



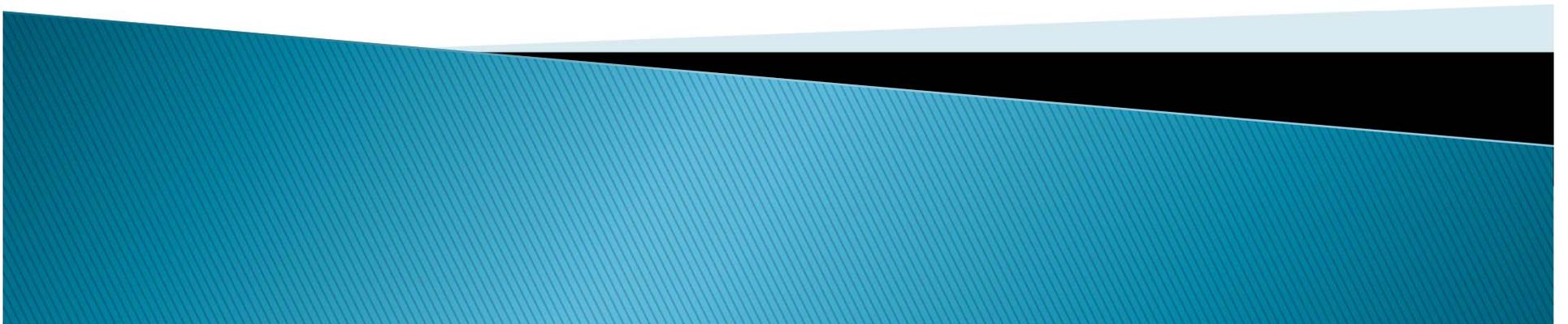
# Who Let the Dogs (and Miniature Horses) In? Service Animals in Health Care Facilities

# Learning Objectives

- ▶ Define service animals under the ADA.
- ▶ List the questions that can be asked about a service animal.
- ▶ Identify places that a service animal can and cannot visit with his/her handler.
- ▶ Understand how to interact appropriately with the service animal and its handler.
- ▶ Recognize the importance of having a service animal policy.



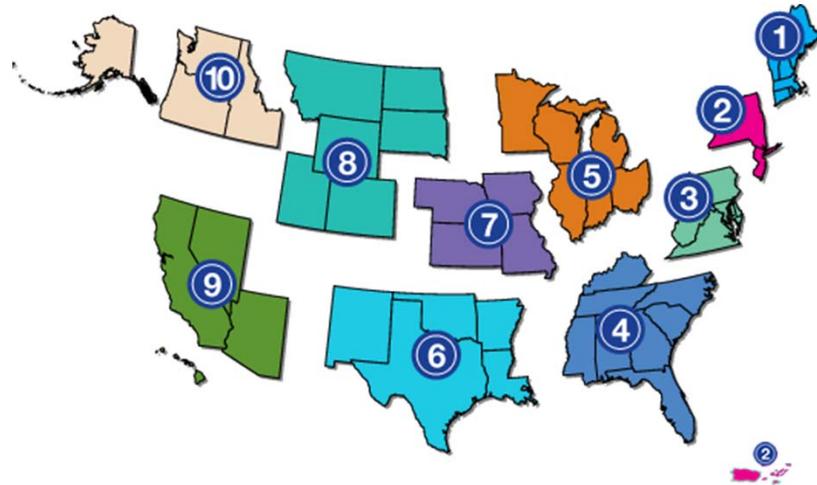
# **An Overview of the ADA National Network**



# ADA National Network

1-800-949-4232

[www.adata.org](http://www.adata.org)



# Our Funding



# **A Brief Look at the Americans with Disabilities Act (ADA)**



# What is the ADA?

- ▶ Americans with Disabilities Act
  - **Civil rights law** passed in 1990
- ▶ **Promotes equal opportunity** for people with disabilities in employment, by state and local government agencies, and by private businesses.
- ▶ **Goal: The full inclusion of people with disabilities in all aspects of American society.**



