



FAA Proposes New Rules for Air Ambulances

The Federal Aviation Administration (FAA) has been under increasing pressure to issue new regulations concerning helicopter air ambulance operations in the wake of several high-profile accidents in recent years, safety investigations by other government agencies and Congressional hearings. On October 7 the FAA proposed a series of new operating requirements that it estimates will impose approximately US\$136 million in additional costs on air ambulance operators over the next 10 years. The FAA has asked for comments on its proposal by January 11, 2011.

Specifically, the FAA is proposing:

- To require all helicopter air ambulance operators to have helicopter terrain awareness warning systems and radio altimeters installed on all of their aircraft within three years;
- To require that all flights with medical personnel aboard be conducted under the FAA's stricter Part 135 standards, including more generous crew rest and duty time requirements and stricter minimum weather conditions;
- To impose new rules regarding flight planning, pre-flight risk assessments and transitions between visual flight rules and instrument flight rules in emergencies;
- To require enhanced safety training (or individual flight-by-flight briefings) for medical crews and enhanced qualifications for pilots; and
- To require helicopter ambulance operators with 10

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Contacts:

Aviation

[Charles F. Donley](#)
+1.202.626.6840

[Edward W. Sauer](#)
+1.202.626.6641

[Marshall S. Sinick](#)
+1.202.626.6651

Health Care

or more aircraft to establish control centers staffed with personnel trained to monitor flights, provide weather information and assist in pre-flight risk assessment.

The FAA is also considering requiring lightweight aircraft recording systems (the helicopter analog to "black boxes") on air ambulances to aid in accident investigations and to allow operators to monitor flight performance more carefully.

If adopted, the FAA proposal is likely to reduce the availability of helicopter ambulance services and to make them more expensive. Stricter minimum weather requirements, mandatory pre-flight risk assessment procedures and new crew rest and duty time rules that reduce the amount of time crews can spend flying all have the potential to make it more difficult to locate an operator to perform a flight, especially in difficult conditions. The cost of the new requirements will also be a burden on operators. In particular, smaller companies may find it difficult economically to meet the requirements of the FAA rule, if it is adopted as proposed.

In addition to its comprehensive health care practice, Squire Sanders has one of the oldest and largest aviation law practices in the United States. We represent aircraft operators, equipment manufacturers and users of air travel services before the FAA and other federal agencies regulating air transportation. Please feel free to contact the aviation lawyers listed in this Alert or your regular health care lawyer should you require further information on the FAA proposal, or if you are considering submitting comments to the FAA concerning it.

[Scott A. Edelstein](#)

+1.202.626.6602
+1.415.954.0205

[David W. Grauer](#)

+1.614.365.2786

[Lisa G. Han](#)

+1.614.365.2773

[John M. Kirsner](#)

+1.614.365.2722

[Peter A. Pavarini](#)

+1.614.365.2712

[Anthony D. Shaffer](#)

+1.614.365.2733

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1201 Pennsylvania Avenue, N.W., Suite 500, Washington, D.C. 20004, USA

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