AIRCRAFT OWNERS AND PILOTS ASSOCIATION
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Statement of Phil Boyer, President

Aircraft Owners and Pilots Association

before the

Transportation & Infrastructure Subcommittee on Aviation
U.S. House of Representatives

concerning

Falsified Pilot Medical Certificates

July 17, 2007

Good morning, Chairman Costello and Congressman Petri. Thank you for the opportunity to testify today on falsified pilot medical certificates. I am Phil Boyer, President of the Aircraft Owners and Pilots Association (AOPA).

AOPA is a not-for-profit individual membership organization of more than 412,000 pilots. AOPA's mission is to effectively serve the interests and needs of its members as aircraft owners and pilots, and establish, maintain, and articulate positions of leadership to promote the economy, safety, utility, and popularity of flight in general aviation aircraft. Representing two thirds of all pilots in the United States, AOPA is the largest civil aviation organization in the world.

AOPA's Efforts to Help Pilots With FAA Medical Requirements

In speaking on the important issue of falsified pilot medical certificates, I am relying on our experience and expertise garnered from assisting pilots in complying with Federal Aviation Administration (FAA) medical standards and requirements. The association has a team of four Medical Certification specialists that work directly with pilots, answering more than 30,000 inquiries a year on the FAA's medical certification process. Our Medical specialists coordinate closely with the FAA Aeromedical Division in Oklahoma City and with the Office of Aerospace Medicine in Washington to ensure that the information provided to members is accurate and comprehensive.

AOPA also advocates for changes to FAA medical standards and policies as advancements are made in medicine and technology. This assists the agency in keeping the medical requirements current and reflects changes made by the medical profession. In addition to our team of experts, pilots may also access AOPA's Web site, (www.aopa.org) for detailed information on FAA medical requirements (refer to attachment A).

An important part of this Web-based information is AOPA's TurboMedical interactive online tool designed to help pilots complete the FAA Airman Medical Application (Form 8500-8 Application for a Medical Certificate). TurboMedical provides information on medical conditions and medications based on answers supplied by the applicants and informs pilots of the additional information that may be needed at the time of their next medical application (refer to attachment B).

FAA Medical Standards Ensure Highest Levels of Safety

The FAA uses a three-tiered system of medical certificates. First class medicals are the highest level of medical review that must be renewed every six months, required only for airline pilots (captains). Second class medicals are required for pilots engaged in other commercial operations, such as air charter operations and require a physical exam and renewal every year. Private pilots, who are not permitted to accept compensation for flying are required to hold a third-class medical certificate from the FAA. The third-class medical certificate is valid for 36 calendar months if you are under 40 years of age and 24 calendar months if you are 40 or older.

To obtain a medical certificate, you must complete an official FAA application form (FAA Form 8500-8 Application for a Medical Certificate) and pass a physical examination administered by an FAA-authorized aviation medical examiner.

In addition to holding a medical certificate, FAA regulations require pilots to self-certify prior to every flight that they are healthy and able to safely operate the aircraft. Federal Aviation Regulation 61.53 requires a pilot who "knows or has reason to know of any medical condition that would make the person unable to meet the requirements for the medical certificate necessary for the pilot operation" to self-ground.

The combination of FAA medical certificates and regulatory standards for being "fit to fly" has resulted in medical incapacitation being a rare cause of accidents. As a group, pilots are reasonable people who exercise conservative judgment in interpreting the regulations and exercising piloting privileges prior to each flight, including grounding himself or herself if they feel that they cannot safely act as pilot in command. According to statistics compiled by the AOPA Air Safety Foundation, accidents resulting from medical incapacitation are so rare that they only account for a quarter of one percent of all accidents between 1995 and 2004.

AOPA Does Not Condone False Statements On A Pilot's Medical Application
Let me be clear, AOPA does not condone false statements or omission of known disqualifying medical conditions on the FAA Form 8500-8 Application for a Medical Certificate. The FAA and Justice Department can and do impose severe penalties on those who fraudulently misrepresent their medical histories when completing the FAA Form 8500-8. The form clearly states, "Whoever knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or who makes any false, fictitious, or fraudulent statements or representations, or entry, may be fined up to $250,000 or imprisoned not more than 5 years, or both."

For many pilots, a periodic visit to the aviation medical examiner to renew their medical certificate is a routine ritual that goes hand in hand with the privilege of flying. Complacency sometimes fosters carelessness, and can result in an inadvertent or unintentional omission on the Form 8500-8 of what the FAA may consider pertinent medical information. Yet, these mistakes do not warrant FAA enforcement actions or criminal charges.

