March 2002

Michael G. Pohl
[redacted]

Dear Mr. Pohl;

Thank you for your letters of February 7 and February 11, 2002, addressed to David Leitch, the Chief Counsel of the Federal Aviation Administration (FAA). We have also received a copy of your January 30, 2002 letter, forwarded to us by Samuel Podberesky, Assistant General for Aviation Enforcement and Proceedings, Office of the General Counsel, United States Department of Transportation. Mr. Leitch has asked me to respond to your letters.

In your correspondence, you referred to verbal and written communications that you had with Paul L. Brattain, M.D., the Regional Flight Surgeon for the Great Lakes Region of the FAA. In order to provide a complete response to your inquiries, we have obtained copies of the correspondence that you sent to and received from Dr. Brattain.

In your correspondence to Dr. Brattain, and Messrs. Podberesky and Leitch, you have questioned the authority of a doctor employed by United Airlines (UAL) to apply medical restrictions to you. You have stated that you hold a valid FAA-issued mechanic certificate, with Inspection Authorization. You have also stated that the UAL doctor has been designated by the FAA to act as an Aviation Medical Examiner (AME). By letter dated February 8, 2001, Dr. Brattain correctly explained that "the AME authority is exercised through the airman medical certification process and applies only to determining qualifications for an Airman Medical Certificate," which is not a certificate required for holding a mechanic certificate. Dr. Brattain also informed you that "the AME designation does not provide authority or the basis to determine medical qualifications for doing [mechanic] work.

While Dr. Brattain informed you that the AME designation did not provide authority or a basis for determining your medical

qualifications, Dr. Brattain clearly explained that:

> A physician who is designated as an AME may have responsibility for determining medical qualifications for work of persons other than those needing an Airman Medical Certificate, but the authority for this would come from a source other than the FAR AME designation.

You have asked our office whether a "DME has the authority to apply a medical report against or directed towards any FAA mechanic." The answer is that, while an AME designation does not provide such authority, the holding of an AME designation does not limit the authority a doctor may have from other sources.

When the FAA grants an AME designation to a state-licensed Medical Doctor or Doctor of Osteopathy, the AME designation is an additional privilege for the doctor, not a limit on his or her ability to otherwise practice medicine. According to the paperwork that you provided to Dr. Brattain, we understand that the UAL doctor is licensed to practice medicine. His AME designation allows him to make determinations regarding the medical qualifications of persons required to hold an Airman Medical Certificate. If, in the duties of his employment for UAL, this doctor has authority to make medical determinations upon an UAL employee who does not hold an Airman Medical Certificate, this authorization is neither provided by nor restricted by his AME status.

While the FAA has not set medical standards for mechanics, the absence of a regulation should not be taken to mean that the FAA is not concerned about the possible impairment of individuals who are exercising the privileges of their certificate. In 14 CFR Section 61.53, the FAA has specifically prohibited a pilot from acting as a flight crewmember while he or she is taking a medication, receiving a treatment, or has a medical condition that would make the person unable to meet the requirements of the medical certificate or to otherwise operate the aircraft in a safe manner. While the FAA has not established a specific standard in 14 CFR part 65 similar to the provision in 14 CFR

Section 61.53, it does not mean that we are unconcerned about the safety implications of using a certificate when medically impaired. In its drug testing regulations in 14 CFR part 121, appendix I, the FAA has incorporated a provision that requires a doctor to tell an employer if a mechanic has a medical condition or is using a prescription drug that could impact safety.

The FAA has relied upon the responsible actions of mechanic certificate holders and their employers to monitor situations of medical impairment and handle them appropriately. The absence of an explicit FAA regulation in the mechanic certificate provisions should not be regarded as an absence of an expectation for responsible conduct. We have relied on responsible conduct, and would consider regulatory action if this became a problem area.

In conclusion, while the designation of "AME" permits a doctor to determine the medical qualifications of an airman medical certificate holder, mechanic certificate holders are not subject to the specific standards set forth for airman medical certificate holders. While there are no medical standards for the holders of FAA-issued mechanic certificates, the FAA expects that employers and mechanics will act responsibly when there is an issue of the use of a prescription drug or the presence of a medical condition inconsistent with the safe performance of duty.

We are not offering any opinion as to the facts of your medical situation. Instead, we want to clarify that we expect that employers and mechanics will act reasonably to ensure aviation safety in the performance of the duties carried out in the course of exercise of an FAA-issued mechanic's certificate.

Sincerely,

Donald P. Byrne
Assistant Chief Counsel
Regulations Division