

Your doctor must advise the CAA

Medical conditions may interfere with aviation safety

You have probably been given this information sheet because your doctor is planning to advise the CAA in respect to your medical condition.

Why does my doctor have to report to the CAA?

All doctors have a legal obligation to advise the CAA if they believe or suspect that a licence holder has a medical condition that "... may interfere with the safe exercise of the privileges to which the licence holder's medical certificate relates".

How bad does my situation have to be for a doctor to report to the CAA?

Medical conditions, or their treatment, have the potential to interfere with aviation safety in a variety of ways. They may:

1. result in behavioural changes;
2. lead to increased risk of incapacitation (sudden, gradual, profound, subtle, partial etc);
3. result in a reduction or impairment in functional (physical, cognitive etc) capacity;
4. lead to a reduction in the capacity for decision-making, attention, or concentration.

In considering your medical situation your doctor may either:

1. believe or suspect that your medical situation may lead to any of these impairments;
2. be unsure that your medical situation cannot lead to any of these impairments;
3. be confident that your medical situation cannot lead to any of these impairments.

If your doctor believes or suspects that your medical situation may lead to any of these impairments then they have a legal obligation to advise the CAA. If your doctor is not sure that your medical situation will not lead to any of these impairments then they should consult the CAA medical unit to seek further advice. If your doctor is confident that your medical situation cannot lead to any of these impairments then it's unlikely that the CAA needs to be advised.

What will the CAA do?

The CAA will acknowledge the doctor's report. The CAA will then review your medical situation in light of the information received. Further information may be sought, and a decision will be made as to whether, or not, further action is appropriate. The nature of any CAA response to this information will depend on the individual circumstances of your case, and you will be kept fully informed throughout the review.

Does this requirement apply to all pilots?

This requirement applies to all pilots (and air traffic controllers) who hold, or are required to hold, a CAA medical certificate. This will include all private pilots, commercial pilot, airline pilots, and air traffic controllers as well as some parachutists, ultra-light pilots, balloonists, glider pilots etc.

Does this requirement apply only to pilots?

No, this provision also applies to air traffic controllers.

But I don't consent to this information being passed to the CAA!

Your doctor has a legal obligation to advise the CAA. This is one of the many public safety obligations of doctors. Your doctor does not require your consent to advise the CAA of the information required under section 27C(3) of the Act.

Do I also have to advise the CAA?

Yes. You also have a legal obligation to advise the CAA (See: "Looking at the law", section 27C(1) overleaf). The fact that your doctor is making a report to the CAA does not

remove your obligation to also report. Failure to provide the CAA with the information required under s27C(1) of the Act is an offence and could lead to prosecution.

If your medical situation needs to be reported to the CAA you also have a legal obligation not to fly, or operate as an air traffic controller. Section 27C(1) of the Act also requires that you not fly (or operate as an air traffic controller) if you have any change in your medical situation, or if you have any previously undetected medical condition, that may interfere with the safe exercise of the privileges to which your medical certificate relates.

Even if you are planning not to fly, as required in s27C(1)(b), you still have a legal obligation to inform the CAA.

I don't agree with this decision. What are my appeal or review options?

Doctors, in general, are subject to a wide variety of review and appeal facilities. Your doctor is required to tell you that they will be advising the CAA and should explain their reasons to you. If you do not agree with your doctor's decision to advise the CAA and wish to have this decision reviewed then you should ask your doctor, or medical staff at the CAA Central Medical Unit, about the review and appeal options that are available.

If you do not agree with any subsequent decision that the CAA may make, in response to the information provided by your doctor, you may elect to pursue: review by the Convener; District Court Appeal; and / or Judicial Review. Further information concerning these review options can be obtained from another Medical Information Sheet, titled 'What Are My Review Options?', that can be downloaded from the CAA website (www.caa.govt.nz).

Looking at the law

27C Changes in medical condition of a licence holder

Your doctor's obligations are contained within the Civil Aviation Act 1990. Specifically section 27C(3) of this Act states:

- (3) Subject to any directions that the Director may issue under section 27G(1)(b), if a medical practitioner has reasonable grounds to believe that a person is a licence holder and is aware, or has reasonable grounds to suspect, that the licence holder has a medical condition that may interfere with the safe exercise of the privileges to which the licence holder's medical certificate relates, the medical practitioner must, as soon as practicable,—
- (a) inform the licence holder that the Director will be advised of the condition; and
 - (b) advise the Director of the condition.

Your obligations, as a licence holder as defined in the Act, are contained within section 27C(1) which states:

- (1) Subject to any directions that the Director may issue under section 27G(1)(b), if a licence holder is aware of, or has reasonable grounds to suspect, any change in his or her medical condition or the existence of any previously undetected medical condition that may interfere with the safe exercise of the privileges to which his or her medical certificate relates, the licence holder—
- (a) must advise the Director of the change as soon as practicable; and
 - (b) may not exercise the privileges to which the licence holder's medical certificate relates.

A **licence holder** is defined in section 27A of the Act as:

licence holder means a person who—

- (a) holds an aviation document or is a pilot; and
- (b) holds, or is required under the rules to hold, a medical certificate.

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