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
January 19, 2012
MEETING MINUTES
9:30a.m.

The Board of Pilot Commissioners Pilot Fitness and Rules and Regulations Committees met jointly on January 19, 2012 at 9:36 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 Roberts, Commissioner Cronin, Commissioner Johnston, Barbara Price, Brigadier General Chester Ward, MD, MPH, and University of California Associate Clinical Professor Dr. Robert Kosnik present. Members of staff present were Executive Director Allen Garfinkle, Board Counsel Dennis Eagan, Staff Services Analyst Brian Vu and Office Technician Kelly Dolcini. Present in the audience was Board President Mike Miller. Business, Transportation and Housing (BTH) Traci Stevens 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 9:36 a.m. Commissioner Cronin and Commissioner Johnston were present for the Rules and Regulations Committee, establishing a quorum. Commissioner Roberts, General Ward, Barbara Price and Dr. Kosnik were present, establishing a quorum for the Pilot Fitness Committee.

2. **Approval of Joint Rules and Regulations and Pilot Fitness Committee meeting minutes of December 9, 2011 and January 9, 2012.**

   Commissioner Wainwright requested approval of the December 9, 2011 and January 9, 2012 minutes. Commissioner Roberts moved approval of the minutes with authority for Board staff to make clerical, non-substantive changes. General Ward seconded the motion, which passed unanimously on a voice vote.

   Due to omission from the agenda, the Committee deferred approval of the minutes for November 15, 2011and November 30, 2011.

3. **Review and edit as necessary Draft of Pilot Fitness Regulations, provided by Board Counsel Eagan titled "Consequences of NFFD or PNFFD Determination".**

Board Counsel Dennis Eagan reviewed with the Committee members the changes made to the document. There was a brief discussion of the use of the term U.S. Mail and the Committee agreed to change the language to U.S. Postal Service.

There was also a discussion of the issue of whether there is a policy to deal with an appeal by someone who is found fit for duty that does not believe they are fit. Deputy General Counsel Morocz noted that the Committee may not want to concern itself with this case as the goal is to protect the public from a pilot who is not fit to be licensed.

4. **Review and edit as necessary Draft of Pilot Fitness Regulations, provided by BT&H Deputy Counsel Morocz titled "Appeals of Fitness Determinations".**

Board Counsel Eagan stated that previously, Dr. Kosnik wanted certain provisions listed in Consequences of NFFD or PNFFD Determination dealing with how long a person offered a position in the training program has to show that they are fit from the time they are offered a position. The Committee reviewed his draft as he explained why it made sense to move these to Section 217, Duty to Submit to Physical Examination (medical assessment); Overall Standards . After reviewing these changes the Committee members agreed that the move was appropriate.

Chairman Wainwright discussed adding provisions that spoke to medical disability leave and license surrendering. Deputy Counsel Morocz stated that surrendering the license was a mere formality as it was not likely a licensee would attempt to show up on a ship and perform licensed duties. In addition, Deputy Counsel Morocz posed a question on how public safety was addressed in the situation where a pilot, on medical disability leave, returns to duty after a lengthy absence. Chairman Roberts explained SFBP policy to have the pilot make observation trips prior to returning to duty following a long absence including duty as Port Agent. Commissioner Wainwright asked if HNC 1141dealing with a license only being valid for one year, trumps medical disability leave, to which Board Counsel Eagan answered in the affirmative. Chairman Wainwright recommended to the Committee that this issue be put aside for future discussion.

5. **Review and edit as necessary Draft of Pilot Fitness Regulations, provided by BT&H Deputy General Counsel Morocz titled "Qualification Standards for Board Appointed Physicians; Duties of Physicians".**

The Committee reviewed this item and made minor changes to the draft.

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

   The Committee deferred this item to a later meeting.

7. Review and discuss what should be included in the "physical examination" referred to in item (c) of section titled "Description of Physical Exam" (page 2 of 8 of working draft). Review and discuss definition of Physical Examination and Medical Assessment.

   The Committee deferred this item to a later meeting.

8. Review and discuss other provisions the may require revision in 7 CCR Section 218 and 219.

9. The Committee reviewed section 218, Duties of Port Agent and discussed the addition of an additional panel of chemical testing. Noting there may be other changes necessary, this item will be held over for a future meeting.

10. Public comment on matters not on the agenda.

    There were none.

12. Planning agenda items for next committee meeting.

The next Joint Committee meeting is scheduled for February 2, 2012 at 9:00 a.m.

The members agreed to add a review of the completed document to a future agenda. Chairman Wainwright would discuss with staff items he tabled for future discussion.

13. Adjournment.

This committee adjourned at 11:58 p.m.

Respectfully submitted,

Allen Garfinkle
Executive Director