

PACIFIC ADA CENTER
HEALTHCARE AND THE ADA WEBINAR
ADA NATIONAL NETWORK LEARNING SESSION
SERVICE ANIMALS: AT HOME, AT WORK AND EVERYWHERE ELSE
5/27/21
2:00-4:00 P.M. ET

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>> LEWIS KRAUS: Welcome to the healthcare and the ADA Inclusion of Persons with Disabilities Webinar Series. I'm Lewis Kraus from the Pacific ADA Center, your moderator for this series. This series of webinars is brought to you by the Pacific ADA Center on behalf of the ADA National Network. The ADA National Network is made up of ten regional centers that are federally funded to provide training, technical assistance, and other information as needed on the Americans with Disabilities Act. You can reach your regional ADA Center by dialing 1-800-949-4232. Realtime captioning is provided for this webinar. The caption screen can be accessed by choosing the CC icon in the meeting control toolbar. To toggle that meeting control toolbar on, you can press the alt key and press it again a second time to make it stay on. As always in our sessions, only the speakers will have audio. If you do not have sound capabilities on your computer or prefer to listen by phone, you can dial 1-669-900-9128 or 1-646-558-8656. And use the webinar ID 864-8854-2838. And I want to note that this webinar is being recorded, and will be able to be accessed on the ADApresentations.org in the archive section of the healthcare area next week. This Webinar Series is intended to share issues and promising practices in healthcare accessibility for people with disabilities. The series topics cover physical accessibility, effective communication, and reasonable modification of policy issues under the Americans with Disabilities Act of 1990, the ADA. Upcoming sessions are available at ADApresentations.org under the Schedule tab. And follow to healthcare. These monthly webinars occur on the fourth Thursday of the month at 2:30 Eastern, 1:30 Central, 12:30 Mountain, and 11:30 a.m. Pacific time. By being here, you are on the list to receive notices for future webinars in this series, and those notices go out two weeks before the next webinar and open that webinar to registration. You can follow along on the webinar platform with the slides. If you are not using the webinar platform, you can download a copy of today's PowerPoint presentation at the healthcare schedule page at ADApresentations.org. At the conclusion of today's presentation, there will be an opportunity for everyone to ask questions. You may submit your questions using the chat area within the webinar platform, and the speakers and I will address them at the end of the session. So feel free to submit them as they come to your mind during the presentation. To submit your questions, type in the chat area text box or press alt-H and enter the text in the chat area. If you are listening by phone and not logged into the webinar, you can ask your questions by emailing them to adatech@adapacific.org.

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Today's ADA National Network Learning Session is titled "Service Animals: At Home, At Work, and Everywhere Else." Service animals serve a diverse range of purposes, and service animal requirements are different depending on the setting. These two factors have led to misunderstandings about the rights of people with disabilities who utilize service animals, which in turn results in discriminatory treatment and accessibility challenges. This presentation will discuss disability access laws as related to service animal usage, what is and is not a service animal, and compare and contrast service animal requirements as applied to employment situations versus non-employment situations. The presenters will also discuss common accessibility challenges related to service animal usage and how to overcome them and examine case studies to review the real-world application of those best practices. Today's speakers are Sarah Williams. Sarah leads Health Resources and Services Administration, HRSA, Civil Rights Coordination and Compliance Section, the CRCC, which promotes compliance with federal civil rights laws, research partnerships and technical assistance to improve care for underserved populations. In particular CRCC provides recipients of HRSA funding with guidance designed to prevent discrimination and improve accessibility. Before coming to HRSA, Sarah held positions focused on equal Employment Opportunity and Civil Rights at the National Institutes of Health and the HHS Office for Civil Rights.

Katherine Slye-Griffin is the Accessibility Section Chief at the Health Resources and Services Administration where her work focuses on reasonable accommodations and federal sector disability programs. Before HRSA, Katherine was the Executive Director of the Montgomery County, Maryland, affiliate of the National Alliance on Mental Illness, NAMI, where she worked on efforts at the local and state level to educate and advocate for the needs of individuals diagnosed with mental illnesses. Sarah and Katherine, I will now turn it over to you.

>> KATIE SLYE-GRIFFIN: Thank you so much for having us here today. Thank you so much for that introduction. I just want to start by telling you a little bit more about HRSA. So HRSA, the Health Resources and Services Administration is an agency under the Department of Health and Human Services. And HRSA's mission is to improve health outcomes and achieve health equity through access to quality services, a skilled health workforce and innovative high value programs. And most people have heard about agencies like the Food and Drug Administration or the Centers for Disease Control, or the National Institutes of Health. Far fewer people have heard about HRSA. But we are actually the nation's public health agency. And during COVID, we have done a large amount of work to help ensure equity, and we are doing work on the frontlines to make sure that really for these underserved populations across the nation, think about rural areas, and some highly vulnerable populations, that they are getting the services that they need no matter what sort of care they need, our programs run from dental programs to comprehensive healthcare programs, all the way to services like the Ryan

White HIV Program, which our agency runs. So HRSA really does take care of a full range of healthcare issues, and from birth all the way through the lifecycle for individuals who truly need care. Next slide, please.

