

## You Want Me to Do What?

**I**MAGINE THAT JOHN DOE is the founder and president of Cumquat Go-Carts. He is an entrepreneur who has come up with a design for a new type of go-cart that he believes will corner the go-cart market and make him a multimillionaire in three years.

To keep expenses to a minimum, he has asked his attorney-wife, **Jane**, to serve on his board of directors as the company's legal counsel; and his son, **Jim**, to be his human resources vice president.

John realizes that before he can go public, he must demonstrate that his design concept is sound, and that the new carts are safe to drive, so he hires several test drivers. Jane has read all about the physical demands associated with test driving, and she decides to



limit the company's liability by telling Jim that each driver must take a physical examination before he or she can be assigned to this rigorous work.

Jim knows that since the physical examination is a requirement of the job that Cumquat has to pay, so he calls his cousin, **Jenny**, a family physician, and asks her to perform the examinations. However, Jenny tells Jim that she cannot perform the exams because: (1) she is not familiar enough with racetrack driving to know just exactly what tests should be accomplished, and (2) even if she could determine the appropriate tests, she works for a health maintenance organization and the overhead costs would make the exams too expensive.

Trying to be helpful, Jenny tells Jim about her friend, **Jeff**, a solo practitioner who recently returned from Oklahoma City where he learned how to be an aviation medical examiner. She tells Jim that she thinks that the stresses associated with test driving might be similar to those experienced by a pilot, and that she is certain Jeff would be willing to do the examinations because his business has been slow.

Jim is enthused over Jenny's idea, so he surfs the Web and learns that pilot physical examinations are covered under 14 CFR part 67. He looks up part 67 and decides that he will require his test drivers to take an FAA Class II medical examination.

He then sends his newly-hired drivers to Jeff's office with instructions to get an FAA Class II physical and to make

sure that Jeff writes "Go-Cart Testing Only" on the medical certificate.

**Question:** Is it okay to issue an FAA Form 8500-9 Medical Certificate that says, "Go-Cart Testing Only?"

**Answer:** No!!

It is not okay to use the FAA form for Go-Cart testing, or for any purpose other than FAA examinations. Jeff should tell the drivers that he cannot perform an FAA Class II examination and issue a "Go-Cart" 8500-9. However, as a business person, the doctor can perform physicals on the drivers. If he wishes, he can use part 67 as a basis to determine the content of the examinations, and report the results on a prescription form or in some other way— as long as he does not use an 8500-9.

He could also treat them strictly as pilot applicants, perform a Class II examination, and issue them airman medical certificates if they meet part 67 requirements or defer the results if they do not. If he elects to do this, he must enter the results into the Airman Medical Certification System. For all intents and purposes, and as far as the FAA knows, the exams performed are Class II pilot examinations, and the drivers could use them to fly if they were otherwise qualified.

**NOTE:** We understand why Cumquat or other such companies might want to use part 67 standards as a basis for physical examinations for their employees who do stressful work. However, if they do so, we would prefer that they accept an alternative form of reporting and not elect to treat them as pilots.

We have been asked this type of question numerous times in the past. Hopefully, this hypothetical vignette helps clarify our position.

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I hope each of you has a very safe and happy holiday season and a prosperous and rewarding New Year; and thanks again for all you do for us and your airmen.

*Fred*

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