

GENERAL INFORMATION	
KEYWORDS	Marine medical certificate, heart disease, medication, anti-coagulant, bleeding risk
FILE NO.	MH-0207-21
SECTOR (Marine or Aviation)	Marine
SPECIFIC JOB	Fisherman
DIAGNOSIS (Primary, Secondary, etc.)	Cardiomyopathy and Atrial Fibrillation
REVIEW	
DATE OF DETERMINATION	August 12, 2014
MEMBER	Dr. Christopher Brooks
DETERMINATION	The Minister's decision is confirmed.
REASONS FOR THE DETERMINATION	<p>Issuance of a marine medical certificate (MMC) with limitations – Near Coastal Class II (NCCII) — The applicant has had several serious heart problems dating back to 1997 when he developed a cardiomyopathy and atrial fibrillation. He was prescribed the standard medications which included Coumadin. In the following years, the applicant was issued MMCs which allowed him to fish up to 100 miles offshore (NCCI). Due to the adoption of more stringent ILO/IMO guidelines, in 2012, Transport Canada (TC) revised his MMC to “NCCII”, due principally to the fact that he was taking Coumadin. This only allowed him to fish up to 25 miles offshore. TC made a strong case that there is the risk of a serious bleeding side effect of Coumadin. Two new large studies were presented to demonstrate the fact that at least 3 to 4.3 per cent of patients taking Coumadin will have a bleed. There is well-established evidence that Coumadin can cause bleeding, and no one can predict when, or if ever, it may happen. The applicant may accept the risk of having a bleed at sea, but his shipmates would be in jeopardy trying to get him ashore as quickly as possible, and it also puts those who may come to rescue him in harm's way. For these reasons, the Minister's decision is confirmed.</p>
APPEAL	
DATE OF DECISION	April 11, 2016
MEMBERS	Dr George Pugh, Ms. Sarah Kirby, Mr. Jim Parsons
DECISION	The appeal is dismissed
REASONS FOR THE DECISION	<p>Since most of the issues raised by the appellant in this appeal involve issues of fact and mixed fact and law, the panel will consider the review member's approach to these issues on a standard of reasonableness. However, in determining first whether the review member erred in improperly basing his determination on the ILO/IMO guidelines, given that this constitutes a question of law, the appeal panel will follow the Federal Court's decision in <i>Billings Family Enterprises Ltd. v. Canada (Transport)</i>, 2008 FC 17, and apply a standard of correctness. The review member acknowledged Canada's adherence to</p>

	<p>the ILO/IMO guidelines and its participation in their revision. He also noted that Transport Canada had a doctor conduct a separate review of the issue of seafarers on anticoagulants. Moreover, Transport Canada physicians considered the appellant's case in a special review meeting. The review member concluded that a compromise had been made in issuing a Near Coastal Class II MMC. This panel agrees that the review member had arrived at a reasonable decision after consideration of all the facts presented to him.</p>
OTHER/COMMENTS	