

GENERAL INFORMATION	
KEYWORDS	Marine medical certificate, multiple sclerosis, geographical limitations
FILE NO.	MP-0670-21
SECTOR (Marine or Aviation)	Marine
SPECIFIC JOB	---
DIAGNOSIS (Primary, Secondary, etc.)	Relapsing-remitting multiple sclerosis
REVIEW	
DATE OF DETERMINATION	May 24, 2022
MEMBER	Dr. Colin MacKay
DETERMINATION	The member is referring the matter back to the Minister of Transport for reconsideration of its decision to limit the applicant's marine medical certificate to "limited contiguous waters voyage."
REASONS FOR THE DETERMINATION	
<p>The issuance of a marine medical certificate (MMC) with the limitation of "limited contiguous waters voyage" which is limited to the waters contiguous to Canada, the United States (except Hawaii) and Saint Pierre and Miquelon — The applicant is a seafarer who most recently worked as an engineer. He experienced significant neurological symptoms and was subsequently diagnosed with relapsing-remitting multiple sclerosis (RRMS). This condition was treated aggressively with high potency disease modifying medications. His symptoms did resolve with the treatment, and he is currently being treated every six months with a medication named Ocrevus. Following a review of the applicant's medical information, he was assessed as fit to hold an MMC with the limitation of limited contiguous waters voyage due to the unpredictable nature of his disease and the risk of infection associated with his treatment. The witness for the Minister of Transport (Minister) stated that after reviewing all medical reports, the applicant did meet all the physical and mental standards required to hold an unrestricted MMC; however, the applicant does require a geographical restriction because of the risk of infection associated with Ocrevus treatment. With this treatment, TC is concerned about an increased risk of infection in certain environments, and the potential for the applicant to be infected without having symptoms, which would create the risk of him also contaminating the crew and risking the safety of the ship. Both parties agreed that the applicant's RRMS does not currently prevent him from meeting the required physical and mental standards for a seafarer. The only specific issue that needs to be addressed is whether the applicant's treatment with Ocrevus affects his fitness to hold an unrestricted MMC. The applicant submitted into evidence a letter from his specialist which stated that he did recognize a slightly higher risk of infection with Ocrevus treatment, but he indicated this tended to be a problem for older people with other comorbidities. However, he added that the applicant is a young man, with no other medical issues, and as such, his risk of infection should be considerably low. The Minister's witness, in cross-examination, questioned how the applicant's specialist could state that most patients on Ocrevus remain stable on the basis that Ocrevus had only been approved in 2017, so there was a limited number of people having been on the medication long enough to support this statement. On a balance of probabilities, the member finds that the Minister has not obtained the necessary specialist advice or provided sufficient evidence to support the decision to restrict the applicant's MMC to limited contiguous waters voyage, based on the risk of infection associated with Ocrevus treatment.</p>	
APPEAL	
DATE OF DECISION	
MEMBERS	
DECISION	
REASONS FOR THE DECISION	

<b>OTHER/COMMENTS</b>
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