



New Hampshire  
Aerospace



## FLIGHT SURGEON'S BRIEFING

# BASICMED

There are a tremendous number of questions out there regarding third class medical reform, or what the FAA is calling the “BasicMed” program.

As of May 1st, 2017, a pilot may use BasicMed to attest to his or her fitness to fly for any operation that would otherwise require a Third Class Medical Certificate. The BasicMed examination may be performed by a state licensed physician rather than an FAA Aviation Medical Examiner (AME). To operate under BasicMed, the pilot must meet the following conditions:

1. Possess a valid driver’s license;
  - ONLY a driver’s license. A passport, state issued ID, military ID etc. are all unacceptable.
  - The airman must comply with any limitations on the license (corrective lenses, etc.).
2. Have held a medical certificate at any time after July 15, 2006;
  - The medical must have been valid on this date, thus you qualify:
    - if you were under 40 on the date of issuance of your medical and it was issued on or after July 1st, 2003<sup>1</sup>.
    - if you were over 40 on the date of issuance of your medical and it was issued on or after July 1st, 2004<sup>1</sup>.
3. Have not had the most recently held medical certificate revoked, suspended, or withdrawn;
  - You can’t “choose” from any of your medical certificates in the last 10 years, it must be the most recent.
  - If your medical was suspended, even if it was reinstated, it cannot be used for BasicMed and you must get another medical certificate (of any class).
4. Have not had the most recent application for airman medical certification completed and denied;
5. Have not had the most recent special issuance withdrawn.
6. Have taken a medical education course within the past 24 calendar months;
7. Have completed a comprehensive medical examination by a state licensed physician within the past 48 months;
  - NOT calendar months. To fly on July 19, 2021 you must have been examined on or before July 19, 2017.
  - Physician Assistants or Nurse Practitioners are not state licensed physicians.

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<sup>1</sup> Some authorities (eg: AOPA) are saying date of issue July 15th 2003/2004. This does not appear to be consistent with the wording of the regulation due to the “24 calendar month” validity period of the medical certificate. However, if you fall into the window between July 1st and July 15th, I would recommend investigating further.

8. Be under the care of a physician for certain medical conditions;
  - “Any condition” that might affect the safety of flight.
  - Physician Assistants or Nurse Practitioners are not state licensed physicians.
9. Have been found eligible for special issuance of a medical certificate for certain specified mental health, neurological, or cardiovascular conditions;
  - Mental Health:
    - Personality disorder
    - Psychosis
    - Bi-polar disorder
    - Substance dependence in the last two years
  - Neurological:
    - Epilepsy
    - Disturbance of consciousness without an adequate medical explanation
    - Transient loss of control of neurologic function without an adequate medical explanation
  - Cardiovascular:
    - Myocardial infarction
    - Coronary heart disease that has required treatment
    - Cardiac valve replacement
    - Heart replacement
10. Consent to a National Driver Register check;
11. Fly only certain small aircraft, at a limited altitude and speed, and only within the United States;
  - Flight type: Day or night, VFR or IFR.
  - Total passengers: Not more than 6 occupants.
  - Aircraft Limits: Not more than 6 seats, higher than 18,000 feet or faster than 250 KIAS.
12. Not fly for compensation or hire.
  - You can flight instruct using BasicMed, since you are not FLYING for compensation or hire, you are TEACHING for compensation.

The airman does not need to possess proof of participation in the BasicMed program while operating the aircraft. However, such proof must be made available to any FAA inspector or other competent authority upon demand (i.e. a ramp check), similar to a request for a logbook.



Peter L. Row, MD, AME



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## FLIGHT SURGEON'S BRIEFING

# BASICMED

### APPENDIX: PROPOSED REGULATORY CHANGES

#### PART 61—CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS

1. The authority citation for part 61 is revised to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40113, 44701-44703, 44707, 44709-44711, 44729, 44903, 45102-45103, 45301-45302; Sec. 2307 Pub. L. 114-190, 130 Stat. 615 (49 U.S.C. 44703 note).

