



SOARING Rx

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Confabulation:

It's About Character

Confabulate: to fill in gaps with fabrication

Last year, a fatality occurred in a low-pass accident. I wrote afterward about the perceptual illusions that can contribute to clumsy flying and stall-spin fatality during a reversal turn at the end of a low pass.

"[He saw] a glider flying past the awning in level flight, heading north along runway 34 at an altitude of about 75 feet above ground level (agl). ... The glider continued to the end of the runway, and then began a smooth pitch-up maneuver. During the initial climb, the right wing dropped slightly, and the glider proceeded to bank smoothly to the left. The turn continued until its heading had diverged by about 40 degrees, at which point the glider had slowed down significantly. It reached the apex of the climb, and was about 300 feet agl, when it began a spin to the left in a near vertical, nose-down attitude. It completed one full rotation before disappearing out of his view behind trees." This quotation is from the current NTSB report on that accident.

Some details in this report inspire me to talk about the legal and social responsibility we have not to confabulate. For the report, Google site:ntsb.gov "WPR-11FA392".

This accident also gets mentioned in <http://www.ntsb.gov/doclib/reports/2012/SS1201.pdf>, *The Safety of Experimental Amateur-Built Aircraft*, which notes that "Experimental amateur-built (E-AB) aircraft represent nearly 10 percent of the U.S. general aviation fleet, but these aircraft accounted for approximately 15 percent of the total – and 21 percent of the fatal – U.S. general aviation accidents in 2011."

This glider had been built in 1965 and purchased four years before the accident,

at which time it had its most-recent "condition inspection" (annual).

It's my observation that some home-builders are not careful, and some are not competent; as pilots, some are poorly trained or lack currency and proficiency; and some are characterized by inappropriate risk-taking. These folks have a high rate of incidents and accidents, and besmirch the reputation of the home-builders who are careful, competent, and meticulous as builders and pilots. This character flaw lurks among us, including folks like the accident pilot, who obviously decided that his wood-frame 43-year-old glider didn't need an annual inspection.

In defense of the glider, I have to say that there was nothing wrong with the model or construction of the glider, and there was nothing about the accident that suggested the glider had failed in any way. My point is not that its frame might have gotten dry-rot in 4 years, but that the pilot's decision not to annual it reflects dry-rot of character.

Character matters. We have the responsibility to ourselves and to others not to take medical risks. And while we're on the subject, let me point out that "medical" includes thinking, emotion, decision-making and judgment, because the brain, as of last week, was still considered part of the body.

First, if we fly operations *requiring* medical certification, we are required by regulation to formally declare any medical conditions and to disclose our entire medical history on the FAA form 8500-8.

Second, if we fly such operations, we are required by regulation, at 14 CFR § 61.53, to stop exercising the privileges of our medical certificate *at the time* we develop a condition that is disqualifying, not later when we flunk our next pilot exam.

Third, if we fly operations *not* requiring medical certification, 14 CFR § 61.53 forbids a pilot from exercising pilot privileges who "knows or has reason to know of any medical condition

that would make the person unable to operate the aircraft in a safe manner." This is a checklist item we should review *before every flight*. In the old days, this was officially called, "self-certification" in the FARs. Now it's just called, "complying with FAR 61.53" and "wise judgment."

Testimonials

In the news reports of every dumb aircraft accident I've ever read about, the reporter has interviewed someone who knew the pilot. Every time, someone can be found to recite the routine balderdash, drool, piffle and fudge: "Marvin was always so careful." "He was meticulous with safety." "He would never take a chance." "He was a wonderfully skilled pilot." And so on.

It feels as though the pilot's friends are aiming to fend off lawsuits by giving public notice beforehand that there will be strong testimony in favor of the idiot pilot's good character.

This accident report actually quotes one of these friends – to wit:

"The witness, who was an acquaintance of the pilot, stated that it was extraordinarily unusual, and completely out of character, to see the pilot perform such a low-pass maneuver. He further reported that the pilot was methodical and deliberate, and this compounded his shock as he observed the glider initially overfly the field."

OK. He was a friend, and we are fans of our friends. Nevertheless, in the docket of plain fact we have the stronger character testimony of the pilot's flight-physical form, where he signed his name right next to the notice that explains the possibility of a \$250,000 fine and up to five years in prison, for making on the form "any false, fictitious or fraudulent statements or representations, or entry."

He made this signature after totally falsifying his FAA medical form. To wit – "He held a second-class medical certificate issued on June 1, 2009, ... [at which time] he recorded 'no' to all questions regarding medical history, including, 'Have you ever in your life been diagnosed with, had, or do you presently have any of the following:', 'Mental disorders of any sort; depression, anxiety, etc.',

'Heart or Vascular trouble.', 'High or low blood pressure'. He also stated that he was not currently using any medication."

