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COMMENTARY

Cruising Post-COVID: What You Need to Know

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The cruise lines are ready for passengers. After restarting service out of the Port of Miami in August, Carnival Corp. announced in October that half its ships would be operating by the end of that month and nearly

two-thirds by the end of the year. The world's largest passenger carrier also says that its entire fleet will be welcoming guests by the end of March.

Royal Caribbean's outgoing CEO, Richard Fain, told CNBC in November that booking volumes have bounced back from a summer slowdown. In its third-quarter report, the world's second largest cruise line said that 2022 bookings are in line with those of past years at higher prices than in 2019.

Most importantly, as of Jan. 16, 2022, cruise lines operating in this country will no longer be beholden to the U.S. Centers for Disease Control's pandemic rules in place since October 2020.

Not much may change. Fain told CNBC that Royal Caribbean International has extended its vaccine requirements and other COVID-19 regulations until the end of March for sailings from the United States, including Puerto Rico. Vaccinated guests will have to take a COVID-19 test before sailing, as will unvaccinated children ages 2-11. Carnival says its protocols will remain in place until at least March 22, 2022..

CDC and cruise line measures have not completely prevented outbreaks. The Norwegian Breakaway docked Dec. 6 with at least 17 passengers and crew who tested positive for COVID-19. One crew member may have the omicron variant, according to published reports.

Given the uncertainties of another outbreak and changing rules, here's what passengers need to know if they suffer a COVID or non-COVID-related medical emergency at sea:

If a medical emergency occurs at sea, the first available medical care likely will be the shipboard medical doctor. He may not be qualified to provide necessary treatment for a medical emergency, and the patient may be required to be evacuated from the ship to a more suitable facility to their condition. It is important to note there is no absolute right for a passenger to dictate where he wants to receive treatment. Depending on many factors, the captain of the ship will make the ultimate decision whether to evacuate the patient from the ship on an emergency basis, and where and how. A possibility is a medical evacuation at sea conducted by the U.S. Coast Guard. Another is to disembark them at the next port the ship is going to, even if that is a foreign port where they prefer not to be treated. The patient might be faced with expenses of getting back to the United States for treatment, and other expenses incurred in the foreign port. Travel insurance may cover costs, including air ambulances. These are critical issues for passengers to learn about when going on a cruise.

The American College of Emergency Physicians guidelines from 2018 say that physicians should have “at least three years of post-graduate/post-registration experience in general and emergency medicine or are board certified in emergency medicine or family medicine or internal medicine.” Most doctors are not licensed in the United States, and typically are not board certified in emergency medicine. Typically, the medical doctors have some past experience working in an emergency room but are not specialists in emergency medicine.

While adoption is voluntary, the college and the Cruise Lines International Association, the largest organization of its kind, have collaborated to make the guidelines mandatory for association members.

They include the largest carriers such as Carnival, Royal Caribbean, Norwegian, Disney Cruise Line, MSC Cruises and TUI Cruises.

A cruise company has a general duty to exercise reasonable care for the safety of all passengers, which may include a duty to evacuate a passenger off the ship and to a shoreside facility. The website of Royal Caribbean states the following about medical care in cases of emergencies:

“In responding to medical emergencies, our goal is to first stabilize emergency patients and, where indicated, evacuate the patient to an appropriately equipped and staffed shore side medical facility as soon as practical.”

Depending on the nature of the emergency and circumstances, it's possible the cruise line might have a duty to reroute the ship or return to the previous port, or one not on the itinerary, so that passengers receive the best care available. If the condition is serious enough, the cruise line may have a duty to contact the closest search and rescue center of the U.S. Coast Guard for a MEDEVAC at sea by helicopter or boat.

The Breakaway stayed on course. It returned to New Orleans, Louisiana, its port of origin, after completing a seven-day itinerary. Travelers who tested positive had been isolated and upon disembarking traveled either by personal vehicle directly to their homes or were self-isolating. All passengers were required to be tested prior to being disembarked.

If a medical situation arises that results in a potential lawsuit against the cruise line, the cruise ship passenger ticket will contain critical terms and conditions about the passenger's rights. The cruise ship ticket is

considered a legally binding contract. The ticket will contain critical deadlines, such as a deadline to provide written notice to the cruise line about the claim, and a deadline in which to file the lawsuit. The requirement for notice is six months for the date of incident, and the deadline to file the lawsuit is one year from the date of the incident. In addition, the ticket will state where you have to file a lawsuit, which state, and which courthouse.

For example, if a Miami-based cruise line were the defendant, the case would be heard in the U.S. District Court for the Southern District of Florida regardless of where the passenger resides.

Here are some examples of what might result in a lawsuit:

- Was the cruise line negligent in how it responded to an emergency? Could it have acted sooner? Did it prioritize the sick passenger over the ship's itinerary or profit?
- If the ship's doctor did not diagnose properly, or is not held to the same standards as a specialist in the area,

If you plan to cruise, here are some ways you can keep yourself healthy:

- Look into telemedicine options, as they should be readily available onboard.
- Consider travel insurance. If you need to be transported by air ambulance to a more suitable facility, the cost may be very high.
- Be aware of what ports your ship will visit. COVID-19 protocols, infection and vaccination rates, and medical care facilities vary greatly from country to country.
- Ask about the medical support and procedures available on the ship. What can you expect should you have a medical emergency? How are you affected if a passenger or crew member tests positive for COVID-19?
- Plan for emergencies so that you are not scrambling for help should you or a family member fall ill or be injured. Review your access to phone calls, telemedicine, your primary care physician and relatives on shore.

Cruising should be a big part of a fun, relaxing vacation. With knowledge and planning, you can make sure the trip is also a safe one.

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