So you already have gotten an introduction about each of us. So my name is Katherine Slye-Griffin, and as you just heard, I have a background in mental health, and I am currently the accessibility chief at HRSA. My experience is very much in the employment side of the work that we do. So reasonable accommodations and anything that has to do with federal disability programs.

That is certainly where my expertise comes in. Though our entire team at HRSA is very well versed across the entire disability spectrum. I'm going to turn it to Sarah to talk more about her experience and more about the work that happens on the compliance side of what we do in our office.

>> SARAH WILLIAMS: Hi, everyone. I won't spend too much time on myself because Lewis provided a nice introduction, but I would like to talk a little bit more about CRCC. He mentioned our mention beyond disability access, we also provide consultation services and technical assistance on other federal civil rights topics, such as language access and prevention of discrimination based on age, race, sex and religion. And I also want to take a minute to clarify the difference between what we do, which is proactive compliance and enforcement. So if someone feels like they have been discriminated against while trying to access a program or activity, they would file a complaint with the HHS Office for Civil Rights or OCR. OCR is responsible for determining whether recipients have violated the law and they can do so in a variety of ways. Primarily they're going to conduct investigations in response to complaints. OCR is responsible for determining whether an entity is in violation of the law and what steps that entity must take to achieve compliance. The process is reactive and usually triggered only after someone alleges they have suffered discrimination. CRCC does not conduct investigations or make findings. Instead we proactively work with HRSA recipients to ensure that they understand their obligations under federal civil rights law and how to meet those obligations. We offer technical assistance, trainings and consultations with recipients to help prevent potential discrimination and address challenging disability issues. Ideally we want to set up our agency and/or recipients for success by assisting with proactive planning and how to make programs and activities accessible. This avoids potential discrimination and lowers the risk of recipients engaging in lengthy resource intensive investigations. We see it as a win for everyone. There are a lot of benefits to an agency having a compliance focused program in addition to and separate from its enforcement arm. One is that folks are sometimes understandably reticent to approach an enforcement agency with questions or challenges because they are concerned that they will face enforcement action or, you know, get in trouble. Because we're removed from that process, we're able to have candid constructive conversations geared toward resolving compliance or accessibility issues. The flip side of that coin is that while we can definitely tell you what you are not allowed to do, we cannot give someone the quote/unquote stamp of approval. You know, that means we can't tell a recipient, if you do XYZ, you are 100% fully in compliance and you will have no issues ever. Instead, we help organizations navigate

challenges by walking them through the appropriate analysis, brainstorming potential solutions and connecting them to resources. I'm going to hand it back over to Katie to talk about our objectives today.

>> KATIE SLYE-GRIFFIN: Thank you, Sarah. So, today we're going to talk about the wide world of service animals. And it is a really big, wide world. We have a really full session for you. So here is what we're going to accomplish. We're going to provide you with an understanding of what is a service animal is. We're going to review the legal obligations around service animals. We're also going to make a distinction between the requirements for service animals in different situations. We're going to help you understand accessibility challenges when it comes to service animals, and how to overcome them. And then finally, we're going to go over some real-world situations and how to navigate those for best practices. Next slide, please.

So, we're going to get started on the basics. What is a service animal? So it turns out that is actually not so basic. The answer to that question really depends on what setting you're in, and I just want to lay this out right now. Sarah and I are going to be talking a lot about the difference between employment and non-employment. And Sarah is going to get into this in a little bit. Under the ADA, there's very much two different standards for things. Things that happen between an employer and employee and then things that happen out in the public. And that is what we're talking about here. So, non-employment really means things that happen out in the public. And then employment is things that happen between the employer and their employee. So in a non-employment setting, a service animal is a dog that is trained to help an individual to perform different tasks that help mitigate the individuals' disability. These dogs are highly trained and they have the right to be in public with their handler. In an employment setting, there is no formal legal definition of a service animal. However, employers often follow that non-employment definition. The major difference is that an emotional support animal can be considered a reasonable accommodation in the workspace. So while they would not be considered a service animal, they could be considered an appropriate accommodation for that individual. And we're going to talk more about this, and emotional support animals, a little later in the presentation. Next slide, please.

