultation with a physician, then…) The language was the subject of further edits. The issue of changing the language in the existing 219(q) was discussed and it was decided that it should be changed concurrent to implementation of these regulations for clarity.

   It was also discussed that a new subsection (e) should be added to section 217.20, to correspond with the new language in the forms.

   There was discussion concerning making forms contained in the Pilot Fitness Study, appendix D2 through D6, into one form and Board Counsel Eagan stated that he would research the release of medical information issues covered in the forms to determine the extent that the Health Insurance Portability and Accountability Act of 1996 (HIPAA) applies to this evolution and draft suggested language for the forms.

Chairman Wainwright then addressed agenda item two, approval of the minutes.

Following approval of the minutes, Chairman Wainwright directed the Committee member's attention back to agenda item six.

The Committee next considered the disclosure form from the Pilot Fitness Study appendix D1. Member Morocz expressed concern about the Committee revising the application as it may be outside the purview of this Committee's work. Nonetheless, Board Counsel Eagan stated he would revise the disclosure located at the bottom of this form and submit the language to Member Morocz for review and possible inclusion into any new license application form.

7. Public comments on matters not on the agenda.

   There were none.

8. Proposals for additions to next committee meeting agenda.

   It was suggested that the same agenda be followed for the next meeting. The next Joint Committee meeting is scheduled for April 18, 2012 at 9:00 a.m.

9. Adjournment.

   Due to time constraints on the Committee members, the committee adjourned at 3:54 p.m.

Respectfully Submitted,

Allen Garfinkle
Executive Director