June 26, 1991

Charles L. Gandy, Jr.
[redacted]

Dear Mr.Gandy

This refers to your latter of May 8, 1991, in which you request our views regarding the requirements for medical certification of a certificated flight instructor (CFI) when giving flight instruction for compensation.

You have stated your view that based upon information presented at a flight instructor refresher course attended by you, it is only necessary for you to hold a third class medical certificate in order to give flight instruction under a variety of circumstances. You indicate that this view is further supported by information appearing on page 19 of the January-February issue of the FAA Aviation News, and in Certification Bulletin No. s1-2.

You have taken issue with the position of Mr., John Goostrey of the Boise FSDO, based upon advice provided to him by this office, indicating his position to be that "to instruct for hire, under conditions that require use of your pilot certificate, requires at least a second class medical certificate." You have required our justification of the rationale behind this position.

As is stated in the two sources referred to by you, under current FAA policy, and enumerated circumstances set forth in those documents, a CFI can give instruction without holding a medical certificate. This is permitted only when the CFI is not acting as pilot-in-command (PIC) or, performing the duties of a required flight crewmember during the flight. However, it is also made clear that when a CFI is acting as PIC or as a required flight crewmember at the same time they are giving flight instruction they are also exercising the privileges of their pilot certificate.

Whenever you exercise the privileges of your pilot certificate, you are required to be the holder of an appropriate current medical certificate (see Section 61.3(c) FAR). Consequently, by giving flight instruction for compensation at the same time you are exercising the privileges of your commercial pilot certificate as PIC or a required flight crew member, you must necessarily hold a medical certificate. You will note that neither of the referenced sources indicate that a third class medical certificate, is an appropriate certificate under the circumstances discussed. A second class medical certificate is required for the exercise of the privileges of a commercial pilot certificate, and is therefore the 'appropriate' medical certificate in that instance.

I hope you find the foregoing to be of assistance to you.

Very truly yours,

George L. Thompson
Assistant Chief Counsel

Leland S. Edwards, Jr.
Attorney