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## TRAVEL LAW: A DUTY TO INFORM TRAVELERS OF HEALTH RISKS ABROAD

*By: Martin B. Lessans, Esquire-Lessans, Praley and McCormick, P.A.  
Member of the Maryland Bar*

In recent years travel has been the fastest growing and one of the largest industries in the world. With this explosive growth has come a change in the status of the travel agent in relation to the consumer. The contemporary agent is now held to a higher degree of responsibility in dealing with the consumer client. The courts have increasingly imposed upon travel agents the duty to convey needed and relevant information to consumers.

Modern travel agents and professionals in the travel business—including corporate travel managers and tour operators—are frequently viewed as information specialists. They are relied upon to provide accurate information about the destination, including any negative points which could have an adverse affect on the traveler. There is a well established duty of all agents to act in the best interest of their clients by revealing any information which travelers should know. Travel agents hold themselves out as experts and are trusted and relied upon by consumers. Thus the travel specialists must be aggressive in their search for all relevant information which consumers need in order to make informed decisions. Characterizing the duties of modern travel agents as passive in nature and requiring such agents to reveal only what they happen to know at any given point in time rewards ignorance.

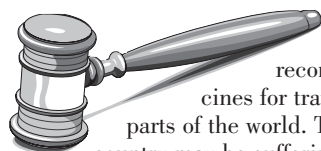
Litigation has defined the responsibility of the travel agent. One traveler sued his travel agent for damages arising from rapid altitude changes in a tour to La Paz, Bolivia, (a destination some 10,000 feet above sea level). At such a high altitude, oxygen scarce air can have a propensity to cause hypoxia resulting in cerebral hemorrhage. In holding the travel agent responsible, the court held that information dealing with health hazards must be aggressively sought out and a failure to do so constitutes negligence. In other cases, tour operators have been held liable for failure to warn travelers of the risks and dangers associ-

ated with terrorism and crime in various developing countries.

Today there are several sources of relevant information available to the professional travel agent. U. S. State Department's Travel Advisories warn of crime and terrorism in various destinations. The Centers for Disease Control (CDC) publishes reports of the outbreak of disease and the recommended vaccines for travel to various parts of the world. The destination country may be suffering from a typhoid epidemic or some other outbreak of contagious disease. One recent court decision held: "travel agents should be under an obligation to inform consumers of the need for vaccinations to ward off diseases in international locales. Such information is readily available from the CDC..." and other sources such as Passport Health, the local experts in travel medicine and health for consumers.

Until 1995 there was no vaccine for the Hepatitis A virus which is usually transmitted by poor sanitation in food handling. This illness can result in death in the young and elderly. Others can suffer weeks of pain and flu-like symptoms with months for recovery. Although it is recommended by health professionals that everyone—and especially travelers—be vaccinated against the Hepatitis A virus, many countries still have a high incidence of reported cases. Even some locales in the U.S. have experienced severe outbreaks, such as Spokane Washington and Long Island, New York.

It is clear from case law that any travel professional has the duty to inform their travelers of Hepatitis A and other potential health risks. This responsibility can be met most easily by referring travelers to Passport Health, whose exclusive mission is to keep abreast of health and safety risks abroad and administer the most up-to-date vaccines and advice.



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## TWINRIX-

## TWO IN ONE DEFENSE

*By Fran Lessans, R.N., M.S., President,  
Passport Health*

Twinrix combines Hepatitis A and B into one dose. These are two serious diseases that affect the liver. Either disease can put you in the hospital or cause you to miss work at the very least. In the United States alone 100 people die each year from hepatitis A and worldwide, approximately 250,000 people die as a result of hepatitis B-related acute and chronic liver disease. Many people who have been infected with hepatitis A or B don't know how they got it. Almost 50% of Hepatitis A patients have no known risk factors. Similarly, 25% of people infected with hepatitis B have no reported risk factors.