So, we want to make sure that you're familiar with these terms on the screen and how we're going to be using them for the purposes of our presentation today. So a service dog team is the individual with the disability, and the working dog as a unit. So as an example, this is our friend Christina. And her service dog Chickadee. They are a working service dog team. And Christina is -- Christina assisted in the development of this presentation. The person who works with the dog is considered the handler. That individual can either be a trainer or the individual with a disability. Next slide, please. So, a miniature horse is one exception to a dog that could be considered a service animal. The same rules that apply to service dogs also apply to miniature horses. However, an organization can consider whether their facility can accommodate the miniature horse based on its type, size, and weight. If I come to an organization with a 200-pound St. Bernard, generally an organization cannot deny me entry because there are no size or breed restrictions on service dogs. However, if I come into that same

establishment with a 100-pound mini horse, they might be able to deny my animal entry. So that's an important distinction that we just wanted to mention. Next slide, please. There are a million ways a service animal could help a person with a disability. We have some here on the screen. As an additional example, service animals can assist handlers by picking up items they drop or cannot reach. They may also open doors either by pushing on the automatic button with their nose or paw, or by actually pulling a strap connected to a door. Some service animals also provide counterbalance while the handler shifts from one chair to another, and they allow the handler to put pressure on their backs while staying still and bracing. I'm going to turn it over to Sarah to talk a bit more about the laws that I mentioned and come into play when we discuss service animals. Next slide, please.

>> SARAH WILLIAMS: Thanks, Katie. One of the reasons that the topic of service animals can be confusing is because there are so many laws that can come into play. Generally all of the laws on the screen prohibit discrimination against people with disabilities and require that programs and settings be accessible to people with disabilities. The reason we have so many is that each of the laws apply to a different setting. Starting at the top, the Rehabilitation Act of 1973 was not the first law that impacted disability or accessibility, but it was the first U.S. federal civil rights protection for people with disabilities. Section 501 prohibits disability discrimination in the federal employment setting. So me and Katie as employees would be protected under Section 501. Section 504 prohibits disability discrimination and programs that receive funding from the federal government. So anyone that receives a grant, any -- you know, a single cent that you take on of federal funding means you now have the obligation to ensure non-discrimination in your program. With the main idea being no one can use federal funding in a discriminatory manner. That brings us to Section 1557 of the Affordable Care Act, or the ACA. And it applies to any health program or activity any part of which receives funding from the Department of Health and Human Services. And Section 1557 really reaffirms Section 504 but doesn't really add new obligations with respect to disability. Next slide, please.

So, our work supports HHS funding recipients, which means we mostly focus on the laws from the previous slide. However, many of our recipients are also covered by the Americans with Disabilities Act as amended or the ADA. For example, a state university or a state health department would like to be covered by both the ADA and the Rehab Act. Luckily for us, the ADA was modeled after Section 504, so it's like the Rehabilitation Act's younger sister. As such, ADA guidance is generally accepted to be applicable to the Rehabilitation Act. One of the ADA extends those employment protections for people with disabilities to many non-federal employers. Titles 2 and 3 obligates state and local governments and public accommodation to provide equal access to individuals with disabilities. Next slide, please. There's actually quite a few more laws that impact equal access for disabilities. We want to mention two more important ones. First the Fair Housing Act. Housing providers must provide reasonable accommodations, such as keeping an assistant animal, to rules, practices or services when it is necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling. Second, the Air Carrier Access Act requires airlines to recognize dogs as service animals, and accept them for transport on flights to, within, and from the

United States. For the purposes of this presentation, we're focusing on federal laws as they apply to employment and public accommodations, in particular related to healthcare settings. But if you would like more information on housing or transportation, we have some good resources linked at the end of this slide deck. Next slide, please. I want to hone in on a couple terms that are bolded on this slide. Reasonable accommodations and reasonable modifications. These two concepts are really, really similar. They both refer to a change that is made in order to provide an individual with a disability equal access or opportunity. The main difference between these two terms is the setting. In an employment context, we refer to these changes as reasonable accommodations or RA you will often hear. In a non-employment context we refer to the changes as reasonable modifications. And I often hear folks use reasonable accommodation or RA as a blanket term that encompasses those settings honestly and a practical sense it doesn't make a huge difference if you choose to go that route, but the technical difference, in case you're wondering, is the setting. And, you know, we have talked about the laws and definitions now, and in the yellow box is really how service animals fit into that framework. Basically a service animal is just a very specific type of reasonable accommodation or modification. And service animals have become so firmly established as an effective modification or accommodation that they have their own standardized framework for how we interact with individuals who use them. Next slide, please. Another important term of art is the interactive process. When an individual notifies an organization of his or her need for a reasonable accommodation or modification, this initiates a cooperative information-sharing process between the organization and the individual called the interactive process. Some people want to approach a request for an accommodation or modification or as a one-and-done conversation. For example, a person may request to bring their service mini horse to a setting that for whatever reason will not accommodate a mini horse. The organization does the appropriate analysis, determines if they cannot accommodate the mini horse and informs the individual. That should not be the end of the conversation. Now is when we move into the interactive process. The organization should ask, is there another way we can assist you? And the individual requesting the mini horse has a responsibility to come to the table and consider alternative ways they might be accommodated. Now, let's say the organization and the person come up with an idea of how to assist the individual, but it doesn't work. You're still not done. You go back to the drawing board and reengage in the conversation and determine whether there are any other options that might meet that person's needs.

