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JOINT COMMITTEE MEETING:
PILOT FITNESS COMMITTEE ANDRULES AND REGULATIONS COMMITTEE
February 2, 2012
MEETING MINUTES
9:00a.m.

The Board of Pilot Commissioners Pilot Fitness Committee and Rules and Regulations Committee met jointly on February 2, 2012 at 9:16 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, 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, and Office Technician Kelly Dolcini. Present in the audience was Board President Mike Miller. Business, Transportation and Housing (BTH) Acting Secretary 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 9:16 a.m. Commissioner Cronin and Commissioner Johnston were present for the Rules and Regulations Committee, establishing a quorum. Commissioner Roberts, General Ward, and Barbara Price, establishing a quorum for the Pilot Fitness Committee. Dr. Kosnik arrived later in the meeting.

2. Approval of Joint Rules and Regulations and Pilot Fitness Committee meeting minutes of November 15, 2011, November 30, 2011, and January 19, 2012.

Commissioner Wainwright requested approval of the November 15, 2011 and November 30, 2011, and January 19, 2012 minutes. Vice President Johnston moved approval of the minutes with authority for Board staff to make clerical, non-substantive changes. Commissioner Roberts seconded the motion, which passed unanimously on a voice vote.

3. **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.**

As part of the review of the completed document, several items were set aside for further discussion. A list of these items is attached.

1. Item one on the list reads: To add into definitions "physical examination" and/or "medical assessment". The Committee compared sec. 1176 definition of Physical Exam versus the term medical assessment. The issue is that the controlling stature uses the term "Physical Examination" so the Committee struggled with at way to broaden the term to mean more than just the actual physical exam, as that is just one component of the overall medical assessment. No clear consensus was reached so the item was held over to the next meeting and will be researched further.

2. Item two on the list reads: To capitalize MRO and Examining Physician. There is a perceived need to avoid confusion with the use of the nomenclature "MRO". There is also the conflicting use of the term "MRO" in conjunction with chemical testing. The Committee set this item aside to give thought to alternative nomenclature for the MRO and examining physician.

3. Item three on the list reads: Should it be "Board appointed physician" or "board appointed physician"? This item tracks item three closely and several suggestions were discussed including Chief Medical Officer and Medical Officer. Deputy General Counsel Morocz volunteered to research naming possibilities and inform Committee for next meeting.

4. Item four on the list reads: Where do we put "release of medical information to other physicians"? Upon request? The Committee discussed where the release of information should be placed. Member Morocz stated the form should be included in the regulation. It was discussed that there be a pre-amble to the regulations that states that it is in the public interest that this information be made available to the public as a matter of policy. Board Counsel was tasked with providing verbiage for this pre-amble.

5. Item five of the list reads: ...more on information release: (b) "release of information to the Board and its officials". Description of release form and its use? During the discussion of this item it was noted that state policy covers this, therefore it is not necessary to include this in regulation. It was noted that sec. 1157.3 covers this.

6. Item six of the list reads: Definitions: 719K. The Committee decided that this needed to be checked with the U.S. Coast Guard.

7. Item seven of the list reads: Some wording in regulation that supports the Fitness Committee's release form. The Board appointed physician should be able to access health information (release form). There was concern on how the release form would connect to the regulations. It was discussed in item five and decided that the draft forms would cover this concern. The remaining items on the list were deferred to the next meeting.

4. **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.**

   This agenda item was deferred until a future meeting..

5. **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.

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 has yet to address this agenda item.

7. **Public Comments on Matters not on the agenda.**

   There were none.

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

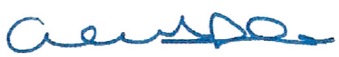
   The next Joint Committee meeting is scheduled for February 22, 2012 at 9:30 a.m.

   Chairman Wainwright would discuss with staff items he tabled for future discussion.

9. **Adjournment.**

   This committee adjourned at 11:5 a.m.

Respectfully submitted,



Allen Garfinkle
Executive Director