Hepatitis A is spread via the fecal-oral route. This can occur through person-to-person contact or by eating or drinking contaminated food or water. Outbreaks can often be traced to poor kitchen hygiene. Raw or undercooked shellfish cultivated in sewage-contaminated water and vegetables grown in soil fertilized with human excreta are risk factors. Travelers are at risk of HAV when visiting less developed countries (including those in the former communist block region). Although the risk of infection is higher in the more adventurous, it is also seen in travelers returning from luxury tours of short duration.

Hepatitis B is spread by direct or indirect contact with infected blood and body fluids, sexual contact or through contaminated medical or dental equipment. It can spread through contact with infected blood from cuts and nosebleeds and during piercing and tattooing. Sharing personal care items such as toothbrushes or razors may also place a person at risk. Like AIDS, hepatitis B is spread by contact with infected blood or through sex. But Hepatitis B is easier to catch because it is 100 times more concentrated in the blood and can survive up to 30 days outside the human body. Travelers are at risk for Hepatitis B, as they often seek medical attention for wounds and illnesses. In China and other ► 3



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# FLU SEASON IS ALL YEAR FOR TRAVELERS—DON'T LET IT GET YOU DOWN

By: Fran Lessans, R.N., M.S., President of Passport Health

The flu vaccine is safe and effective for anyone who wants to reduce his or her chance of being infected with influenza. Countries with tropical climates have influenza activity year round, and biannual epidemics have been reported. In temperate climates, influenza typically occurs in winter months, but travelers may be exposed in the summer. Outbreaks of influenza on cruise ships and among land-based tours suggest that tourists traveling in large groups, which include international travelers, may be at an increased risk.

Each year the virus that causes influenza changes. The virus is tracked from east to west and manufacturing depends on the strains found. We are expecting a particularly bad year. The chicken (influenza) virus that was found in Hong Kong in 1997 which was responsible for hundreds of deaths is back this year. Though bird flu viruses usually do not infect humans, this one did. To eradicate the virus, the government of Hong Kong ordered the slaughter of all chickens. But the virus has returned there this year—not once but after a limited slaughter, a second time. The 2000-2001 influenza vaccine will include A (H1N1) and B. In an average year in the United States, more than 100,000 persons are hospitalized and more than 20,000 deaths are related to influenza.

Influenza is a highly contagious respiratory viral illness. Symptoms include fever, cough, sore throat, fatigue, muscle aches, headaches, runny nose, and watery eyes. Children may

also experience vomiting and diarrhea.

The incubation period for influenza is 1 to 4 days. A person with influenza can be contagious 1 day before symptoms appear and for 3 to 7 days after the onset of symptoms.

Influenza viruses are spread by droplets produced by an infected person who is coughing or sneezing.

Travelers are at increased risk for exposure to influenza. The risk depends on the time of year, destination, and type of travel. In the tropics, influenza can occur throughout the year. However, in temperate climate zones of both the Northern and Southern Hemispheres, travelers can be exposed to influenza during their respective summer months, especially when traveling in large, organized tourist groups consisting of persons from areas of the world where influenza viruses are circulating.

The best protection against the flu is a vaccination. The vaccine is 70% to 90% effective in preventing influenza among healthy adults if it is administered at least 2 weeks before exposure and if there is a good match between the vaccine and the influenza strain causing illness.

If you develop symptoms of respiratory illness, such as cough, sore throat, or fever, while you are traveling, you should contact your tour director, hotel staff, guide, or physician. As with any illness, if you feel that you are having difficulty breathing, you should consult a physician and seek immediate medical attention. Travel personnel or hotel staff are likely to have

information of local medical facilities should you require them.

You should limit your exposure to others if you have symptoms such as cough, sore throat, or fever. This could mean avoiding activities or places (including those on cruise ships) where people are crowded together indoors, such as restaurants, bars, movie theaters, or game rooms.