So let's do one more example. Say we have a patient at a skilled nursing facility or a long-term rehabilitation center who uses a service animal. There will be periods of time during the stay where they're not able to effectively exercise, toilet or otherwise care for their service dog. They ask the provider to care for their animal during the periods during which they will be incapacitated. A facility determines that they will not dedicate staff to care for the animal. At this point they need to engage in the interactive process. Specifically the organization should be asking questions about what types of assistance does the animal provide. Is there something that staff can provide to patient, such as help with stability, in lieu of the patient keeping their service animal at the facility? Or what other arrangements might be made for the animal's care? Could the patient have a family member or friend visit and provide care to the service animal? This could be a

really long conversation. We're not going to follow it to the very end, but this is a good example of when that interactive process could be necessary.

So now that we're hopefully clear on the major federal laws and interactive process and what service animals are, I'm going to toss it to Katie to talk about what they are not.

>> KATIE SLYE-GRIFFIN: Thank you, Sarah. Next slide, please. So, we've already said that service animals are trained to do specific tasks. That's in contrast to emotional support animals. So emotional support animals, and the similar categories of therapy or comfort animals, there's a lot of different names for them now, these animals do not necessarily have to be dogs, and they're not trained to perform specific tasks, which help to mitigate a person's disability. It's really important to understand this difference. Because providing comfort is not a trained task. It's a benefit that animals provide. And it's certainly very helpful. But it doesn't meet the mandate of a service animal. Now, in the employment context, emotional support animals must be considered as a potential reasonable accommodation. I said that before. But to determine whether an emotional support animal is an appropriate accommodation, an employer would use the interactive process just as Sarah just described. So that interactive process is going to be a conversation between the employer and employee with a disability. This is when the employer is going to conduct an individualized assessment, potentially request medical documentation, and ultimately determine whether or not an employee's request for an emotional support animal in the workplace can be approved. Now, generally for a service animal in an employment situation, organizations would not need to engage in this process and would not request medical documentation. The employer would simply allow the service animal into the workplace. We're going to come back to some exceptions to this in just a bit. But for now, let's go ahead and look at an example of how a service animal and an emotional support animal might benefit a person with a disability. Next slide, please.

So here we laid out different ways in which a service animal and emotional support animal can be used to help someone with PTSD, post-traumatic stress disorder. So, a dog can be beneficial under both categories. But when examining how a dog is trained to provide specific assistance, the differences become clear. Let's first look at how both types of animals support the common situations of nightmares in PTSD. Now, a service animal can be trained to wake a person who is experiencing a nightmare. Maybe there are certain moves or triggers that the dog can be trained to understand to wake that individual. That is in difference to a comfort animal, who is not trained to take any action but can still provide comfort to the individual, lay next to the individual, let's say. Now let's look at needing assistance. A service animal can be trained to act by alerting or finding another person, whereas the emotional support animal provides a calming presence and offers comfort. As you can see, only the service animal actively provides the specific assistance necessary to mitigate the disability. And that leads us to a critical question. How do you know if a person's dog is a service animal? Next slide, please. Well, you ask. However, you can only ask two questions. First, is the animal required because of a disability? And second, what work or task has your animal been trained to perform? These are the only two questions which anyone can ask a handler regarding their accompanying animal. Next slide, please. Now, if the person refuses to

answer the two questions, you do not have to allow the service animal to enter. But if you exclude the animal, you must still permit the person access just without that animal. By knowing the two questions and using them, you will ensure that you treat handlers equally and this helps ensure that you are abiding by the law. We have had people ask us what to do in situations where they asked the appropriate questions, and the dog's handler has become agitated and upset. The honest answer here is this can become difficult because it's awkward or it's an uncomfortable conversation. Now, you're going to need to follow your internal policies as they relate to conduct. And if you have asked the two appropriate questions and only the two questions, and the individual becomes upset, you might need to give them a moment to calm down. But firmly explain that these questions are allowable and are necessary in order for your organization to determine the next steps forward. And if the person becomes disruptive, then depending on your internal policies, you might be able to ask them to leave, or, you know, involve security if that's appropriate. It's important you treat the person the same as you would treat anyone else who became agitated or disruptive in your facility. We do not want to -- want you to leave here thinking that just because the person has an animal and happens to be a person who has a disability that we are telling you to call security. That's the opposite of what we're telling you. We want to make sure that everyone understands that all individuals should be treated equally, and by using the two questions appropriately, you are treating everyone equally. Next slide, please. Now, on the part of the organization, there are some things you need to avoid. First, you cannot ask questions if it's obvious that the dog is a service animal. So, as an example, if the person is blind and they have what is commonly referred to as a seeing eye dog, it should be fairly obvious that the dog is a working service animal. You cannot ask if that dog is a service animal. Second, you cannot request documentation, because there is not actually anything known as documentation for a service animal. But we're going to come back to that in just a minute. You cannot require that an animal perform for you. Some tasks are only needed under certain conditions. For example, when someone is having a seizure or if someone needs medicine retrieved for them. And lastly, you cannot inquire about the nature or extent of the person's disability. In all honesty, that's just rude. And we really want to make sure that no one is making inappropriate comments about someone's disability. And finally, although it's not on the slide, and truly it's because we hope this is obvious, we figure it might be worth mentioning that you cannot charge someone a fee or any cost related to the usage of a service animal, unless it's related to damage that is caused by the animal. So as an example, if for some reason someone is staying in a hotel room or some sort of facility related to care that they are receiving, and it happens that the animal has done some damage to the room, you might charge them for the damage to the room. You cannot, however, charge them for having an animal in the room. That's the difference. Next slide, please.

