

New Regulations Affect Ventilator Users Who Fly

IVUN recommends reading the complete list of new regulations as explained by Brennan at www.southwestada.org/html/publications/ebulletins/legal/2009/may2009.html.

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Regulations for the updated Air Carriers Access Act (ACAA) became effective May 13, 2009, and some of the new requirements impact users of home mechanical ventilation. The following sections were extracted from Legal E-Bulletin – May 2009 by Jacquie Brennan from the Houston-based DBTAC (Disability and Business Technical Assistance Centers) Southwest ADA Center and interspersed with “Answers to Frequently Asked Questions Concerning Air Travel of People with Disabilities Under the Amended Air Carrier Access Act Regulation” from the Department of Transportation (DOT).

Electronic Devices that Assist with Respiration

Carriers, except for on-demand air taxi operators, who conduct passenger services must allow, on all aircraft with a capacity of more than 19 seats, any passenger with a disability to use a ventilator, respirator, CPAP machine or an FAA-approved portable oxygen concentrator (POC), unless either the device does not meet FAA requirements for medical portable electronic devices and does not display a manufacturer’s label that indicates the device meets those FAA requirements or the device cannot be stowed and used in the passenger cabin consistent with TSA, FAA and PHMSA (Pipeline and Hazardous Materials Safety Administration) regulations.

Are ventilators, respirators, continuous positive airway pressure machines (CPAP) or FAA-approved POCs labeled by the manufacturers as meeting applicable FAA requirements for medical portable electronic devices?

Few, if any, such devices have been labeled as meeting applicable FAA

requirements for medical portable electronic devices as of the date this document was issued. (May 13, 2009)

May a carrier refuse to allow a passenger to use on the aircraft any respirator, ventilator, CPAP machine or FAA-approved POC that does not have a manufacturer’s label indicating compliance with the standards of RTCA/DO-160 (current edition) or other applicable FAA or foreign government requirements for medical portable electronic devices?

Yes. Carriers may refuse to allow a passenger to use a respirator, ventilator, CPAP machine or FAA-approved POC onboard the aircraft if the proper manufacturer’s labeling is not present on the device. However, DOT would encourage carriers to voluntarily conduct the necessary tests on a particular respirator, ventilator or CPAP machine model that is not labeled, in order to determine its compliance with the applicable safety standards and allow passengers to use those devices found to be safe on its aircraft.

Advance Notice

An air carrier may require that a passenger with a disability ... give up ... to 48 hours advance notice and check in one hour before the check-in time for the general public is required to use a ventilator, respirator, continuous positive airway pressure (CPAP) machine or portable oxygen container (POC).

Also, an air carrier does not have to provide a hook-up for a respirator, ventilator, CPAP machine or POC to the aircraft electrical power supply, but if it chooses to do so, it can require 48 hours advance notice and check in one hour before the check-in time for the general public.