# The ADA - Our Nation's Goals

The ADA clearly states that our nation's goals regarding individuals with disabilities are to "assure **equality of opportunity, full participation, independent living, and economic self-sufficiency.**"

Source: [ADA Findings and Purposes](#)

Link: [eeoc.gov/laws/statutes/ada.cfm](http://eeoc.gov/laws/statutes/ada.cfm)



# The ADA Applies to:

- ▶ **Employment** (Title I);
- ▶ **State and local government** programs (Title II);
- ▶ **Public Accommodations** [private businesses including non-profit groups] (Title III)
- ▶ **Transportation** (Titles II and III)
- ▶ **Telecommunications** (Title IV)



# ADA Title II - Examples of Health Care Facilities

- ▶ Hospitals operated by a state and/or local government
- ▶ Public health care clinics
- ▶ County department of public health
- ▶ State-operated mental health clinic

[Americans with Disabilities Act Title II Regulations](#)

**Web link:** [ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.htm](http://ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm)

**Source:** U.S. Department of Justice

# ADA Title III - Examples of Health Care Facilities

- ▶ Private hospitals
- ▶ Urgent care clinics
- ▶ Doctor's offices
- ▶ Mental health care providers
- ▶ Dentist's offices

[Americans with Disabilities Act Title III Regulations](#)

Web link: [ada.gov/regs2010/titleIII\\_2010/titleIII\\_2010\\_regulations.htm](http://ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.htm)

Source: U.S. Department of Justice

# What is a reasonable modification?

- ▶ **Term used in Title II of the ADA** (state and local government agencies) and **Title III of the ADA** (public accommodations / private businesses).
- ▶ **Definition:** Adjusting policies, practices, and procedures, if needed, to provide goods, services, facilities, privileges, advantages, or accommodations.

Resource: [Health Care and the Americans With Disabilities Act](#)

Web Link: [adata.org/factsheet/health-care-and-ada](http://adata.org/factsheet/health-care-and-ada)

Source: ADA National Network



# Reasonable Modifications and Service Animals

Generally, a public entity or public accommodation shall **modify policies, practices, or procedures to permit the use of a service animal** by an individual with a disability.

## [2010 ADA Title II Regulations - § 35.136 \(a\)](#)

Link: [ada.gov/regs2010/titleIII\\_2010/titleIII\\_2010\\_regulations.htm#a302](http://ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.htm#a302)

Source: U.S. Department of Justice

## [2010 ADA Title III Regulations § 36.302\(c\)\(1\)](#)

Link: [ada.gov/regs2010/titleIII\\_2010/titleIII\\_2010\\_regulations.htm#a302](http://ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.htm#a302)

Source: U.S. Department of Justice

# What Are Service Animals?



# A Service Animal Is Defined As...

Any dog that is *individually trained to do work or perform tasks for the benefit of an individual with a disability*, including a physical, sensory, psychiatric, intellectual, or other mental disability.



# Monkeys and Ferrets and Snakes...Oh my!

Species other than dogs, **wild or domestic, trained or untrained**, are *not* considered service animals under this part of the ADA.

- ▶ Animals such as cats, birds, monkeys, rats, pigs, snakes, or other types of animals do *not* have to be allowed in health care facilities (unless they are generally allowed, for example, as pets).

**However...**

# Miniature Horses

Reasonable policy modifications must also be made to allow an *individual with a disability to use a miniature horse that has been individually trained to perform work or tasks.*



# Service Animals are Working and Active

- ▶ Service dogs or miniature horses must be **trained** to perform specific *actions, tasks, or work*.
  - Many animals, simply by being present, provide comfort, companionship, emotional support, or other benefits, but they are not trained to *do* anything specific – they are not considered to be service animals under the ADA.

# *Examples of a Service Animal's Work*

- ▶ Providing **physical support and help with balance and stability** for people with mobility disabilities.
- ▶ **Guiding individuals** who are blind or have low vision.
- ▶ **Pulling** a person's wheelchair.
- ▶ **Retrieving** items for a person with a disability.