Now let's talk a little bit more about documentation and vests for a moment. Under federal law, there is no requirement for any service animal to wear a vest or have documentation. That being said, there are a number of websites which purport themselves to provide service animal registration or certification. What we want you to know is that there is no registry or required certification for service animals. Anyone can submit a picture of their pet and pay a fee and they will be sent an official-looking ID that

does not have any credible standing under law. It is very tempting to focus on things like ID and vests, but in the end, everything comes back to those two questions that are allowed under the ADA and the Rehabilitation Act. Now I'm going to hand it back to Sarah. Next slide, please.

>> SARAH WILLIAMS: Thank you. So while there are no documentation or uniform requirements, the animal does need to be under the handler's control. Most often what you will see is a dog on a harness, leash or tether. But a physical restraint is not necessarily required. In some cases, the individual's disability may prevent them from using devices or being physically restrained might interfere with the service animal's safe effective performance of tasks. As long as the dog is near their handler when they aren't otherwise performing a task, generally blending in with the environment, and responding to cues, either verbal or sign, they should be considered under control. We'll talk a little bit more about what it looks like when a dog is not under control later on in the presentation. Next slide, please.

So our animals are trained and they are under control and the next question is: Where can service animals go? And short answer is: Everywhere. If a person without a service animal would be able to enter an area of a facility or property, then a person with their service animal has a right to enter those same areas. When a service animal is on duty, they are basically an extension of their handler. So let's look at this in a different context. We all have been to doctor's offices that have ridiculously small rooms. I actually had an organization try to tell me that a person could not use her service animal when she came in to receive care because there physically wasn't enough space in the patient care room for if dog, the patient, the physician, and any necessary support staff. That is not going to fly. Would that same office tell someone they couldn't utilize their scooter, which are typically larger than a service animal, by the way, because the patient care rooms are too small? What about a person who requires a sign language interpreter? No, absolutely not. It would be the organization's responsibility to modify their space or practices in such a way that they can appropriately serve the individual with a service animal. In short, you cannot restrict someone from using their service animal except in very few exceptions, which we'll talk about in a moment. Next slide, please.

So the reemphasize what we just talked about, these are all places that service animals are allowed to be. I would like to briefly touch on two situations that cause people some consternation. The first is when another individual in the area has dog allergies or a strong fear of dogs. Allergies or fear of dogs are not valid reasons for denying access or reviewing service to people using service animals. When a person who is allergic to or fearful of dogs must spend time in the same room or facility as a person who uses a service animal, they should both be accommodated. This can look a number of different ways, but the most common solution is place them in different locations within the facility. Something else that people really like to bring up is sterile areas. Basically, they assert that the mere presence of a service animal would render the area unclean or unsafe. This can be valid, but the bar is high. Some people like to consider general patient care areas or cafeterias as sterile areas. We like to hope those areas are very clean. Service animals are absolutely allowed in those areas. When we talk about

sterile areas or address the safety, we are talking about areas where patients are incredibly vulnerable to infection, such as burn wards. As a quick jut check when determining whether a citizen would likely area, ask whether the general population would also or a human would be required to wear a sterile suit?

A human would be restricted from a burn ward or active operating room. Next slide, please.

One of the favorite things to do in our training presentations to apply what we just discussed to real-world scenarios. Here is our first scenario. Pup-eroni pizza. While Carla is in the hospital cafeteria, she sits her service dog in a highchair and feeds him at the table. Cafeteria staff ask Carla to remove her dog from the highchair. Who is right? While you should allow Carla's service dog to accompany her to the dining area, you are not required to allow a dog to sit or be fed at the table. Seating, food and drink are provided for customer use only. Generally a service animal should blend into surrounds by sitting or lying down under the table, chair or near their handler. Next slide, please.

So let's look at another situation. Raise the woof. Your building has a "no pets" policy. Rahul schedules a radiology appointment at your facility and plans to bring his service dog. Is this allowable. Short answer again is: Yes. Rahul's service dog should be allowed. Even if your building has a "no pets" policy you cannot deny entry to a person with a service animal. Service animals are working animals, not pets. Although a no pets policy is legal it does not exclude service animal. Your building should modify the no pets policy to allow for a service animal to enter.

