

The Medical Certificate and Privacy Concerns

Happy New Year everyone. I hope you all had a great holiday season.

In the past few months, I have received several complaints from airmen with respect to one of the changes we made on the back of the medical certificate, FAA Form 8500-9.

Specifically, we have added a requirement that says,

“Comply with any statement of functional, operational, and/or time limitation issued as a condition of certification. (14CFR § 67.401) (Note: A letter of authorization (or SODA) describing any such limitations must be kept with this certificate at all times while exercising the privileges of an airman certificate.)”

The airmen who complained told me they see no need for this new statement and, further, that it violates their right



to privacy. The purpose of this editorial is to explain the reasoning behind this new requirement so that you can remind your airmen about it and help explain to them why we made this change.

In 1944, the United States and many other countries met in Chicago at the Convention on International Civil Aviation (Chicago Convention). The Chicago Convention created a new organization, the International Civil Aviation Organization (ICAO), and they reached agreements on many issues in order to harmonize international aviation travel regulations. Article 39 of the Chicago Convention states:

“Any person holding a license who does not satisfy in full the condition laid down in the international standard relating to the class of license or certificate which he holds shall have endorsed on or attached to his license a complete enumeration of the particulars in which he does not satisfy such conditions.”

Based on Article 39, ICAO Annex 1 to the Convention on International Aviation paragraph 1.2.4.8 (c) states: “the license is endorsed with any special limitation or limitations when the safe performance of the license holder’s duties is dependent on compliance with such limitation or limitations.”

Historically, the Federal Aviation Administration (FAA) and many other aviation authorities have not been in compliance with this requirement. The

only indication on our certificates that a person did not meet medical standards was the phrase in the limitations section that stated:

(Not valid for any class after a given date).

ICAO audited the FAA in 2007 and cited us for noncompliance. Their recommended corrective action stated, “...the FAA should establish and implement a mechanism to ensure that any license holder who does not satisfy in full the ICAO standards with respect to the class of the holder’s license or certificate has to have the license endorsed or have attached to the license complete details regarding the failure to satisfy the relevant conditions, as specified by the Article 39 of the Chicago Convention.”

ICAO has been citing other regulatory authorities for the same issue. The FAA could have responded to this finding by changing our process and inserting all of the necessary medical information in the “limitations” section. Some countries have chosen to comply in that manner.

However, in almost every case, the limitations would not fit in the allotted space, and we would have had to develop a new attachment to the form. So, we chose to comply by adding the note on the back of the form.

I understand why this change has created such concern for our aviators with medical limitations. Nevertheless, we had to make the change to be in compliance with ICAO standards.

This change will also help protect airmen flying internationally because other ICAO countries could have grounded them for noncompliance with ICAO standards.

I hope you now understand the reasons for these changes and that you will take some time to discuss these changes with your airmen when you are examining them.

And, as always, thanks so much for all you do for the FAA and your airmen!!

—Fred

Federal Air Surgeon’s Medical Bulletin

Library of Congress ISSN 1545-1518

Secretary of Transportation

Ray LaHood

FAA Administrator

J. Randolph Babbitt

Federal Air Surgeon

Fred Tilton, MD

Editor

Michael E. Wayda

The Federal Air Surgeon’s Medical Bulletin is published quarterly for aviation medical examiners and others interested in aviation safety and aviation medicine. The Bulletin is prepared by the FAA’s Civil Aerospace Medical Institute, with policy guidance and support from the Office of Aerospace Medicine. An Internet on-line version of the Bulletin is available at: www.faa.gov/library/reports/medical/fasmb/

Authors may submit articles and photos for publication in the Bulletin directly to:

Editor, FASMB
FAA Civil Aerospace Medical Institute
AAM-400
P.O. Box 25082
Oklahoma City, OK 73125
E-mail: Mike.Wayda@faa.gov