# *More Examples of a Service Animal's Work*

- ▶ **Alerting individuals** who are deaf or hard of hearing to sounds
- ▶ **Preventing or interrupting impulsive or destructive behaviors** for people with psychiatric or neurological disabilities
- ▶ **Alerting individuals** to oncoming seizures



# Service animals are not pets!



Autism service dog helps to calm the boy during visit to the doctor's office.

**Source:**

[Wikimedia Commons](#)

**Link:**

commons.wikimedia.org/wiki/File:Service\_Dog\_at\_doctor%27s\_office.jpg

# Let's Compare!

## Service Dog

- ▶ Marge has a psychiatric disability.
- ▶ Her dog, Harry, can tell when her anxiety level rises.
- ▶ Harry has been trained to respond by moving himself in front of Marge and nudging her away from her current location.

## Pet Dog

- ▶ Aaron has a psychiatric disability.
- ▶ His dog, Will, is good-natured. Sometimes, he can even tell that Aaron is becoming anxious.
- ▶ Will is not trained to do anything to help Aaron.

# Dogs or Miniature Horses What's the Difference?

- ▶ Service dogs must be allowed in virtually *all* areas where members of the public are allowed to go
- ▶ Miniature horses are *subject to a few additional considerations ...*



# Miniature Horses: When and Where?

## Consider:

- ▶ The **type, size, and weight** of the miniature horse and whether the facility can accommodate these features.
- ▶ **Legitimate safety requirements** that are necessary for safe operation.

# Emotional Support Animals

- ▶ Emotional Support Animals are not covered by the ADA.
- ▶ Emotional Support animals provide support to people with multiple disabilities by just being there.
- ▶ They are not trained to do specific work.



# Therapy Animals

- ▶ Therapy animals are given obedience training and may be trained to provide a specific benefit, however that benefit is not specific to the handler but rather populations of people.
- ▶ Therapy animals are granted access to places by agreement, not law.
- ▶ Some states allow therapy animals. Check your state's law.

# **Service Animals in a Health Care Facility**



# Service Animals in a Health Care Facility – Are They Allowed?

Service animals must be **allowed access to medical facilities** unless the presence of the animal creates a **direct threat** to other persons or a **fundamental alteration** in the nature of services.

[Guidelines for Environmental Infection Control in Health Care Facilities](https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5210a1.htm)

Web link: [cdc.gov/mmwr/preview/mmwrhtml/rr5210a1.htm](https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5210a1.htm)

Source: Centers for Disease Control and Prevention



# Service Animals in a Health Care Facility

## Making Decisions about Access (slide 1 of 2)

When a decision must be made regarding a service animal's access to any particular area of the health care facility, there are three things to consider.

[Guidelines for Environmental Infection Control in Health Care Facilities](#)

**Web link:** [cdc.gov/MMWR/preview/MMWRhtml/rr5210a1.htm](http://cdc.gov/MMWR/preview/MMWRhtml/rr5210a1.htm)

**Source:** Centers for Disease Control and Prevention



# Service Animals in a Health Care Facility

## Making Decisions about Access (slide 2 of 2)

1. evaluate the service animal, patient, and health care situation on a **case-by-case basis**;
2. determine whether **significant risk of harm exists**; and
3. determine whether **reasonable modifications in policies and procedures** will mitigate this risk.