>> That raises a good question about when we can exclude service animals. Next slide, please. So Sarah touched on safety requirements such as sterile areas. There are a few more reasons that would allow someone to deny entry to a service animal. So in addition to interfering with safety requirements, that would include if the animal is not housebroken, if the animal will not obey a handler's cues, and if it poses a direct threat to others. For example, if the dog snaps at people. These are limitations that are specific to service animals. But there are also some broader concepts within disability law that may apply to service animals. Next slide, please.

And these bring us to the concept of undue hardship and fundamental alterations. These two terms are closely related and you will often see them come up at the same time. These concepts come into play when you are conducting your individualized assessment to determine whether you can provide a requested reasonable accommodation or modification. Now, basically, first, you ask, would providing the requested accommodation be so administratively or economically burdensome as to put an organization at risk? And then second, would providing the requested accommodation actually change the nature of a service or a program?

Now, both of those questions must be determined on a case-by-case basis. Again, the bar is high. Now, we were thinking of scenarios to explain these concepts, and we thought and thought and thought about undue hardship. But honestly we couldn't come up with a clear example of when a service animal would be an undue hardship. We aren't saying it isn't possible, but the reality is that any potential issues are more likely to

be related to the topics of safety or fundamental alterations. And for that I'm going to pass things back to Sarah to give a really great example of that next term.

>> SARAH WILLIAMS: Okay. True story, everybody. My mom has rescue donkeys. And I don't know how many of you knew this, but due to their natural territorial instincts, many farmers utilize guard donkeys. These are donkeys placed in a pasture with livestock, such as sheep or cattle, because they will aggressively attack predators, such as dogs or cats or coyotes, and you guessed it... dogs. It's not a joke. Like there are donkeys that chase off bears. So anyway... let's say my mom opens a rescue petting zoo, which includes a donkey pen. She would be allowed to restrict service animals from the donkey pen area. Because the presence of the dog, through no fault of the dogs, would cause the donkeys to become aggressive or agitated, thereby fundamentally altering the nature to have petting zoo. It sounds funny, but there's clear guidance on this topic. Service animals can be restricted from areas for animals on display or the natural prey or predators of dogs, or the presence of the dog would be disruptive. So my mom could restrict service animals from the donkey area but could not restrict them from other areas of the petting zoo. Next slide, please.

Continue with limitations. The terms on this slide generally refer to risking the safety or welfare of others. Legitimate safety requirements takes us back to what I was talking about earlier regarding truly sterile areas. In that case, allowing a service animal into a burn ward would pose a legitimate risk for the safety or welfare of the patients on that unit. So the dog can be excluded. Direct threat is typically more about the behavior or physical condition of the animal. In one case a judge found that a patient's service dog was the direct threat to others because the dog in question had a, quote, putrid odor, which resulted in patient transfers, growled at a nurse caring for the patient, wandered unattended when the patient's husband was not at the hospital to handle it. And there was a legitimate concern that the animal had a skin infection which could possibly spread. Something important to note in this case is that the animal's presence could not be eliminated by a modification of policies, practices or procedures. The hospital staff made many attempts to suggest a compromise which would have lessened the effect of the dog's presence, but the patient refused to consider any of them. And these types of issues could pose direct threat problems in an office or employment context as well. If an animal is acting in an aggressive way, potentially causing a tripping hazard in a busy workplace by wandering around outside the handler's control or demonstrate illness or other infection, those factors would potentially result in a direct threat to workers or patrons of that organization. Like the concepts on the previous slide, these determinations must be considered on a case-by-case basis. It's also important to make clear these determinations cannot be made based on speculation or assumption about the animal. In another case, a hospital argued that allowing a service animal to accompany the plaintiff in that psychiatric unit would pose a direct threat because the harness could be used as a weapon and the presence of the animal could upset other patients. There, the court ruled that these potential risks were speculative. There was no evidence that the hospital had engaged in an individualized analysis of whether that particular patient and service animal actually posed these threats. Furthermore, the Court noted that even if the risks were genuine, the hospital had failed to assess

whether any accommodations could be made that would ameliorate the threats as it is required to do.

So all four of concepts we just talked about, I will remind you, if you determine a service animal is an undue hardship, fundamental alteration, direct threat, or a legitimate safety issue, you must return to the interactive process to determine whether there are any other options that could assist the person with the disability. Next slide, please. So let's move into our next scenario. Remain paws-itive. Your organization is attempting to schedule upcoming appointments with two new patients. One has an allergy to dog dander and the other uses a service animal. What do you do? As we mentioned earlier, both patients' needs must be addressed. This is look a number of different ways. You can get a little creative. But I would like to hearken back to the interactive process. Ideally you should talk to both individuals and make sure you understand their needs. Some options for accommodating them both include scheduling them at two different types of the day to ensure no crossover. If those appointments must be scheduled at the same time, then consider asking the participants if one would like to go directly to the room while the other stays in the waiting room. I do want to caution you, this should definitely involve conversation with the individuals, because we want to avoid automatically isolating someone with a disability. You can meet the individuals in different areas of the building, and you could utilize air purifying technology with HEPA filters or portable air filters. And those aren't the only possible solutions. Those are just common ones that people frequently utilized. Next slide, please.

