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JOINT COMMITTEE MEETING:
PILOT FITNESS AND RULES AND REGULATIONS COMMITTEES
July 17, 2012
MEETING MINUTES
1:00 p.m.

The Board of Pilot Commissioners Pilot Fitness Committee and Rules and Regulations Committee met jointly on July 17, 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 University of California Associate Clinical Professor Dr. Robert Kosnik, Barbara Price, and Brigadier General Chester Ward, MD, MPH.. Members of the staff present were Executive Director Allen Garfinkle, Staff Services Analyst Kelly Dolcini and Board Counsel Dennis Eagan. Business, Transportation and Housing (BTH) was represented by Deputy General Counsel Gabor Morocz.

Open Meeting:

1. Call to Order and Roll Call.

Commissioner Wainwright called the meeting to order at 1:06 p.m. There was a quorum established for the Rules and Regulations Committee, but not for Pilot Fitness.

2. Approval of Joint Rules and Regulations and Pilot Fitness Committee meeting minutes of May 17, 2012, June 5, 2012, and June 20, 2012.

Chairman Wainwright entertained a motion to approve the May 17, 2012 Joint Committee minutes. Vice President Johnston moved to approve the minutes as written and Commissioner Roberts seconded the motion. The motion passed unanimously on a voice vote with Barbara Price abstaining.

Chairman Wainwright then entertained a motion to approve the June 5, 2012 Joint Committee minutes. Commissioner Roberts moved to approve the minutes as written and Vice President Johnston seconded the motion. The motion passed unanimously on a voice vote with General Ward abstaining.

Lastly, Chairman Wainwright entertained a motion to approve the June 20, 2012 Joint Committee minutes. Barbara Price moved to approve the minutes as written and Vice

President Johnston seconded the motion. Commissioner Roberts and General Ward abstained.

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

This item was addressed follow completion of agenda item #6.

Various "set-aside" issues were discussed starting with item #11 from the Set-Aside list dated 12/16/11. Many of these issues were dismissed as completed or more appropriate for a different Committee or the full Board with the exception of item #18 which calls for a review of the entire document to make certain that when the regulations use the words "medical assessment," "physical examination," "MRO," or "Board appointed physician" we use the proper phrase for the Committee's original intent. For item #18, Mr. Eagan will work with Member Morocz to harmonize the various terms.

4. **Review completed draft document of pilot fitness regulations as amended by the Committee on June 20, 2012. Edit or change document consistent with review process, if necessary. Possible Committee recommendation to full Board to approve regulation prior to commencing the rulemaking process.**

Work on this agenda item is closely tied with the work product referred to in agenda item #5, therefore this item will remain idle until the Committee is closer to a final product.

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.**

Chairman Wainwright opened this agenda item by requesting that Board Counsel, Dennis Eagan, review his suggested changes to Section 217. Mr. Eagan began with Section 217.22, "Evaluation Following Receipt of Medical Information" where medical information has been received by the examining physician. The examining physician has three choices when this occurs: 1) reach a fitness determination on the basis of the information received, or 2) conduct an additional inquiry consisting of any elements deemed necessary, including consultations, testing, clinical investigations, or a review of medical records, or 3) direct that a full medical assessment be conducted in accordance with Section 217.15.

It was noted that the addition of this language necessitates a revision of Section 217.10, "Events Requiring Medical Assessment".

Mr. Eagan also noted that Section 217.10 was also revised to add a (b) which required renumbering the section. The new (b) explains that a full medical assessment may not be required in all instances. The change to 217.22 also requires a change to Section 217.25

The Committee then continued to review Mr. Eagan's edits to Section 217.15. During this discussion some Committee members felt the term "medical assessment" as currently defined may be overbroad and that another term may serve the regulations better. Member Morocz

volunteered to review the term "medical assessment" in light of all the changes to the regulations the Committee has proposed. That review notwithstanding, all the changes proposed by Mr. Eagan in the "Suggested revisions for 7.17.12 meeting" were accepted with minor edits.

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.**

   Chairman Wainwright turned the Committee's attention to the latest edit of the forms based on the work product of the last Committee meeting. One change to all the forms that was suggested is to change the language referring to the federal licensed pilotage endorsement to "the pilot endorsement to my federal merchant mariner credential".

   Some other minor edits were agreed to be made to the forms including adding a version control number. Some minor edits were also suggested for the form titled "Notice, Disclosures, and Acknowledgment and Consent to Disclosure".

At the request of the Chair, the Committee returned to agenda item #3.

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**.

   There was a request to consider whether there is a time limit on medical disabilities.

10. **Adjournment.**

    The Committee adjourned at 15:54 p.m.

Respectfully Submitted,

Allen Garfinkle
Executive Director