[Guidelines for Environmental Infection Control in Health Care Facilities](#)

**Web link:** [cdc.gov/MMWR/preview/MMWRhtml/rr5210a1.htm](http://cdc.gov/MMWR/preview/MMWRhtml/rr5210a1.htm)

**Source:** Centers for Disease Control and Prevention



# Service Animals in a Health Care Facility

## Separating the Animal from the Handler

If a patient must be separated from his or her service animal while in the health care facility:

- 1. determine with the person the arrangements** that have been made for supervision or care of the animal during this period of separation; and
- 2. make appropriate arrangements to address the patient's needs in the absence of the service animal.**

[Guidelines for Environmental Infection Control in Health Care Facilities](#)

Web link: [cdc.gov/MMWR/preview/MMWRhtml/rr5210a1.htm](http://cdc.gov/MMWR/preview/MMWRhtml/rr5210a1.htm)

Source: Centers for Disease Control and Prevention



# Questions, Questions



# What Can You Ask?

**Two questions** can be asked about dogs or miniature horses when the answers are not obvious:

1. Is this animal needed because of a disability?
2. What work or tasks has the animal been trained to do?



# Should You Ask the Questions?

## Remember –

- ▶ You should not ask questions if it is apparent that the animal is working for a person with a disability.
  - For example, a dog is pulling a person in a wheelchair.



# Things You May Not Ask

- ▶ You **can *not* ask** for documents, certificates, proof, or details about ...
  - The individual's disability.
  - The animal's training.



# **What Can I Expect from a Person with a Disability and the Service Animal?**



# Housebroken

A service dog or miniature horse must be **housebroken**.



# Tethered and Under Handler's Control

- ▶ A service animal must have a harness, leash, or tether *unless* ...
  - The individual, because of disability, is unable to use a leash; and/or
  - A leash would interfere with the animal's work
- ▶ If a service animal is not tethered, it must still be under control by voice commands or hand signals.

# Identification Is Not Required

- ▶ Many service animals wear harnesses, vests, or other items that identify them as working animals, but **this kind of identification is not required.**
  - *Remember...*certificates, documents, or proof of the service animal's status or training can not be required.



# Excluding a Service Animal

- ▶ You can ask an individual to remove a service dog or miniature horse if:
  - The animal is not housebroken
  - The animal is not under control of the handler
- ▶ For *example*: the animal is running around, jumping on people, growling, or snapping, and the individual cannot or will not control the animal.



# Allergies and Fear of Dogs

- ▶ Employees' or other people's **fear of animals or allergies are *not* valid reasons** to exclude service animals.



# Exclude Animals, Not People

- ▶ When an animal is excluded (for example, when it acts aggressively)...
  - the individual with a disability must still have the opportunity to access goods and services and participate in activities without the animal.



# Care and Supervision

- ▶ Individuals with disabilities are **responsible for the care and supervision** of their service animals.
- ▶ **Staff at the health care facility do not have to feed, water, or walk** service animals. (unless, of course, your facility accepts pets and you normally provide such services)



# Relief Areas for Service Animals



Although it is not required, you may wish to provide a “relief” area where individuals can take their service animals.

# What About State or Local Laws?

- ▶ Health care facilities must comply with all applicable laws.
  - If a state or local law (or part of one) is better for people with disabilities, it will override the ADA (or that part of it).
  - If the ADA (or part of it) is better for people with disabilities, it will override a state or local law (or that part of it).

# Surcharges

- ▶ Extra fees *may not* be imposed on **individuals with service animals**, even if your facility accepts pets and charges extra fees for them **(Remember! Service animals are not pets!)**
- You *may* charge individuals with service animals if the animals actually cause any damages, if you normally charge guests for damages they (or their pets) cause.

# **Service Animal Sample Policies and Procedures**



# Are service animal policies required?

- ▶ Service animal policies are *not* required.
- ▶ However, **service animal polices** *are best practice and highly recommended!*



## Michigan Department of Health and Human Services Service Animal Policy and Forms (ADA Title II)

- ▶ [Service Animal Policy for Hospitals and Facilities](#)

**Link:**

[dhhs.michigan.gov/OLMWEB/EXF/AP/Public/APF/166.pdf](http://dhhs.michigan.gov/OLMWEB/EXF/AP/Public/APF/166.pdf)

- ▶ [Service Animal Arrival Checklist - Form MDHHS-5755](#)