Here is another waiting room situation. Ruff around the edges. Laila arrives at her dentist's office and sits in the waiting room with her service dog. After a heated argument with another patient, Laila's service dog begins growling at the other patient. What should the office manager do?

As we know, service dogs are allowed. However, you can remove a service dog if the animal is out of control, and the handler does not take effective action to control it. This includes violent behavior, such as uncontrollable growling at other customers or jumping on other people. As I mentioned earlier, you may not make assumptions about how a particular animal is likely to behave based on your past experience with other animals. Each situation must be considered individually. Although you may exclude any service animal that is out of control, you should give the individual with the disability who uses the service animal the option of remaining in the establishment. One of ways you ensure that that service animal does not engage a problematic behavior like growling is to train it appropriately and tell us a little more about training service animals, here is Katie again.

>> KATIE SLYE-GRIFFIN: Thank you, Sarah. Next slide, please. So there are two primary ways in which a service dog is trained. First is through an organization that specializes in training service dogs. And also matching them with a handler. And the second way is when a handler trains their own service dog. To be done correctly, both methods take about the same amount of time and it's important that the dog's training is structured and ongoing. As an example of how not to train a service animal, we have had a situation where a woman who brought two dogs to a hospital with her informed the staff and subsequent investigators that one of the dogs was training the other dog. True story. To be clear, not that she was training one or both dogs, but that one dog

was responsible for training the others. Seems incredible. But, again, it was true. Now, earlier we mentioned that service dogs can be any breed. But what is most important here is really the dog's temperament and desire to work. It's also critical that the handler is able to communicate with that dog. Typically that is through verbal cues and/or hand signals. Next slide, please. People who aren't familiar with service dogs may not be able to tell when one is actively working. Typically, when a dog is on duty, it should be near its handler. They should also be able to lay down and relax near the handler if the handler is busy or doesn't currently need assistance. But service dogs also get time off. It's a chance just to be a dog versus an extension of their handler. At times the handler will still need assistance during that dog's time off, but more often than not, this is still fun for the dog, because they love working. Next slide, please. We have yet another scenario. This one is present and prepared. So Liz goes to the gift shop at the hospital with her service animal. In the shop some children are excited to see the dog, and children run over wanting to pet the service dog. What should the adult supervising the children do? Well, we understand that children get excited and curious about animals. But we would rely on the adults to explain to the kids that this service dog has an important job and they cannot play with or pet that animal right now. Or if Liz doesn't appear busy with something, the adult could speak to Liz directly and ask whether she would be willing to talk to the children about her service animal. However, if Liz declines, the adult should accept that and redirect the children. Now, our friend Christina, who we mentioned before, is really passionate about educating people on service animals. And if this happened to her and she wasn't busy, she might tell the children more about the service animal's job and how it is important not to touch or interrupt the service dog while it is working. Touching a service animal without permission would be like touching the handler without permission. And we should never touch each other without permission. Christina would also tell the kids if they see someone with a disability who uses a service animal, they should speak directly to that person and not to their service animal. It's really important to remember to put the person first. Next slide, please.

Now, for our last scenario. This is called please be paw-lite. We're heading back to the cafeteria now. Jim, his boyfriend, and Jim's service dog, Leo, enter the cafeteria. Leo provides support as Jim makes his way to the table. Due to the cramped floor plan, Jim accidentally bumped into a few tables. Someone complains that the dog should not be allowed in the cafeteria because it's disrupting their meal. At the table Leo slips below the table out of sight. How should the cafeteria staff respond?

In this case, the dog is under control of their handler, performing tasks as required by the handler, is inconspicuous when the task is complete, and is blending in with that environment by settling under the table. The staff should respond to any complaints with something along the lines of, this person has a right to be here with their service animal. If you would like to move tables, you are free to do so. Next slide, please. In that case the dog was behaving exactly as it should. But as I mentioned before, there are circumstances where it would be reasonable to exclude a service dog based on unacceptable behavior in public spaces. People are often unclear as to what constitutes unacceptable behavior when it comes to a service dog. I want to emphasize that a small slip by a service dog should not result in the dog being denied public access or being asked to leave. In most instances the handler should have an

opportunity to correct the service dog before action is taken. This is especially critical when requesting that a handler remove their service dog. So, for example, let's say a dog slips out of its harness. It could be a mishap, because that harness was not correctly buckled that morning. As long as the dog remains near the handler and under the handler's control, this isn't an issue. But if the dog wanders away and the handler re-calls the dog, regains control, and the dog stays under control, that would also be considered acceptable. If the dog does not remain near the handler and the handler is not able to re-call or otherwise regain control of the dog, that would be considered unacceptable behavior. Next slide, please.

