

Accredited Medical Conclusion



The gateway to medical certification flexibility

CAA MIS 001

It is possible for someone who does not meet the medical standards to be issued a medical certificate.

Most people who apply for a CAA medical certificate are issued it that same day. In some cases, however, the **Medical Examiner**, who is acting for the Director of Civil Aviation (the Director), may conclude that the applicant does not meet the medical standards. If this happens the Medical Examiner has an option to decline to issue the medical certificate or to consider the case further by relying on **flexibility**. It is possible, that by relying on flexibility a medical certificate could still be issued to someone who does not meet the medical standards.

For a Medical Examiner to use flexibility they must obtain and consider an **Accredited Medical Conclusion**. An Accredited Medical Conclusion is a conclusion reached by expert(s), who are acceptable to the Director to consider the case of that particular applicant. The purpose of the Accredited Medical Conclusion is to determine whether, despite not meeting the medical standards, the applicant's condition is such that it is not likely to jeopardise aviation safety.

An Accredited Medical Conclusion can range from relatively simple to very complex cases. A simple Accredited Medical Conclusion can be reached very promptly, sometimes even on the same day that you see your Medical Examiner, while the complicated ones can take significantly longer, usually because further tests and specialist reports are sought.

My Medical Examiner wants to "Go to CAA for an AMC". What does this mean?

This means that your Medical Examiner has determined that you fail to meet the medical standards and is unable to issue you a medical certificate under section 27B(1) of the Act.

But your Medical Examiner has elected to further consider your case by relying on flexibility under section 27B(2) of the Act. This means an Accredited Medical Conclusion needs to be reached for your case and the Medical Examiner needs to request the Director to identify which experts are suitable for that purpose. The experts identified will not always be the same ones in each case because it depends on the medical condition that needs to be considered. However in some cases this may include your Medical Examiner or CAA doctors.

Do I need to consent to this?

It is important that you understand the regulatory processes related to your application for a medical certificate. Your Medical Examiner will explain the process and your options and needs to be certain that you understand and consent to have your case further considered using flexibility. You are always at liberty to choose not to proceed with the application if your ME indicates that flexibility must be applied.

Will I be charged for an AMC?

From 1 July 2017, you may be charged for an AMC. You will be charged at the CAA standard hourly rate of \$284 per hour for all professional time spent on your AMC that is in excess of two hours.

Do the experts have to examine me again for Accredited Medical Conclusion?

No. The experts rely on the examination report provided by your Medical Examiner. The experts may ask you for additional information, results, or reports or they may request that you consult certain specialists.

Do I have to do as the experts ask?

No, it is your decision whether to provide information or visit specialists. If you choose not to provide the further information sought you should advise your ME or the Director in writing. It is important for you to understand that failure to submit to further tests or provide additional information is likely to adversely impact on the conclusion of these experts. This means, the Accredited Medical Conclusion may not exclude jeopardy to aviation safety and that means a medical certificate will not be able to be issued to you.

Can Accredited Medical Conclusions be done quickly?

Some Accredited Medical Conclusions are completed on the same day that they commence while others take a lot longer. The difference depends largely on the complexity of the medical situation and the availability of any further results or information that is required.

Can I stop it once it's started?

Yes, simply write to the Director and withdraw your original application for a medical certificate.

Can I ask the Convener to review an Accredited Medical Conclusion?

No. You can however ask the Convener to review any decision made by the Director under section 27B(2) of the Act (This includes the decision to issue a medical certificate with conditions or endorsements). As some decisions made by the Director under this section depend on an Accredited Medical Conclusion, the substance of the Accredited Medical Conclusion will form part of the convener review if such a decision is reviewed.

How does Accredited Medical Conclusion change my review and appeal options? Once you have consented for your case to be considered under section 27B(2) of the Act you are no longer able to seek Convener review of the section 27B(1) decision that you do not meet the medical standards.

You would need to seek your own legal advice concerning the affects that this decision might have on your rights to District Court review, High Court Judicial Review, or Ombudsmen's Complaint.

Where can I get more information on the changes to charging for AMCs?

More information is available via the following links:

CAA Funding Information - <http://www.caa.govt.nz/funding>

AMC Frequently Asked Questions - <http://www.caa.govt.nz/medical/amc-faq>

Looking at the law

s27B(1): Most medical certificates are issued under section 27B(1) of the Civil Aviation Act 1990 (the Act). Medical certificates can only be issued, under this section of the Act, to applicants who meet the medical standards.

s27B(2): This section of the Act allows for Medical Certificates to be issued, through the use of flexibility, to applicants who do not meet the medical standards.

Flexibility: For the purposes of medical certification the term flexibility is specified in s27B(2) of the Act.

s27B(3): This section of the Act describes flexibility and includes the requirement for Accredited Medical Conclusion if flexibility is to be used.

s27A: This section of the Act provides the meaning of Accredited Medical Conclusion as "the conclusion reached by 1 or more medical experts acceptable to the Director for the purpose of the case concerned, in consultation with flight operators or any other experts that may be necessary."

Part67: Civil Aviation Rule Part 67 is the rule that contains the medical standards CAA MIS 001 Rev 1:07/2017

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