**Link:** [michigan.gov/documents/mdhhs/MDHHS-5755\\_640087\\_7.dotx](http://michigan.gov/documents/mdhhs/MDHHS-5755_640087_7.dotx)

- ▶ [Service Animal Exclusion Assessment - Form MDHHS-5754](#)

**Link:** [michigan.gov/documents/mdhhs/MDHHS-5754\\_640043\\_7.dotx](http://michigan.gov/documents/mdhhs/MDHHS-5754_640043_7.dotx)

# U.S. Department of Justice Settlement Agreement Service Animal Policy (ADA Title III)

- ▶ [Settlement Agreement under the Americans with Disabilities Act Between the United States of America and Dr. Bruce Berenson, M.D., P.A. for Complaint USAO No: 2011-VO-0468 / DJ No. 202-18-267](#)

**Link:** [ada.gov/berenson\\_settle.htm](http://ada.gov/berenson_settle.htm)

**\*\*See Attachment A.**



# Stanford Health Care (California) Service Animal Policy (ADA Title III)

- ▶ [Policy Summary: Service Animals in Stanford Health Care facilities](#)

**Link:** [stanfordhealthcare.org/for-patients-visitors/guest-services/service-animal-policy.html](http://stanfordhealthcare.org/for-patients-visitors/guest-services/service-animal-policy.html)

- ▶ [Stanford Hospital and Clinics - Service Animals and Comfort/Emotional Support Dogs – Full Policy](#) (PDF)

**Link:**

[stanfordhealthcare.org/content/dam/SHC/patientsandvisitors/your-hospital-stay/docs/service-animals-comfort-emotional-support-policy.pdf](http://stanfordhealthcare.org/content/dam/SHC/patientsandvisitors/your-hospital-stay/docs/service-animals-comfort-emotional-support-policy.pdf)



# The Johns Hopkins Hospital (Maryland) Service Animal Policy (ADA Title III)

- ▶ [The Johns Hopkins Hospital Service Animal Policy](#)

**Link:**

[hopkinsmedicine.org/the\\_johns\\_hopkins\\_hospital/planning\\_visit/service\\_animal.html](http://hopkinsmedicine.org/the_johns_hopkins_hospital/planning_visit/service_animal.html)



# Resources



# ADA Title II Regulations (State & Local Governments) about Reasonable Modifications

## ADA Title II § 35.130(7)(i)

- ▶ A public entity shall make *reasonable modifications in policies, practices, or procedures* when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

[Americans with Disabilities Act Title II Regulations](#)

**Web link:** [ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.htm](http://ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm)

**Source:** U.S. Department of Justice



# ADA Title III (Public Accommodations) Regulations about Reasonable Modification (slide 1 of 2)

ADA Title III Sec. 36.302 Modifications in policies, practices, or procedures.

- ▶ A public accommodation shall make *reasonable modifications in policies, practices, or procedures*, when the modifications are necessary to afford goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities...

[Americans with Disabilities Act Title III Regulations](http://ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.htm)

Web link: [ada.gov/regs2010/titleIII\\_2010/titleIII\\_2010\\_regulations.htm](http://ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.htm)

Source: U.S. Department of Justice



# ADA Title III (Public Accommodations) Regulations about Reasonable Modification (slide 2 of 2)

**ADA Title III Sec. 36.302 Modifications in policies, practices, or procedures.**

- ▶ ...unless the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations.

[Americans with Disabilities Act Title III Regulations](#)

**Web link:** [ada.gov/regs2010/titleIII\\_2010/titleIII\\_2010\\_regulations.htm](http://ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.htm)

**Source:** U.S. Department of Justice



# Resources: Service Animals in Health Care Facilities (ADA National Network) (slide 1 of 2)

- ▶ [Service Animals Fact Sheet](#)

**Link:** [adata.org/factsheet/service-animals](http://adata.org/factsheet/service-animals)

- ▶ [Service Animals and Emotional Support  
Animals Booklet](#)

**Link:** [adata.org/guide/service-animals-and-emotional-support-animals](http://adata.org/guide/service-animals-and-emotional-support-animals)



