REGULATIONS OF THE ADMINISTRATOR

Federal Aviation Agency - Washington, D. C.

Part 406

Certification Procedures

Amendment 14

Amendment 14
Eff. August 26, 1960
(25 Fed. Reg. 8180)

Subpart C—Medical Records

Recently, this Agency prepared a uniform application form to be used by applicants for any class of medical certificate (Form FAA–1004). The form included a declaration to be signed by applicants (Item 24) which reads as follows in pertinent part:

I hereby authorize any physician or any other person who has or may have attended me to make a full disclosure to the Administrator of Federal Aviation or his medical representative of any information in his knowledge or possession concerning my medical history. Further, I expressly waive any rights which preclude the disclosure of such information to the Administrator of Federal Aviation or his medical representative.

This declaration had for some years previously been used on a trial basis in applications for Third-class medical certificates. It was approved on a permanent basis for all classes of medical certificates and was included in the new form to make it uniformly applicable to all classes of medical certificates. The requirement for such authorizations has been a long-established practice in connection with applications for insurance, fully understood and acquiesced in by the general public. The grant or denial of the privilege of engaging as pilot, particularly in air carrier or other commercial operations, involves a greater responsibility in terms of the public interest and safety than that involved in the decision of an insurance company whether or not to issue an insurance policy.

As in the case with respect to Third-class medical certificates, it was the continuing intention that the Agency would avail itself of the authorization and waiver only where medical history or known medical defects in an individual case are such that a true and meaningful medical examination could not be accomplished without supplemental data or discussions with physicians who had attended the person involved. This is a basic need and essential in such cases to evaluation of the individual's medical condition. Access to complete medical data has in some cases satisfactorily explained what otherwise appeared to be disqualifying medical defects and in some cases established or confirmed the existence of disqualifying defects.

After a limited distribution of the form was made, comments were received from interested persons that the declaration is broader than the situation requires. It was also urged that it would be sufficient to the needs of the Agency if the authorization were written so as to be operable only when a request is made for medical history rather than as an automatic and blanket authorization in advance. Inasmuch as the changes suggested would comport with the actual practice of the Agency in the past under such declarations contained in applications for Third-class medical certificates, there are no objections to making the changes. To accomplish this, the language of the declaration quoted above will be eliminated from the form and, in lieu thereof, Part 406 is being amended to provide the necessary authorization. The waiver provision is not included and the authorization is restricted to situations in which additional medical history is found necessary and the person involved has been requested to give the authorization. Since failure to obtain a full medical history could preclude a proper evaluation of the medical condition of such person, the amendment further provides that refusal or failure to provide the authorization when requested may be cause for denial, suspension, modification or revocation of the medical certificate.

Since the provisions in this amendment are procedural and relieve a restriction contained in Form FAA–1004, notice and public procedure hereon are unnecessary and it may be made effective immediately.

Accordingly, Part 406 of the Civil Air Regulations (14 CFR Part 406) is hereby amended effective on the date of publication in the FEDERAL REGISTER by adding a new Subpart C consisting of § 406.31 to read as follows:

Subpart C—Medical Records

§ 406.31 Availability of medical history.

If the Administrator or his authorized representative finds that additional medical history is necessary to determine whether any person who applies for or holds a medical certificate meets the physical standards therefor, such person will be requested to authorize any clinic, hospital, doctor or other person to release to the Administrator or his authorized representative any available information or records concerning such medical history. Refusal or failure to provide the requested authorization may be cause for denial, suspension, modification, or revocation of the medical certificate.

(Secs. 313(a), 602, 609, 72 Stat. 752, 776, 779; 49 U.S.C. 1354(a), 1422, 1429)

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JAMES T. PYLE,
Acting Administrator.

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