



March 13, 2018

Michael A. Berry, M.D., M.S.
Federal Air Surgeon
Office of Aerospace Medicine
800 Independence Ave., S.W.
Washington, DC 20591

Dear Dr. Berry:

On January 10, 2017, representatives from FAA's Office of Aerospace Medicine, Flight Standards Service, and Office of the Chief Counsel met with representatives from the Aircraft Owners and Pilots Association (AOPA) to discuss several issues and questions regarding the implementation of and compliance with 14 CFR Part 68, BasicMed.

One of the specific issues discussed was the "off-ramp" for airmen who hold a medical certificate pursuant to an Authorization for Special Issuance to transition to flying only by exercising BasicMed privileges. AOPA highlighted the need for clear and published FAA guidance so airmen could both comply with the new regulations and avoid unintentional issues that could result in the withdrawal of an unexpired Authorization under existing 14 CFR Part 67 rules.

The FAA indicated that it agrees that guidance is needed and is working on providing it, but would need time to coordinate internally and finalize. To help in that process, AOPA took the action item to propose specific questions in which we, and the pilot community, are seeking clarification on. Additionally, to help expedite, we have provided our interpretation and recommended answers for your consideration.

Thank you for your review and possible incorporation into the future agency guidance.

Sincerely,

David J. Oord
Senior Director, Regulatory Affairs

Encl: AOPA Questions and Answers

Cc: Brad Zeigler
Naomi Tsuda



Requested Guidance and Clarification

1. **Issue:** An airman holds an unexpired medical certificate and is qualified to operate under BasicMed rules. The airman has decided to conduct all of his operations under BasicMed rules, so he no longer wants to hold a medical certificate.

Question: May an airman who holds an unexpired medical certificate issued under 14 C.F.R. Part 67 voluntarily surrender the certificate to the FAA?

AOPA proposed guidance: Yes, an airman may surrender a medical certificate issued under Part 67 subject to the policy concerning voluntary surrender of certificates issued under Parts 61, 63, 65, 119 and 145 as provided in FAA Order 2150.3b, Chapter 5, paragraph 14, "Voluntary Surrender of Certificate."

2. **Issue:** An appropriately qualified airman has decided to conduct all operations under BasicMed rules. The airman was previously granted an Authorization for Special Issuance of a Medical Certificate ("Authorization") that is still valid, although his most recent medical certificate has expired and he will not be applying for another certificate of any class. The airman does not know whether he must continue to comply with the provisions of the Authorization, and whether not doing so will result in the Authorization being withdrawn. The airman is concerned because he will not be qualified to operate under BasicMed if his most recent Authorization has been withdrawn, as stated in 14 CFR § 61.23(c)(3)(iii).

Question: If an airman has an unexpired and valid Authorization, but the airman's medical certificate has expired and he will not be applying for another certificate under the Authorization's provisions, must the airman continue to comply with the Authorization's provisions (e.g., submission of tests, examinations, or evaluations) until it expires to prevent the Authorization from being withdrawn?

AOPA proposed guidance: If the airman's most recent medical certificate issued under the provisions of an Authorization has expired and the airman will not be applying for another medical certificate under the provisions of the Authorization, the airman will not be required to comply with the Authorization's provisions even though the Authorization has not reached the end of its validity period.

3. **Issue:** Same facts as Issue 2, but the airman desires to return the Authorization to the FAA so that he is no longer considered to have a valid Authorization that is subject to withdrawal.

Question: If an airman has an Authorization that is unexpired, but the airman's medical certificate has expired and he will not be applying for another certificate under the Authorization's provisions, may an airman return the Authorization to the FAA without the Authorization being considered "withdrawn" as described in 14 CFR § 61.23(c)(3)(iii)?

AOPA proposed guidance: An airman may return an Authorization to the FAA as long as the airman does not hold an unexpired medical certificate issued under the Authorization's provisions. The FAA's acceptance of a returned Authorization will conclude the Authorization's validity period without the Authorization being considered "withdrawn."