## Resources: Service Animals in Health Care Facilities (ADA National Network) (slide 2 of 2)

- ▶ [ADA National Network's Service Animal Resource Hub](#)

**Link:** [adata.org/service-animal-resource-hub](http://adata.org/service-animal-resource-hub)

- ▶ [Health Care and the Americans With Disabilities Act](#)

**Link:** [adata.org/factsheet/health-care-and-ada](http://adata.org/factsheet/health-care-and-ada)



## Resources: Service Animals in Health Care Facilities (US Department of Justice)

- ▶ [ADA Requirements: Service Animals](#)

**Link:** [ada.gov/service\\_animals\\_2010.htm](http://ada.gov/service_animals_2010.htm)

- ▶ [Frequently Asked Questions about Service Animals and the ADA](#)

**Link:** [ada.gov/regs2010/service\\_animal\\_qa.html](http://ada.gov/regs2010/service_animal_qa.html)



# Resources: Service Animals in Health Care Facilities (Centers for Disease Control and Prevention)

(slide 1 of 2)

- ▶ [Interim Guidance for Public Health Professionals Managing People with COVID-19 in Home Care and Isolation Who Have Pets or Other Animals](#)

**Web link:** [cdc.gov/coronavirus/2019-ncov/php/interim-guidance-managing-people-in-home-care-and-isolation-who-have-pets.html](https://www.cdc.gov/coronavirus/2019-ncov/php/interim-guidance-managing-people-in-home-care-and-isolation-who-have-pets.html)

- ▶ [Guidelines for Environmental Infection Control in Health-Care Facilities](#)

**Web link:** [cdc.gov/MMWR/preview/MMWRhtml/rr5210a1.htm](https://www.cdc.gov/MMWR/preview/MMWRhtml/rr5210a1.htm)



# Resources: Service Animals in Health Care Facilities (Centers for Disease Control and Prevention)

(slide 2 of 2)

- ▶ [Service Animals in Dental Health Care Settings](#)

**Link:**

[cdc.gov/oralhealth/infectioncontrol/questions/animals.html](https://www.cdc.gov/oralhealth/infectioncontrol/questions/animals.html)

## Resources: Service Animals in Health Care Facilities (U.S. Department of Health and Human Services)

- ▶ [Understanding How to Accommodate Service Animals in Healthcare Facilities](#)

### Link:

[phe.gov/Preparedness/planning/abc/Pages/service-animals.aspx](https://www.phe.gov/Preparedness/planning/abc/Pages/service-animals.aspx)



# Disclaimer (slide 1 of 3)

**DISCLAIMER:** The contents of this presentation were developed by the Southeast ADA Center under a grant from the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR grant number 90DP0090-01-00). NIDILRR is a Center within the Administration for Community Living (ACL), Department of Health and Human Services (HHS). The contents of this publication do not necessarily represent the policy of NIDILRR, ACL, HHS, and you should not assume endorsement by the Federal Government.



# Disclaimer (slide 2 of 3)

The information, materials, and/or technical assistance provided by the Southeast ADA Center are intended solely as informal guidance, and are neither a determination of your legal rights or responsibilities under the ADA, nor binding on any agency with enforcement responsibility under the ADA. The Southeast ADA Center does not warrant the accuracy of any information contained herein. Furthermore, in order to effectively provide technical assistance to all individuals and entities covered by the ADA, NIDILRR requires the Southeast ADA Center to assure confidentiality of communications between those covered and the Center. Any links to non-Southeast ADA Center information are provided as a courtesy, and are neither intended to, nor do they constitute, an endorsement of the linked materials.



# Disclaimer (slide 3 of 3)

You should be aware that NIDILRR is not responsible for enforcement of the ADA. For more information or assistance, please contact the Southeast ADA Center via its web site at [adasoutheast.org](http://adasoutheast.org) or by calling 1-800-949-4232 or 404-541-9001.

