Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun
660 Davis Street, San Francisco, CA 94111
Phone: (415) 397-2253 Fax: (415) 397-9463
E-mail: allen.garfinkle@bopc.ca.gov
Website: www.bopc.ca.gov

JOINT COMMITTEE MEETING:
PILOT FITNESS AND RULES AND REGULATIONS COMMITTEES
May 17, 2012
MEETING MINUTES
9:30 a.m.

The Board of Pilot Commissioners Pilot Fitness Committee and Rules and Regulations Committee met jointly on May 17, 2012 at 9:30 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 Vice President Frank Johnston, Commissioner John Cronin, Fitness Committee Chairman Capt. Steve Roberts, and University of California Associate Clinical Professor Dr. Robert Kosnik present. Ms. Barbara Price arrived shortly after the meeting began. Members of the staff present were Executive Director Allen Garfinkle, Board Counsel Dennis Eagan, and Staff Services Analyst Kelly Dolcini. Business, Transportation and Housing (BTH) was represented by Administrative Analyst Amanda Esquivias.

Open Meeting:

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

   Commissioner Wainwright called the meeting into order at 9:43 a.m. There was a quorum established for the Rule and Regulations Committee, but not initially for Pilot Fitness.

2. **Approval of Joint Rules and Regulations and Pilot Fitness Committee meeting minutes of April 4, 2012 and April 18, 2012.**

   Due to lack of a quorum in the Pilot Fitness Committee, approval of the minute was deferred until later in the meeting.

   Once a quorum was established Commissioner Roberts moved to approve the minutes of the April 4, 2012 meeting. Vice President Johnston seconded the motion. Chairman Wainwright called for the voice vote, which was unanimous with the exception of Barbara Price who abstained as she did not attend the April 4, 2012 meeting.

   Chairman Wainwright asked if there was a motion to approve the April 18, 2012 minutes. Commissioner Roberts moved to approve the minutes as presented and Vice President Johnston seconded the motion. The minutes were approved on a unanimous voice vote.

The Chairman directed the Committee to take up agenda item 5.

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 April 18, 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.

   The Committee reviewed a revision of section 217: Purpose of Fitness Regulations, dated May 16, 2012, and provided by Board Counsel Dennis Eagan, wherein a new part (b) was added that makes it clear that health information will be shared among Board appointed physicians, and when necessary to Board processes, members of the Board, the Executive Director, and Board Counsel. This change was accepted by the Committee members present.

   The Committee then turned their attention to a document titled Privacy, Notice, Disclosures, and Acknowledgment and Consent to Disclosures, which Committee members hand dated May 17, 2012. There was a protracted discussion of the content and verb tense of the document.

At 10:55 a.m. Chairman Wainwright, now having a quorum with the arrival of Barbara Price, directed the Committees attention to agenda item 2, approval of the minute of April 4, 2012 and April 18, 2012.

Following approval of the minutes, Chairman Wainwright returned the Committee's attention to agenda item 5.

The discussion now centered on when the disclosure and consent should be given. The two competing concepts were either at the Board offices prior to any visit to the physician or at the physician's office (with some education concerning the content of the document so that the physician does not have to spend a great deal of time educating the pilot as to what he is signing.

Some of the suggestions on the table included having Board staff present the form annually to the persons subject to medical assessment or having the physician present the form upon each visit. There was discussion about where the record of the consent should be retained. The Committee decided the consent form should be retained at the Board offices.

The Committee also reviewed what changes should be made to existing forms if this Privacy Notice is put into use. Several of the existing forms will be modified to remove consent and release language.

The question then arose of how to handle a "trailing waiver", one that arises out of an examination and filing of the USCG 719k, but is received post medical assessment. The Committee felt this was an issue that was previously unconsidered and will discuss it more fully at the next meeting.

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.**

   Portions of the forms were discussed as part of the discussion of agenda item 5.

7. Public comments on matters not on the agenda.

   There were none.

8. Proposals for additions to next committee meeting agenda.

   The Committee agreed to continue the Discussion of the "trailing waiver".

9. Adjournment.

   The Committee adjourned at 12:35 p.m.

Respectfully Submitted,

Allen Garfinkle
Executive Director