Recommendations to Address Transportation & Infrastructure Committee Report; *FAA Oversight of Falsifications on Airman Medical Certificate Applications*
In July 2005, a Department of Transportation Inspector General Memorandum noted the falsification of FAA airman medical certificate applications by some Social Security disability recipients. In March 2007, the House Transportation and Infrastructure Committee issued a report entitled, *FAA Oversight of Falsifications on Airman Medical Certificate Applications*.

AOPA has developed a four-step plan to address the concerns of the Committee and Department of Transportation Inspector General regarding falsifications or

omissions on medical certificate applications. This plan includes modifying the medical application, updating airmen records, establishing a data-sharing program and educating pilots.

First, AOPA recommends the FAA modify the Form 8500-8 Application for a Medical Certificate by adding a statement warning pilots that information provided can be shared with other government agencies including the Social Security Administration. This statement would be similar to the existing warning regarding the checking of the National Driver Registry. In fact, following the DOT Inspector General's investigation and Memorandum, AOPA made this request in writing to the FAA in September 2005 (refer to attachment C).

Second, AOPA recommends the FAA establish an amnesty period of at least one year during which airmen may avoid enforcement action if they volunteer previously unreported information. This would encourage compliance and ensure accurate information. Of course, this would not preclude the FAA from denying an application or suspending or revoking a medical certificate as appropriate after evaluating and determining the airman was medically not qualified.

Third, where appropriate, the FAA should establish a data-sharing program with the Social Security Administration (SSA) and/or other federal agencies. The FAA would provide other departments or agencies with a random sampling of airmen applications for cross checking. All federal agencies and departments involved in any related investigations of pilots must comply with all applicable federal laws, including those relating to personal and medical record privacy.

And fourth, AOPA will engage in a campaign to educate pilots regarding their responsibility to properly reporting medical issues on their medical applications. AOPA will also keep pilots updated on any changes in FAA policy or procedures. This education effort will focus on: Medical fraud and the existing penalties; the FAA Form 8500-8 including any new wording; data-sharing program with Social Security Administration; and any amnesty period for reporting previously unreported events (although pilots must follow FAA required procedures depending on issue reported).

AOPA Committed To Educating Pilots

The association will use all of its communication and staff resources in this campaign. These resources include:

- AOPA's Medical Certification staff;
- AOPA's TurboMedical interactive online tool;
- AOPA Web site (www.aopa.org), which received more than 80 million hits in 2006.
- AOPA *Pilot* magazine is a monthly publication mailed to more than 368,000 pilots, or more than 61% of the pilot population;
- AOPA *Flight Training* magazine is a monthly publication mailed to more than 114,000 pilots, or more than 18% of the pilot population; and,

- AOPA weekly newsletters are sent to more than 280,000 pilots, or more than 45% of the pilot population.

Thank you for the opportunity to testify on AOPA's four recommendations to address falsified pilot medical certificates. We look forward to working with the Subcommittee, the FAA, the pilots, and other interested groups to develop and implement concrete solutions.

Attachment A - AOPA Web site Resources

AOPA's Pilot Information Center - Medical Certification

http://www.aopa.org/members/pic/medical/certification/index.html

AOPA's Pilot Information Center
Medical Certification

In this section, find answers to questions about how a medical condition might impact your flying privileges. Information is categorized by physiology and includes the relevant medical standards, as well as the procedures to follow for recertification, or to obtain a special issuance medical certificate.

Introduction to the Airman Medical Certification Process
Find information on airman medical standards, special issuance medicals, AASIs, conditions warranting self-grounding, and more.

Bone and Joint
Includes information on arthritis and musculoskeletal conditions.

Cancer
Many pilots recover from cancer and regain flying privileges. Find out more here.

Ear, Nose, Throat, and Equilibrium
Read the medical standards for hearing, as well as information on cochlear implants, Eustachian bypass, and motion sickness.

Endocrine System
Includes information on diabetes and thyroid conditions.

Gastrointestinal
GERD, hepatitis, colitis, Crohn's disease and more are covered here.

Heart and Circulatory System
Read how to get recertified after having heart-related problems.

Immune System
HIV and related conditions are included in this section.

Mental Health
This section covers ADD/ADHD, depression, psychological evaluation, and substance abuse.

Neurological (Nervous System)
Read about migraine headaches, cerebrovascular disease, and strokes.