The travel industry is working closely with public health authorities to limit transmission among tourists. Some cruise lines have started surveillance for respiratory illness among both passengers and crew members. Also, some cruise lines vaccinate their crewmembers against influenza. The primary purpose of vaccinating crew members is to protect passengers by decreasing the possibility of influenza transmission from crew members to passengers who may not be vaccinated, yet are at increased risk for severe illness or death following influenza infection (older persons and those with chronic medical conditions).

You may also want to protect yourself against pneumonia. Pneumococcal vaccination is recommended for most of the same groups as influenza vaccine, whether or not you are planning to travel. The protection given by the vaccine starts about 14 days after vaccination. The influenza and pneumonia vaccine are compatible and may be given together. Passport Health has both vaccines available. ■

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## READER COMMENTS

“I was relieved and super informed after my appointment at Passport Health. All I was expecting was a few shots. Instead, I received complete, extensive information on the country I was visiting, all necessary travel supplies and in a comfortable environment. I feel much better about my trip now. What a great resource!! I love the personalized packet.” Jen Dickson

Frances Dickens frequently travels to Nigeria and offers some dos and don'ts. “Don't buy water in plastic bags widely sold; don't openly take pictures, as your camera will be confiscated; don't let your luggage out of your sight, as locals wait to grab luggage and request money for its return; don't ride public buses, as they are very crowded and most locals don't wear deodorant; don't rent a car and drive yourself, as there are no stop signs or traffic lights and accidents occur frequently. Drivers typically argue for a while and then proceed on. Totally wrecked cars are left on the side of the road. Do pre-arrange for an airport arrival pick-up, as taxi drivers often try to extort money from visitors; do buy beautiful fabrics and have clothes made, it is very reasonable and workmanship is excellent.”

Louis Brown recently returned from a family reunion in Mexico. “Thanks to Passport Health I returned without any problems. I received the

recommended Hepatitis A vaccine prior to travel. My brother went without protection and came down with Hepatitis A. He was very sick, missed 5 weeks from work and now has to be on medication for a year. My brother's ordeal was preventable with a simple vaccine. Thanks for your care Passport Health!”

Wally Josephson traveled to Brazil. His luggage was lost with his medications and security items for 4 days. “Fortunately I remembered the advice given to me at Passport Health and I was fine.”

Claude Grant trusted his tour guide to keep an eye on his nap sack, which carried his camera and related expensive equipment left on the seat of the touring van in Malawi. “The guide/driver left the van unlocked while he used the facilities; the pack was stolen. Neither the guide/driver nor the company owners apologized for the van's being unattended. The police took a report but were useless.”

Kara Hamilton & Matt Novotny traveled for three months throughout Africa. “Bring a water purification system or bottled water into Malawi, as bottled water is not available. However, souvenirs are much cheaper in Malawi. Be sure to continue taking malaria prophylaxis even if you suspect

minor side effects. A British traveler stopped taking his malaria medicine and had to be medivaced due to severe cerebral malaria.”

Joann Feeley and her husband recently returned from Kenya. “Take the Passport Health 30% DEET and Permethrin and use it as recommended. Mosquitoes usually love me, but I used the repellents as directed and wasn't bitten at all, while many on my tour were tortured by mosquitoes.”

Paula Staufer was in Ghana for six months. Paula suggests taking advantage of the specialized medications and supplies available at Passport Health. “Everything came in very handy.”

A Foery recently returned from India and Indochina. “If you are not staying in a 5 star hotel take your own top sheet, as top sheets are not provided. Take 2 charge cards for large purchases, as merchants will not process big ticket items on one charge card.”

Alfred Walsh lived in Thailand for 18 months. He learned to enjoy eating insects, a culinary delight. “Boiled silkworms taste a lot like corn. Fried grasshoppers, grubs and cicadas taste like crunchy potatoes. Baked snake with sauce tastes like chicken.” ■

## TWINRIX- TWO IN ONE DEFENSE

*continued from page 1*

underdeveloped countries the most common means of transmission is dirty needles, which are often reused by medical staff to save money. Experts also blamed an illegal trade in needles that have been inadequately cleaned and repackaged. They also said there are increasing reports of infection from acupuncture, a traditional Chinese remedy in which dozens of needles are stuck into the skin. Although we have seen Hepatitis B in short term travelers, length of stay does seem to play a role in transmission. Among a group of 105 men living in Southeast Asia, the seroprevalence was very low in those who had been living there for up to one year, rising to 47% in those in the fifth year.