At the same time ... "His personal medical records, dated June 12, 2009, 11 days after his FAA medical examination, included a psychiatric evaluation with the observation of, 'Mood swings. Elevated mood. Exhibits compulsive behaviors. Obsessive thoughts. Poor Insight.' The primary-care physician's assessment at the pilot's final medical examination, dated February 21, 2011, noted that his Depression was under 'fair control,' his Sleep Disturbance was 'stable,' Hyperlipidemia under 'poor control,' and that his Hypertension was 'chronic.' The evaluation further stated that at that time, he was actively taking Lisinopril, Paxil, Hydrochlorothiazide, and Fluticasone Propionate."

It is unusual for a doctor to make such explicit, personally critical observations as "poor insight" in a medical record, even with justification. As a physician, this note means that something significant was observed by the doctor.

Paxil is an antidepressant that is disqualifying because it impairs thinking performance. Depression is disqualifying because it impairs judgment. Obsessive-compulsive disorder may be disqualifying. Poor insight suggests a character disorder, intellectual loss, or psychosis, each of which is disqualifying because they may impair judgment. High blood pressure is disqualifying in the absence of adequate control on approved medications.

OK, he was flying a glider, for which formal FAA medical certification is not required. However, he still is *prohibited* by the regulation from pilot duties if he has "any medical condition that would make [him] unable to operate the aircraft in a safe manner." Look at his collection of conditions and medications – no one can claim that he was free of "any condition that would make him an unsafe pilot"!

If this evidence doesn't convince you, simply take "poor insight" and "fair control" of depression, plus a low-pass in a home-built glider which hadn't been annualled, that ended fatally – this combination proves that he was medically an unsafe pilot at the time of this flight,

unable to limit risk appropriately to experience. "Methodical and deliberate" indeed! Was it truly "totally out of character" to show poor judgment?

(Note that to the FAA, if not to males; "medical" includes healthy brain and thinking. Egregiously poor judgment is therefore a "medical" issue even though we don't have surgery or medication to cure it.)

The point is not that he was on all the medications in August that he had been taking in February, or that he still needed them. The toxicology studies on the body didn't find them (though we don't know the time from death to the post-mortem, which could affect the results). The point is that this man lied by omission, over his own signature. He put himself above the medical rules that have been developed in response to impairments and accidents. He made a foolish decision that took his own life, and the medical records support the idea that he was prone to poor decisions.

The FAA medical certificate is a *legal statement* that says the FAA is willing to present your case, to a disbelieving public if necessary, that you were – at the time the certificate was issued – physically and mentally able to exercise pilot duties and unlikely to suffer incapacitation, *for the duration of the certificate*. The pilot who fails to report a medical condition betrays the trust the public puts in the FAA and the trust the FAA puts in the pilot.

Soaring pilots are privileged in that we are permitted to assess ourselves, and judge, prior to each flight, whether we might have any condition that would make us unsafe. Every mother's son who fails to do this, and has an incident, raises the chances that the NTSB may change its mind about the need for medical certification for glider pilots.

It is patterns like this pilot's that harm the reputation of ourselves and our sport. If you are walking in his shoes, please stop. If you feel that you are above the regulations, please find another sport. (Thanks for listening.)

I am an aviation medical examiner. Pilots with medical conditions are annoyed or frustrated by the required documentation. I understand this; I've had my own special issuance. Pilots do forget past medical events. Yet some pilots do

lie. I have seen each of these situations. (In fact, last year I phoned the personal physician of a pilot applicant to ask a question about medical history; this man's own doctor said, "He's a liar.")

You may as well know that one of the benefits of the Affordable [Healthcare] Care Act is the requirement that states create statewide health information networks. We are well on the way to nationwide creation of these networks. Within a few months, your aviation medical examiner will probably be able to review your complete medical record before, during, or after your visit.

I have had for a few years access to the records of the entire Mayo system. Sometimes it's been a revelation to check the full trove when a "healthy" pilot comes for a medical. If the problem is a lapse of memory, I will take hours of my own time to help the pilot create the documentation that the FAA wants. If the pilot is trying to falsify, I give him a list of precisely what documentation the FAA wants, and he can do it himself.

My experience with this is that pilots who falsify also have trouble following specific directions, such as the checklist of documents (and their contents) that I create for them. Perhaps there's a deep psychological problem in the pilot. In any case, I'm not going to help anyone falsify! When the deceptive pilot falsifies, he is asking me to join him, which risks my reputation, my privileges as a pilot examiner, and possibly my license.

I will do almost anything to get a fellow pilot through illness and back into the air as a safe pilot. However, if I'm at the field, and the fellow pilot says something like, "My cardiologist recommended a heart cath, but I put it off until next week so that I could fly this weekend," I'll make sure the FAA knows about it.

My friends, we need to sacrifice the joy of soaring sometimes for the sake of our colleagues, passengers, and the sport.

End of sermon. Peace wbe unto you.

Interesting Reading.

Darker Shades of Blue: The Rogue Pilot, Anthony T. Kern. McGraw-Hill, 1999.

Rogues sometimes appear among normally disciplined pilots, some of whom are just one poor decision or temptation away from disaster. ✈