Back to Main Page
Medical Certification Center
Medical Certification
Find an AME
Regional Flight Surgeons
TurboMedical
Medical News
The FAA and Medications
Medical Status Request Form
Flying Sport Pilot
Frequently Asked Questions
Medical Forms
Additional Medical Resources

Pulmonary
Read how you can keep your medical certification if you have asthma, allergies, or another lung-related condition.

Sleep Disorders
Find out what you'll need to do to get your medical renewed if you have sleep apnea.

Substance Abuse
Here are the guidelines for certification if you have a history of alcohol or drug-related problems.

Urology (includes kidney)
Read how to be recertified after having kidney stones removed, or after a successful kidney transplant.

Vision
Color vision, glaucoma, and LASIK surgery are all covered here.

Updated Tuesday, September 26, 2006 3:22:11 PM

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http://www.aopa.org/members/pic/medical/certification/introduction/index.html

AOPA's Pilot Information Center

Medical Certification—Introduction to the Airman Medical Certification Process

Overview
The *airman medical standards* are minimum standards. For that reason, the FAA develops certification policies that include baselines for different medical conditions.

First, Second, and Third Class Medical Certificates
The FAA issues three classes of medical certificates. Find out more here.

Comparison of Classes of Medical Standards
This table shows at a glance the differences among the three classes of medicals.

Special Issuance Medical Certification
There are 15 medical conditions that are specifically disqualifying, but you may be able to get a medical certificate under what's known as a special issuance authorization.

AASI Qualifying Conditions
The program, called AME Assisted Special Issuance (AASI), makes renewal easier for certain low-risk medical conditions.

Certification Tips
Find out how to minimize problems with the medical certification process.

Duration of Medical Certificate
How long is your medical certificate valid? Find out here.

FAR 61.53—Self-ground for Medical Deficiency
What general medical conditions are grounding under the regulation, and for how long?

Hospital Records for Review

How/Where to Submit to the FAA

Back to Main Page

Medical Certification Center

- Medical Certification
- Find an AME
- Regional Flight Surgeons
- TurboMedical
- Medical News
- The FAA and Medications
- Medical Status Request Form
- Flying Sport Pilot
- Frequently Asked Questions
- Medical Forms
- Additional Medical Resources

Following any surgery or hospitalization the FAA needs to see your medical records.

Helps you find the contact information for submitting your medical records.

SI Authorization Letter Interpretation
Read a sample letter of special issuance authorization that includes AOPA's explanation of what it means.

What Is a Status Report
Find out what your treating physician should include in a status report on your medical condition.

Updated Tuesday, September 26, 2006 3:24:34 PM

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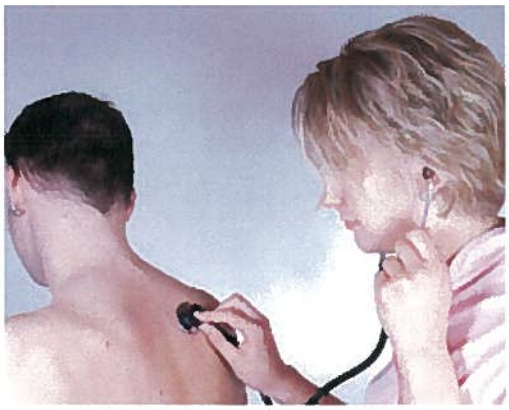
Attachment B - AOPA's TurboMedical®

http://www.aopa.org/members/pic/medical/turbomedical/index.html

AOPA's Pilot Information Center

TurboMedical®: Know before you go what to expect at your next medical examination



TurboMedical® is an educational tool designed to be used as preparation for completing the actual FAA medical application before you report for an FAA physical examination.

Many pilots don't realize they may have a problem getting their medicals until they are faced with a questioning at the aviation medical examiner's office. Some medications are not acceptable to the FAA, and some reported conditions can require supporting documentation.

AOPA has developed this interactive medical application in an effort to help our members identify potential problems before the visit to the AME. TurboMedical® asks the same questions as the FAA Form 8500-8, the application for Airman Medical Certificate (and Student Pilot Certificate) that you fill out to obtain and renew your medical certificate. By using this interactive form you can find out if a current medical condition, or prescription medication may be a problem with the FAA. It's better to know beforehand, so you can take appropriate actions before your doctor visit.

The TurboMedical® program presents the items on Form 8500-8 one at a time. As you answer each item, your answers are checked against acceptable FAA standards. If there is a problem (for instance, if you are taking a medication that the FAA will not approve), the program will tell you.