4. **Issue:** An airman, who is qualified to operate under BasicMed holds an Authorization but does not hold a medical certificate, receives a request from the FAA to provide medical information or history in accordance with 14 C.F.R. § 67.413. Since the airman does not hold a medical certificate and has not applied for one, the airman does not know whether the requested information or history must be provided.

Question: If an airman is qualified to operate under BasicMed and has an unexpired Authorization but does not hold a current medical certificate, must the airman provide medical information or history if requested pursuant to 14 C.F.R. § 67.413?

AOPA proposed guidance: The airman is not required to provide the medical information or history requested pursuant to 14 C.F.R. § 67.413 because the airman does not hold a medical certificate issued under 14 C.F.R. Part 67.

- Issue:** An airman who is qualified to operate under BasicMed holds an Authorization but does not hold a medical certificate and has not applied for a medical certificate. The airman receives a request from the FAA that requires the airman to provide medical information or the Authorization may be withdrawn. The airman does not know whether the information must be provided because he does not hold a medical certificate and has not applied for one.

Question: If an airman holds an unexpired Authorization without a medical certificate and is not applying for a medical certificate, must the airman provide any medical information upon request of the Federal Air Surgeon to prevent the withdrawal of the Authorization?

AOPA proposed guidance: Since the airman is not seeking certification, the airman is not required to provide any medical information because it is not “reasonably needed” by the Federal Air Surgeon for certification under 14 CFR Part 67.

- Issue:** An airman seeking to operate under BasicMed rules has a medical history or clinical diagnosis of one of the conditions specified under 14 C.F.R. § 68.9 that requires the airman to “complete the process” for obtaining an Authorization for that condition prior to operating under BasicMed rules. The airman does not know whether he has “completed the process” when he is granted the Authorization by the Federal Air Surgeon, or when a medical certificate is issued pursuant to the provisions of the Authorization.

Question: When has an airman “completed the process” for obtaining an Authorization for Special Issuance of a Medical Certificate” in order to comply with Section 2307 of Public Law 114-190 and 14 C.F.R. § 68.9: Special Issuance Process?

AOPA proposed guidance: An airman has completed the process for obtaining an Authorization for Special Issuance when the Authorization has been granted by the Federal Air Surgeon.

- Issue:** An airman has an Authorization for Aviation Medical Examiner Assisted Special Issuance valid for a five-year period and a medical certificate. Each year, the airman is granted a new Authorization that “resets” the five-year validity period and supersedes the previous grant of Authorization (which would have been valid for another 4 years).

Question: How does the airman stop the Federal Air Surgeon from granting a new Authorization each year so that he may let his Authorization expire?

AOPA proposed guidance: If the airman’s medical certificate expires and the airman does not apply for a medical certificate, the airman will not receive a new Authorization that supersedes the previous unexpired Authorization.

- Issue:** An airman completes an application for a regular, “unrestricted” third-class medical and is issued the medical by an Aviation Medical Examiner (AME). The medical certificate issued by the AME is affirmed (i.e., within 60 days of issuance it is not reversed by the FAS, a RFS, or the Manager AMCD, and the FAA does not request additional information from the applicant within 60 days after issuance).

Nevertheless, several months later the airman then receives correspondence from the FAA stating that the airman's application for a medical certificate has now been denied. The airman has not received any other correspondence from the FAA.

The airman is concerned because to be qualified to operate under BasicMed, 14 CFR § 61.23(c)(3)(iv) states that the airman's most recent application for an airman medical certificate submitted to the FAA cannot have been completed and denied.

Question: Once a medical certificate issued by an AME is affirmed as issued, how can the application for that medical certificate then be denied?

AOPA proposed guidance: Once a medical certificated issued by an AME is affirmed as issued, the application for that certificate cannot be denied. If the FAA has determined that the airman does not meet the requirements to hold the certificate, the FAA must suspend or revoke the certificate.