

## Sorting Out “Sport Pilot” Medical Provisions

Editorial, by Jon L. Jordan, MD, JD

There is no truth to rumors that the FAA is developing special, “fourth-class” medical certification criteria for Sport Pilots.

Weeks have passed since the Experimental Aircraft Association’s 2004 AirVenture fly-in at Oshkosh, and the excitement surrounding the long-awaited announcement of the publication of the Sport Pilot final rule still resounds. Reaction to the rule is mostly positive, with certain exceptions, chief among them the limitations added to the medical qualification provisions.

As of September 1, 2004, individuals found otherwise qualified to exercise Sport Pilot privileges may medically qualify using either a valid airman medical certificate or a current and valid U.S. driver’s license. However, using a current and valid U.S. driver’s license to qualify is not authorized if:

- No certificate was issued with the individual’s most recent application;
- The individual’s most recent application has been denied;
- The individual’s most recently issued airman medical certificate has been suspended or revoked; or
- The individual’s most recent Authorization for a special issuance medical certificate has been withdrawn.

While this limitation on the use of a current and valid U.S. driver’s license may have been unanticipated, I believe most people will agree that the FAA cannot reasonably allow an individual to exercise pilot privileges if the individual’s FAA records indicate that it would be unsafe to do so.

Critics may be quick to express the opinion that this limitation on the use of a driver’s license is unfair because persons who applied for an FAA medical certificate and were not issued a certificate may be disadvantaged in comparison to persons who never applied. What must be recognized, however, is that it is a violation of FAA regulations for any person to act as a required flight crewmember if that person knows, or has reason to know, that he or she has a medical condition that would be unsafe for flight. This applies to individuals who exercise Sport Pilot privileges, whether using a driver’s license or an FAA airman medical certificate to qualify.

Applicants may be denied airman medical certification for any number of reasons, including failure to provide sufficient information for the FAA to make a decision. Therefore, in the case of some individuals who have been denied medical certification, it may only be a matter of following up with the FAA and providing the necessary information. For others who were

disqualified on the basis of available medical information, it becomes more complicated. These applicants will have to provide information that allows the FAA to make a favorable decision. For some, this may not be possible.

There is no truth to the rumors that the FAA is developing special medical certification criteria for Sport Pilots. Although we will always work with individuals to help them gain medical certification, tailoring a process to address special issuance procedures for Sport Pilots only would be inconsistent with the spirit of the medical provisions of the rule. In addition, it is unclear how we could structure what essentially would be “fourth-class” medical certification standards and certification criteria for Sport Pilots.

We have been asked whether an applicant for a medical certificate could avoid the limitation on the use of a valid U.S. driver’s license by withdrawing an application for a medical certificate. The answer is **no**. Once we have adverse medical information in our files concerning an applicant, we must act on that information to ensure that a medically unqualified person does not pilot an airplane.

The intent in issuing the Sport Pilot rule was to bring safety oversight to a rapidly expanding segment of the aviation industry and to make way for increased public involvement in aviation activities. While this rule may not be fully satisfactory to everyone, I believe it will accomplish both objectives.