Hepatitis A and B have several symptoms in common. They include tiredness, appetite loss, nausea, abdominal discomfort, dark urine, light colored stools and jaundice. Jaundice can be prolonged and hepatic failure leading to coma and death may occur. For hepatitis A, adults are more likely to have symptoms than children. Symptoms usually last about 2 months. As many as 10% to 15% of people can have symptoms for up to 6 months. For hepatitis B, nearly half of infected adults have no symptoms at all, and they can unknowingly infect others.

Twinrix has been proven highly effective. Clinical trials in 1,551 people showed that after completion of 3 doses, more than 98% of people developed antibodies against hepatitis A and B. The most common side effects in clinical trials included soreness at the vaccination site, headache and fatigue. They were mild, did not require treatment, and did not last more than 48 hours. Twinrix is the world's only combination vaccine that prevents both hepatitis A and B. Passport Health carries Twinrix and can accelerate the dosing schedule for those travelers needing immediate immunity due to short notice and extended stays. ■

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## YOU'RE GETTING VERRY SLEEPY... COMBATING JET LAG ON YOUR NEXT LONG-DISTANCE TRIP

*By W. Lynn Seldon, Jr., Travel Writer for World Travelers of America*

Jet lag is a drag. "Plane drain" can make those first few days at a new destination or back home seem like you really do need a vacation.

To travel to some of the world's top destinations, you typically have to catch a plane. The only glitch in this globetrotting fantasy is the toll air travel can exact on the body in the form of jet lag.

The root cause of jetlag is the disruption of the body's circadian physiologic rhythm, which is the internal 24-hour cycle that regulates a person's normal waking and sleeping periods. Specific symptoms include: insomnia, daytime sleepiness, fatigue, poor concentration, slowed reflexes, indigestion, hunger at odd hours, irritability, depression, lack of resistance to infections, muscle aches, mood disturbances, loss of mental efficiency, and headaches.

The following ten tips (courtesy of The Aviation Health Institute) may keep jet lag on the runway:

- **Nap:** A single 70- to 120-minute nap taken prior to the flight can reduce the decline in alertness over the subsequent 24-hour period. After you arrive, try to take a short nap after lunchtime.
- **Stay up to Midnight:** For the first two or three days at your destination, try to stay up to midnight to merge with the body's natural free-running rhythms.
- **Get Outdoors:** Sunlight is an excellent way to reset your internal body clock to coincide with local time.
- **Pack Light bulbs:** Exposure to bright artificial light can also influence the bodyclock. Two glare-free 150-watt light bulbs placed three feet away can help.

- **Go Local:** Set your watch according to the local time when you board the plane and act accordingly—eat and sleep on the schedule of your destination.
- **Drink Water/Avoid Caffeine and Alcohol:** Because airplane cabins have low humidity and a majority of recycled air, dehydration is prevalent among airplane travelers.
- **Change Your Diet:** Concentrate on protein for breakfast and lunch and save the serotonin-loaded carbohydrates for evening to induce relaxation.
- **Pack A Healthy Snack:** Ditch the peanuts and soda.
- **Exercise:** Sitting for hours immobile in pre-flight is a bad strategy. It's not too late to even exercise at the gate. Regular exercise before and after a flight will make the adjustment easier.
- **Take Two Aspirin:** Once at your destination, take two aspirin (unless allergic, of course) before going to bed.

The use of melatonin as a natural sleeping aid continues to fascinate vacationers. People who take melatonin often have to experiment to find the dose that's "right" for them. Of course, many other jetlag 'solutions' exist. Some of the possibilities include: specific diets; pressure point treatments; chiropractic manipulation; sleeping aids (e.g., blindfolds, ear plugs, neck rests, and blow-up pillows); and sleeping pills.