2. In §61.3, revise paragraph (c)(2)(viii) and paragraphs (c)(2)(x) through (xii) and add paragraphs (c)(2)(xiii) and (c)(2)(xiv), and revise the introductory text of paragraph (1) to read as follows:

#### § 61.3 Requirement for certificates, ratings, and authorizations.

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(c)\*\*\*

(2)\*\*\*

(viii) Is exercising the privileges of a flight instructor certificate, provided the person is not acting as pilot in command or as a required pilot flight crewmember;

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(x) Is operating an aircraft within a foreign country using a pilot license issued by that country and possesses evidence of current medical qualification for that license;

(xi) Is operating an aircraft with a U.S. pilot certificate, issued on the basis of a foreign pilot license, issued under §61.75, and holds a medical certificate issued by the foreign country that issued the foreign pilot license, which is in that person's physical possession or readily accessible in the aircraft when exercising the privileges of that airman certificate;

(xii) Is a pilot of the U.S. Armed Forces, has an up-to-date U.S. military medical examination, and holds military pilot flight status;

(xiii) Is exercising the privileges of a student, recreational or private pilot certificate for operations conducted under the conditions and limitations set forth in § 61.113(i) and holds a U.S. driver's license; or

(xiv) Is exercising the privileges of a flight instructor certificate and acting as pilot in command for operations conducted under the conditions and limitations set forth in § 61.113(i) and holds a U.S. driver's license.

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(1) *Inspection of certificate.* Each person who holds an airman certificate, medical certificate, documents establishing alternative medical qualification under part 68 of this chapter, authorization, or license required by this part must present it and their photo identification as described in paragraph (a)(2) of this section for inspection upon a request from:

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3. Revise § 61.23 paragraph (a)(3), paragraph (c)(1), the introductory text of paragraph (c)(2), and add paragraph (c)(3), to read as follows:

**§ 61.23 Medical certificates: Requirement and duration.**

(a)\*\*\*

(3) Must hold at least a third-class medical certificate—

(i) When exercising the privileges of a private pilot certificate, recreational pilot certificate, or student pilot certificate, except when operating under the conditions and limitations set forth in § 61.113(i);

(ii) When exercising the privileges of a flight instructor certificate and acting as the pilot in command or as a required flightcrew member, except when operating under the conditions and limitations set forth in § 61.113(i);

(iii) When taking a practical test in an aircraft for a recreational pilot, private pilot, commercial pilot, or airline transport pilot certificate, or for a flight instructor certificate, except when operating under the conditions and limitations set forth in § 61.113(i); or

(iv) When performing the duties as an Examiner in an aircraft when administering a practical test or proficiency check for an airman certificate, rating, or authorization.

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(c)\*\*\*

(1)\*\*\*

- (iii) Exercising the privileges of a flight instructor certificate with a sport pilot rating while acting as pilot in command or serving as a required flight crewmember of a light-sport aircraft other than a glider or balloon;
  - (iv) Serving as an Examiner and administering a practical test for the issuance of a sport pilot certificate in a light-sport aircraft other than a glider or balloon;
  - (v) Exercising the privileges of a student, recreational or private pilot certificate if the flight is conducted under the conditions and limitations set forth in § 61.113(i); or
  - (vi) Exercising the privileges of a flight instructor certificate and acting as the pilot in command or as a required flight crewmember if the flight is conducted under the conditions and limitations set forth in § 61.113(i).
- (2) A person using a U.S. driver's license to meet the requirements of paragraph (c) while exercising sport pilot privileges must—

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(3) A person using a U.S. driver's license to meet the requirements of paragraph (c) while operating under the conditions and limitations of § 61.113(i) must meet the following requirements—

(i) The person must—

- (A) Comply with all medical requirements or restrictions associated with his or her U.S. driver's license;
- (B) At any point after July 14, 2006, have held a medical certificate issued under part 67 of this chapter;
- (C) Complete the medical education course set forth in § 68.3 of this chapter during the 24-calendar months before acting as pilot in command in an operation conducted under § 61.113(i) and retain a certification of course completion in accordance with § 68.3(b)(1) of this chapter;
- (D) Receive a comprehensive medical examination from a State-licensed physician during the 48 months before acting as pilot in command of an operation conducted under § 61.113(i) and that medical examination is conducted in accordance with the requirements in part 68 of this chapter; and
- (E) If the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly, be under the care and treatment of a

State-licensed physician when acting as pilot in command of an operation conducted under § 61.113(i).

(ii) The most recently issued medical certificate—

(A) May include an authorization for special issuance;

(B) May be expired; and

(C) Cannot have been suspended or revoked.

(iii) The most recently issued Authorization for a Special Issuance of a Medical Certificate cannot have been withdrawn; and

(iv) The most recent application for an airman medical certificate submitted to the FAA cannot have been completed and denied.