After you have finished completing the form, save your answers and print a copy. Take it with you to your appointment with your medical examiner. Your AME can now submit the hard copy of TurboMedical® as a substitute for the FAA 8500-8. You will need to sign the TurboMedical form in the presence of the AME or a member of the AME staff, and the front copy of the 8500-8 will be stapled to the TurboMedical® application and mailed to the FAA. If you have questions, please call the AOPA medical staff, 800-USA-AOPA (872-2672)

Back to Main Page
Medical Certification Center
Medical Certification
Find an AME
Regional Flight Surgeons
TurboMedical
Medical News
The FAA and Medications
Medical Status Request Form
Flying Sport Pilot
Frequently Asked Questions
Medical Forms
Additional Medical Resources

Updated Tuesday, February 27, 2007 1:25:32 PM

Applicant Must Complete ALL 20 Items (Except For Shaded Areas) PLEASE PRINT Form Approved OMB NO. 2120-0034

UNITED STATES OF AMERICA
Department of Transportation
Federal Aviation Administration

TURBOMEDICAL®

MEDICAL CERTIFICATE TURBOMEDICAL CLASS

This certifies that *(Full name and address):*

AME and staff:
The FAA is now accepting **TurboMedical®** hard copy in place of the completed 8500-8 (see *Federal Air Surgeon's Medical Bulletin*, 2007-1, page 3, Certification Update).

Date of Birth	Height	Weight	Hair	Eyes	Sex

has met the medical standards prescribed in part 67, Federal Aviation Regulations, for this class of Medical Certificate.

Limitations

Please ask airman to sign and date 8500-8 line 20, staple completed **TurboMedical®** form to the 8500-8, and copy serial number of application to top of **TurboMedical®**. Transmit the examination as usual and mail **TurboMedical®** and signed 8500-8 to the FAA.

Date of Examination	Examiner's Designation No.

Examiner

Signature

Typed Name

AIRMAN'S SIGNATURE

FAA Form 8500-9 (3-99) Supersedes Previous Edition

1. Application For: ☒ Airman Medical Certificate ☐ Airman Medical and Student Pilot Certificate

2. Class of Medical Certificate Applied For: ☐ 1st ☐ 2nd ☒ 3rd

3. Last Name Hackman **First Name** Robert **Middle Name** Eugene

4. Social Security Number 555 – 55 – 5555

5. Address Telephone Number (555) 555 – 5555

Number / Street 421 Aviation Way

City Frederick State / Country MD USA Zip Code 21701

6. Date of Birth 07/12/2004 (MM / DD / YYYY) **7. Color of Hair** Gray **8. Color of Eyes** Blue **9. Sex** Male

Citizenship US

10. Type of Airman Certificate(s) You Hold:

☐ None ☐ ATC Specialist ☒ Flight Instructor ☐ Recreational
☒ Airline Transport ☐ Flight Engineer ☐ Private ☐ Other
☐ Commercial ☐ Flight Navigator ☐ Student

11. Occupation Manager **12. Employer** Every Flight School

13. Has Your FAA Airman Medical Certificate Ever Been Denied, Suspended, or Revoked ? ☐ Yes ☒ No If yes, give date MM / DD / YYYY

Total Pilot Time (Civilian Only) **14. To Date** 3000 **15. Past 6 months** 100

16. Date of Last FAA Medical Application MM / DD / YYYY ☒ No Prior Application

17.a. Do You Currently Use Any Medication (Prescription or Nonprescription)? ☒ No ☐ Yes (If yes, below list medication(s) used and check appropriate box). Previously Reported

	Yes	No
	☐	☐
	☐	☐
	☐	☐

(If more space is required, see 17.a. on the instruction sheet).

17.b. Do You Ever Use Near Vision Contact Lens(es) While Flying? ☐ Yes ☒ No

18. Medical History – HAVE YOU EVER IN YOUR LIFE BEEN DIAGNOSED WITH, HAD, OR DO YOU PRESENTLY HAVE ANY OF THE FOLLOWING? Answer "yes" or "no" for every condition listed below. In the EXPLANATIONS box below, you may note " PREVIOUSLY REPORTED, NO CHANGE" only if the explanation of the condition was reported on a previous application for an airman medical certificate and there has been no change in your condition. See Instructions Page

