



1016-2 (DFS)

1 October 2020

To Physicians and Health Practitioners

MILITARY AIRWORTHINESS INVESTIGATIONS – MEDICAL EXAMINATION

1. The purpose of the Canadian Armed Forces Flight Safety Program is to prevent accidental losses of aviation resources. This is achieved in part through independent, non-punitive safety investigations into military aviation occurrences. Under section 12 of the [Aeronautics Act](#), an Act of Canada, I am responsible as the designated Airworthiness Investigative Authority (AIA) for advancing aviation safety by investigating military aviation occurrences, determining their causes and contributing factors, identifying deficiencies and then making preventive recommendations.
2. In order to fulfill the mandate under the *Aeronautics Act*, the AIA may:
 - a. provide notice by means of Form 4 of the [Military Airworthiness Investigation Regulations](#) in order that a person who is directly or indirectly involved in the operation of an aircraft submit to a medical examination, that includes providing a urine sample for toxicological testing; and
 - b. provide notice by means of Form 5 of the *Military Airworthiness Investigation Regulations* in order that a physician or health practitioner provide health information concerning a patient.
3. Refusing or failing to provide information concerning a patient is an offence under the *Aeronautics Act*, which may make you liable to the penalties under that Act.
4. Please note that subsection 14(15) of the Act provides that a person submitting to a medical examination does not require that the person submit to any procedure involving surgery, perforation of the skin or any external tissue or the entry into the body of any drug or foreign substance. An AIA authorized Flight Surgeon will be in contact with you to detail the nature of the medical examination you are being asked to conduct and give instructions with respect to the handling of the urine sample collected under this authority.
5. Of note, information obtained as a result of a medical examination, including a toxicology sample, is privileged under the *Aeronautics Act* and the disclosure of this information for the purposes of any disciplinary, criminal or civil proceedings is strictly prohibited. Although an investigative report may comment on the presence of illegal substances, no reference to the identity of the individuals tested would be made.

6. For your information, physician consulting services at the Canadian Medical Protective Association (CMPA) were advised by my office that AIA investigators have the authority under the *Aeronautics Act* to compel a physician or health practitioner to provide information regarding a patient. The CMPA had no reservations with advising a physician or health practitioner to comply when provided notice by means of Form 5 of the *Military Airworthiness Investigation Regulations*.

7. This letter serves as a mechanism to inform you of the statutory powers of the AIA, as well as to provide contact information in case there are any questions regarding the investigative process. Your assistance and cooperation in this matter is greatly appreciated.

8. If you have any questions, please do not hesitate to contact me or the Chief Investigator at National Defence Headquarters in Ottawa at the following numbers:

- Airworthiness Investigative Authority: Tel 613-901-2608 / Mobile: 613-799-5972
- Chief Investigator: Tel: 613-901-7644 / Mobile: (343) 572-6879.

J.J. Alexander
Colonel
Airworthiness Investigative Authority