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4. Add paragraph (d) to § 61.89 to read as follows:

**§ 61.89 General Limitations**

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(d) The holder of a student pilot certificate may act as pilot in command of an aircraft without holding a medical certificate issued under part 67 of this chapter provided the student pilot holds a valid U.S. driver's license, meets the requirements of § 61.23(c)(3), and the operation is conducted consistent with the requirements of paragraphs (a) and (b) of this section and the conditions of § 61.113(i). Where the requirements of paragraphs (a) and (b) of this section conflict with § 61.113(i), a student pilot must comply with paragraphs (a) and (b) of this section.

5. Add paragraph (k) to § 61.101 to read as follows:

**§ 61.101 Recreational pilot privileges and limitations**

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(k) A recreational pilot may act as pilot in command of an aircraft without holding a medical certificate issued under part 67 of this chapter provided the pilot holds a valid U.S. driver's license, meets the requirements of § 61.23(c)(3), and the operation is conducted consistent with this section and the conditions of § 61.113(i). Where the requirements of this section conflict with § 61.113(i), a recreational pilot must comply with this section.

6. Add paragraph (i) to § 61.113 to read as follows:

**§ 61.113 Private pilot privileges and limitations: Pilot in command.**

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- (i) A private pilot may act as pilot in command of an aircraft without holding a medical certificate issued under part 67 of this chapter provided the pilot holds a valid U.S. driver's license, meets the requirements of § 61.23(c)(3), and complies with this section and all of the following conditions and limitations:
  - (1) The aircraft is authorized to carry not more than 6 occupants, has a maximum takeoff weight of not more than 6,000 pounds, and is operated with no more than five passengers on board; and
  - (2) The flight, including each portion of the flight, is not carried out—
    - (i) At an altitude that is more than 18,000 feet above mean sea level;
    - (ii) Outside the United States unless authorized by the country in which the flight is conducted; or
    - (iii) At an indicated airspeed exceeding 250 knots; and
  - (3) The pilot has available in his or her logbook—
    - (i) The completed medical examination checklist required under § 68.7 of this chapter; and
    - (ii) The certificate of course completion required under § 61.23(c)(3).

7. Add part 68 to read as follows:

**PART 68 – REQUIREMENTS FOR OPERATING CERTAIN SMALL AIRCRAFT WITHOUT A MEDICAL CERTIFICATE**

Sec.

68.1 Applicability.

68.3 Medical Education Course Requirements.

68.5 Comprehensive Medical Examination.

68.7 Comprehensive Medical Examination Checklist. 68.9 Special Issuance Process.

68.11 Authority to require additional information.

**Authority:** 49 U.S.C. 106(f), 44701-44703, sec. 2307 of Pub. L. 114-190, 130 Stat. 615 (49 U.S.C. 44703 note).

**§ 68.1 Applicability.**

This part prescribes the medical education and examination requirements for operating an aircraft under § 61.113(i) of this chapter without holding a medical certificate issued under part 67 of this chapter.

### **§ 68.3 Medical Education Course Requirements.**

(a) The medical education course required to act as pilot in command in an operation under § 61.113(i) of this chapter must—

- (1) Educate pilots on conducting medical self-assessments;
- (2) Advise pilots on identifying warning signs of potential serious medical conditions;
- (3) Identify risk mitigation strategies for medical conditions;
- (4) Increase awareness of the impacts of potentially impairing over-the-counter and prescription drug medications;
- (5) Encourage regular medical examinations and consultations with primary care physicians;
- (6) Inform pilots of the regulations pertaining to the prohibition on operations during medical deficiency and medically disqualifying conditions; and
- (7) Provide the checklist developed by the FAA in accordance with § 68.7.

(b) Upon successful completion of the medical education course, the following items must be electronically provided to the individual seeking to act as pilot in command under the conditions and limitations of § 61.113(i) of this chapter and transmitted to the FAA—

- (1) A certification of completion of the medical education course, which shall be retained in the individual's logbook and made available upon request, and shall contain the individual's name, address, and airman certificate number;
- (2) A release authorizing single access to the National Driver Register through a designated State Department of Motor Vehicles to furnish to the FAA information pertaining to the individual's driving record;
- (3) A certification by the individual that the individual is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly, as required under § 61.23(c)(3) of this chapter;
- (4) A form that includes—
  - (i) The name, address, telephone number, and airman certificate number of the individual;
  - (ii) The name, address, telephone number, and State medical license number of the physician performing the comprehensive medical examination;
  - (iii) The date of the comprehensive medical examination; and



(iv) A certification by the individual that the checklist described in § 68.7 was followed and signed by the physician during the medical examination required by this section; and

(5) A statement, which shall be signed by the individual certifying that the individual understands the existing prohibition on operations during medical deficiency by stating: “I understand that I cannot act as pilot in command, or any other capacity as a required flight crew member, if I know or have reason to know of any medical condition that would make me unable to operate the aircraft in a safe manner.”.