Yes	No	Condition	Yes	No	Condition	Yes	No	Condition	Yes	No	Condition
a. ☐	☒	Frequent or severe headaches	g. ☐	☒	Heart or vascular trouble	m. ☐	☒	Mental disorders of any sort, depression, anxiety, etc.	r. ☐	☒	Military medical discharge
b. ☐	☒	Dizziness or fainting spell	h. ☐	☒	High or low blood pressure	n. ☐	☒	Substance dependence or failed a drug test ever, or substance abuse or use of illegal substance in the last 2 years	s. ☐	☒	Medical rejection by military service
c. ☐	☒	Unconsciousness for any reason	i. ☐	☒	Stomach, liver, or intestinal trouble				t. ☐	☒	Rejection for life or health insurance
d. ☐	☒	Eye or vision trouble except glasses	j. ☐	☒	Kidney stone or blood in urine	o. ☐	☒	Alcohol dependence or abuse	u. ☐	☒	Admission to hospital
e. ☐	☒	Hay fever or allergy	k. ☐	☒	Diabetes	p. ☐	☒	Suicide attempt	x. ☐	☒	Other illness, disability, or surgery
f. ☐	☒	Asthma or lung disease	l. ☐	☒	Neurological disorders, epilepsy, seizures, stroke, paralysis, etc.	q. ☐	☒	Motion sickness requiring medication			

Conviction and/or Administrative Action History — See Instructions Page

Yes	No		Yes	No	
v. ☐	☒	History of (1) any conviction(s) involving driving while intoxicated by, while impaired by, or while under the influence of alcohol or a drug; or (2) history of any conviction(s) or administrative action(s) involving an offense(s) which resulted in the denial, suspension, cancellation, or revocation of driving privileges or which resulted in attendance at an educational or a rehabilitation program.	w. ☐	☒	History of nontraffic conviction(s) (misdemeanors or felonies).

Explanations: See Instructions Page

FOR FAA USE
Review Action Codes

19. Visits to Health Professional Within Last 3 Years. ☐ Yes (Explain Below) ☒ No See Instructions Page

Date	Name, Address, and Type of Health Professional Consulted	Reason

— NOTICE —
Whoever in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or who makes any false, fictitious or fraudulent statements or representations, or entry, may be fined up to $250,000 or imprisoned not more than 5 years, or both, (18 U.S. Code Secs. 1001; 3571).

20. Applicant's National Driver Register and Certifying Declarations

I hereby authorize the National Driver Register (NDR), through a designated State Department of Motor Vehicles, to furnish to the FAA information pertaining to my driving record. This consent constitutes authorization for a single access to the information contained in the NDR to verify information provided in this application. Upon my request, the FAA shall make the information received from the NDR, if any, available for my review and written comment. Authority: 23 U.S. Code 401, Note.

NOTE: ALL persons using this form must sign it. NDR consent, however, does not apply unless this form is used as an application for Medical Certificate or Medical Certificate and Student Pilot Certificate.

I hereby certify that all statements and answers provided by me on this application form are complete and true to the best of my knowledge, and I agree that they are to be considered part of the basis for issuance of any FAA certificate to me. I have also read and understand the Privacy Act statement that accompanies this form.

Signature of Applicant

Date 08/06/2005 (MM / DD / YYYY)

Attachment C – September 2005 Letter to FAA

AIRCRAFT OWNERS AND PILOTS ASSOCIATION
421 Aviation Way • Frederick, MD 21701-4798
Telephone (301) 695-2000 • Fax (301) 695-2375
www.aopa.org

September 1, 2005

Jon L. Jordan, MD
Federal Air Surgeon
Office of Aerospace Medicine, AAM-1
800 Independence Avenue, SW
Washington, DC 20591

Dear Dr. Jordan:

With this letter, the Aircraft Owners and Pilots Association (AOPA) requests that the Federal Aviation Administration (FAA) amend its current medical application form to clearly disclose to airmen, that the information provided on the form can be accessed by other federal agencies, including the Social Security Administration (SSA), for law enforcement purposes. While the current application contains a vague Privacy Act disclosure statement, it lacks specificity. AOPA is advocating for a simple and direct statement as to how the Privacy Act applies to the individual.

This request stems from a recent law enforcement initiative that took place in Northern California. In July of 2003, the Department of Transportation Office of Inspector General (DOT-OIG) and Social Security Office of Inspector General (SSA-OIG), citing safety and security concerns, initiated a joint investigation to identify pilots misusing Social Security disability benefits.

While AOPA does not condone pilots who make false statements or omit known medical condition when applying for a medical certificate, we are very concerned that inadvertent or unintentional omissions during the medical application process could lead to unwarranted certificate actions or criminal charges.

For these reasons, it would be good public policy to revise the medical application to include more detailed information about the uses of the data that the airman provides, for reasons of overt fairness and avoidance of unintentional omissions.

Sincerely,

Luis M. Gutierrez
Director, Regulatory and Certification Policy