Perhaps the best antidote to jetlag for travelers is merely to remember that this is supposed to be fun—so slow down and acclimate. That way, you're sure to see the world with your eyes wide open. ■

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or write to:

**Fran Lessans, R.N., M.S.**

**Passport Health**

**845 East Fort Avenue**

**Baltimore, Maryland 21230**

**Q.** I am traveling with my two children (ages 10 and 12) to China and need passports for them. Are there any particular guidelines for acquiring these in a timely fashion?

**A.** There are some new laws aimed at reducing the chance that a parent might use a passport for international child abduction. A parent applying for a passport for a child under 14 now must show that both parents consent to the passport or that the applying parent has sole authority to obtain the passport. The rule applies at consular offices abroad as well as passport agencies at home. In order to comply:

- Both parents appear together and sign the application
- One parent appears, signs, and submits the second parent's written consent.
- One parent appears, signs, and submits primary evidence of sole authority to apply, such as a court order specifically permitting the applying parent's or guardian's travel with the child, or the death certificate of non applying parent.

In addition, the age at which a minor can execute

his or her own passport application was raised to 14 from 13 as of July 2, 2001.

The State Department said that parents with passport concerns for any child up to age 18 who might become the victim of international parental child abduction should contact the Office of Children's Issues in the Bureau of Consular Affairs at 202-663-2641.

**Q.** Is it better to use credit cards or traveler's checks when traveling?

**A.** It depends. You may not be able to use credit cards in some developing countries. Some banks have begun adding one or two percent surcharges to overseas credit card transactions. However, traveler's checks also charge a one percent surcharge and you may have to pay one to two percent to convert them back to cash. Only credit cards offer purchase protection. The only time a credit card is a bad idea is for cash advances, which can carry fees as high as three percent and start accruing interest the second you get the money, making them a costly option. If you decide to use credit cards, carry an extra card in case an ATM doesn't return your card.

**Q.** My son and daughter-in-law love to go parasailing while on vacation. Is this a safe sport?

**A.** Parasailing is considered an adventure sport and is typically not covered by travel insurance. Most people assume that it is safe and that operators are experienced and adequately trained. It is not regulated anywhere in the world. Parasailing is popular in Mexico and the Caribbean, where safety standards tend to be lax, insurance requirements are often nonexistent, and medical facilities may be unavailable in case of an accident. Recently, a tourist drowned in the Bahamas when the rope connecting her parachute to the towboat snapped in high winds. Tourists have been dragged through

palm trees and slammed into hotel walls. The Parasail Safety Council advises that you:

- Ask about insurance, safety records and accidents
- Never go up using more than 600 feet of towline.
- Never parasail in close proximity to the shoreline, other boats, and/or objects.

**Q.** I will need to travel to India for business and suffer with asthma. What time of the year would be best?

**A.** The ideal time for visits are the winter months when the temperature is cool, rainfall is minimal and humidity bearable. Summers are very hot (temperatures reach 130°) and humid, and late summer/early autumn is the monsoon season with heavy rains. Bombay averages 70 inches of rain from June through September. Poor sanitary conditions are further worsened under such conditions. In Calcutta, the humidity remains above 90% for most of May through October. Dust storms frequently occur in the Delhi area in late spring. Dust and pollution from industrial effluents may aggravate respiratory ailments. Just breathing the air in many Indian cities is like smoking 10-20 cigarettes a day.

**Q.** I am planning a multi country trip and want to see as much as possible. I want to avoid long lines for attractions any suggestions?

**A.** Many European attractions are closed on Sunday and Monday. These would be good travel days. Since these attractions are closed on Monday, Tuesday may be a bit more crowded. The Louvre and many other museums are closed on Tuesdays. Check this out ahead of time so you won't waste a day. Tourists easily identified by cameras and maps are easy prey for pickpockets. Keep maps and cameras hidden whenever possible and keep money in a hidden security wallet.