### **§ 68.5 Comprehensive Medical Examination.**

(a) Prior to the medical examination required by § 61.23(c)(3) of this chapter, an individual must—

- (1) Complete the individual's section of the checklist described in § 68.7; and
- (2) Provide the completed checklist to the State-licensed physician performing the medical examination.

(b) The physician must—

- (1) Conduct the medical examination in accordance with the checklist set forth in § 68.7,
- (2) Check each item specified during the examination; and
- (3) Address, as medically appropriate, every medical condition listed and any medications the individual is taking.

### **§ 68.7 Comprehensive Medical Examination Checklist.**

The comprehensive medical examination required to conduct operations under § 61.113(i) must include a checklist containing the following:

(a) A section, for the individual to complete that contains—

- (1) Boxes 3 through 13 and boxes 16 through 19 of the FAA Form 8500–8 (3–99); and
- (2) A signature line for the individual to affirm that—

(i) The answers provided by the individual on that checklist, including the individual's answers regarding medical history, are true and complete;

(ii) The individual understands that he or she is prohibited under FAA regulations from acting as pilot in command, or any other capacity as a required flight crew member, if he or she knows or has reason to know of any medical deficiency or medically disqualifying condition that would make the individual unable to operate the aircraft in a safe manner; and

- (iii) The individual is aware of the regulations pertaining to the prohibition on operations during medical deficiency and has no medically disqualifying conditions in accordance with applicable law;
- (b) A section with instructions for the individual to provide the completed checklist to the State-licensed physician performing the comprehensive medical examination required under § 68.5; and
- (c) A section, for the physician to complete, that instructs the physician—
  - (1) To perform a clinical examination of—
    - (i) head, face, neck, and scalp;
    - (ii) nose, sinuses, mouth, and throat;
    - (iii) ears, general (internal and external canals), and eardrums (perforation);
    - (iv) eyes (general), ophthalmoscopic, pupils (equality and reaction), and ocular motility (associated parallel movement, nystagmus);
    - (v) lungs and chest (not including breast examination);
    - (vi) heart (precordial activity, rhythm, sounds, and murmurs);
    - (vii) vascular system (pulse, amplitude, and character, and arms, legs, and others);
    - (viii) abdomen and viscera (including hernia);
    - (ix) anus (not including digital examination);
    - (x) skin;
    - (xi) G–U system (not including pelvic examination);
    - (xii) upper and lower extremities (strength and range of motion);
    - (xiii) spine and other musculoskeletal;
    - (xiv) identifying body marks, scars, and tattoos (size and location);
    - (xv) lymphatics;
    - (xvi) neurologic (tendon reflexes, equilibrium, senses, cranial nerves, and coordination, etc.);
    - (xvii) psychiatric (appearance, behavior, mood, communication, and memory);
    - (xviii) general systemic;

(xix) hearing;

(xx) vision (distant, near, and intermediate vision, field of vision, color vision, and ocular alignment);

(xxi) blood pressure and pulse; and

(xxii) anything else the physician, in his or her medical judgment, considers necessary;

(2) To exercise medical discretion to address, as medically appropriate, any medical conditions identified, and to exercise medical discretion in determining whether any medical tests are warranted as part of the comprehensive medical examination;

(3) To discuss all drugs the individual reports taking (prescription and nonprescription) and their potential to interfere with the safe operation of an aircraft or motor vehicle;

(4) To sign the checklist, stating: "I certify that I discussed all items on this checklist with the individual during my examination, discussed any medications the individual is taking that could interfere with his or her ability to safely operate an aircraft or motor vehicle, and performed an examination that included all of the items on this checklist. I certify that I am not aware of any medical condition that, as presently treated, could interfere with the individual's ability to safely operate an aircraft."; and

(5) To provide the date the comprehensive medical examination was completed, and the physician's full name, address, telephone number, and State medical license number.

### **§ 68.9 Special Issuance Process.**

(a) An individual who has met the qualifications to operate an aircraft under § 61.113(i) of this chapter and is seeking to serve as a pilot in command under that section must have completed the process for obtaining an Authorization for Special Issuance of a Medical Certificate for each of the following:

(1) A mental health disorder, limited to an established medical history or clinical diagnosis of—

(i) A personality disorder that is severe enough to have repeatedly manifested itself by overt acts;

(ii) A psychosis, defined as a case in which an individual—

(A) Has manifested delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis; or

(B) May reasonably be expected to manifest delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis;

(iii) A bipolar disorder; or

(iv) A substance dependence within the previous 2 years, as defined in § 67.307(a)(4) of this chapter.

(2) A neurological disorder, limited to an established medical history or clinical diagnosis of any of the following:

(i) Epilepsy;

(ii) Disturbance of consciousness without satisfactory medical explanation of the cause; or

(iii) A transient loss of control of nervous system functions without satisfactory medical explanation of the cause.

(3) A cardiovascular condition, limited to a one-time special issuance for each diagnosis of the following:

(i) Myocardial infarction;

(ii) Coronary heart disease that has required treatment;

(iii) Cardiac valve replacement; or

(iv) Heart replacement.

(b) *Special rule for cardiovascular conditions.* In the case of an individual with a cardiovascular condition, the process for obtaining an Authorization for Special Issuance of a Medical Certificate shall be satisfied with the successful completion of an appropriate clinical evaluation without a mandatory wait period.

(c) *Special rule for mental health conditions.* (1) In the case of an individual with a clinically diagnosed mental health condition, the ability to operate an aircraft under § 61.113(i) of this chapter shall not apply if—

(i) In the judgment of the individual's State-licensed medical specialist, the condition—

(A) Renders the individual unable to safely perform the duties or exercise the airman privileges required to operate an aircraft under § 61.113(i) of this chapter; or

(B) May reasonably be expected to make the individual unable to perform the duties or exercise the privileges required to operate an aircraft under § 61.113(i) of this chapter; or

(ii) The individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed mental health condition.

(2) Subject to subparagraph (c)(1), an individual clinically diagnosed with a mental health condition shall certify every 2 years, in conjunction with the certification under § 68.3(b)(3), that the individual is under the care of a State-licensed medical specialist for that mental health condition.

(d) *Special rule for neurological conditions.*

(1) In the case of an individual with a clinically diagnosed neurological condition, the ability to operate an aircraft under § 61.113(i) of this chapter shall not apply if—

(i) In the judgment of the individual's State-licensed medical specialist, the condition

—  
(A) Renders the individual unable to safely perform the duties or exercise the airman privileges required to operate an aircraft under § 61.113(i) of this chapter;  
or

(B) May reasonably be expected to make the individual unable to perform the duties or exercise the privileges required to operate an aircraft under § 61.113(i) of this chapter; or

(ii) The individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed neurological condition.

(2) Subject to subparagraph (d)(1), an individual clinically diagnosed with a neurological condition shall certify every 2 years, in conjunction with the certification under § 68.3(b)(3), that the individual is under the care of a State-licensed medical specialist for that neurological condition.

#### **§ 68.11 Authority to require additional information.**

(a) If the Administrator receives credible or urgent information, including from the National Driver Register or the Administrator's Safety Hotline, that reflects on an individual's ability to safely operate an aircraft under § 61.113(i) of this chapter, the Administrator may require the individual to provide additional information or history so that the Administrator may determine whether the individual is safe to continue operating under that section.

(b) The Administrator may use credible or urgent information received under paragraph (a) to request an individual provide additional information or to take actions under 49 USC 44709(b).

## **PART 91 — GENERAL OPERATING AND FLIGHT RULES**

8. The authority citation for part 91 is revised to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 1155, 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506-46507, 47122, 47508, 47528-47531, 47534, Pub. L. 114-190, 130 Stat. 615 (49 U.S.C. 44703 note); articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), 126 Stat. 11)

9. Add paragraph (j) to § 91.319 to read as follows:

### **§ 91.319 Aircraft having experimental certificates: Operating limitations.**

(j) No person may operate an aircraft that has an experimental certificate under 61.113(i) of this chapter unless the aircraft is carrying not more than 6 occupants.