>> SARAH WILLIAMS: All right, so the reality is there are many challenges that one can't anticipate when out in public with a service animal. Speak to any handler and they will have a number of stories to tell about dog mishaps or organizations who were not educated about service animals. The key to overcoming these challenges is relatively straightforward. Get educated. Ask or answer the two questions. And stand up for your rights. The first two categories have already been covered in our presentation, but as we mentioned in the beginning, much of our work is geared toward providing technical assistance and consultation services to funding recipients. Please always feel free to reach out to us. Our contact is at the end of this presentation. And we welcome the opportunity to answer questions or learn more about the accessibility challenges that people are facing on the ground. As for the last point, if you are a service dog handler, it's important you know your rights and politely but firmly stand up for yourself. Questions about the handler's disability are not allowed or appropriate. The service animal does not need to show the stated tasks that help mitigate the individual's disability. Handlers do not have to show documentation to validate that that dog is a service animal. And service animal users have a right to be in the same areas and receive the same benefit as everyone else. We are just really happy to be here today, because the key to success is everyone knowing their role and how to be supportive of each other, so we can promote equal access and remove barriers for people with disabilities. Next slide, please.

So to wrap up our presentation, here are four key takeaways. One: Service animals are highly-trained working animals that perform specific tasks that mitigate people with disabilities. Two: You must conduct an individualized assessment. So at any point when making a determination as to whether a service animal should be in a particular area or not, that is a new, unique situation that must be addressed individually. Three: In a non-employment context, service animals are defined as a dog or miniature horse. In an employment context, an individual may be able to be accompanied by another type of animal as a reasonable accommodation. And fourth, you may only ask two questions to determine if an animal is a service animal. And handlers must be prepared to answer those two questions. Next slide, please.

So, first, if you're interested, we provided a few useful links we referenced throughout the presentation. We also recommend the Job Accommodation Network, JAN, and the ADA Technical Assistance centers, which both provide a lot of great resources on their websites. Next slide, please.

Finally, we want to thank our support and review team. We're grateful to have review and support from service dog handlers as well as civil rights and disability experts within our office. We're very appreciative of your assistance throughout this process. Next slide, please. And thank you for attending! Here is our contact information as teased up at the beginning of the presentation. Feel free to reach out. And I believe at this time we are tossing it back to Lewis.

>> LEWIS KRAUS: Thanks so much, Sarah and Katherine. That was a great presentation. And for those of you in the audience, this is the time when you can -- if you have not submitted your questions already, go ahead and submit them in the chat window and we'll get to those in a moment. And I would also -- we're quite familiar at the ADA Centers about receiving service animal questions and that there might be quite a volume of them. And so because of that, and the fact that we answer probably thousands of them every year, they are the most frequently asked questions, I'm going to bring our Pacific ADA Center program manager, Jan Garrett into the answering line. So if some of the questions need further elaboration, she can join in on that as well. So, let's get to the first question, which I think is one that sort of tees up the whole idea that you kind of left us off with, which has to do with how does an individual actually assert their right? So they ask in several different ways. What do you do when a law enforcement officer doesn't know your state laws and the ADA regarding service dogs and won't do a report for you and explain to the other person that they are breaking the law regarding service dogs? Similarly, how do you deal with a small town and businesses that tell you unless you show a service dog registration or ID you cannot enter the business? And similar kinds of questions like that. So, Sarah, Katherine, do you want to go for that one?

>> KATIE SLYE-GRIFFIN: Yeah, hi, this is Katie. I'm going to hearken back to my days when I was with the National Alliance on Mental Illness, because I worked so frequently at the grassroots level. But you can absolutely work with your local county officials, and I would first and foremost say that that's a really important note about the ADA. Because every state does have a law that is complementary to the ADA, and most localities also have complementary laws, it's important that you also be familiar with those laws. So you are going to need to, as a handler, an individual handler, you're going to need to be familiar with those as well, for whatever your locality is. And that's going to give you the best ability to navigate where you live. And from there, you know, it's really helpful to be able to do things like work with your police officers to develop training and to help get in there and make a difference at your local level. From the federal level, which is where Sarah and I sit now, we have a very different viewpoint. But, again, at the local level, please do make sure that you understand your local laws, which are complementary and work with the ADA.

>> LEWIS KRAUS: Sarah, did you want to add, or Jan, did you want to add to that answer?

>> SARAH WILLIAMS: I feel like there's so many pieces to the question. So definitely defer to Katie as far as her grassroots experience, and then I'll just add one thing and

then defer to Jan for the rest. It's unfortunate that one has -- I saw it's a kind of question that popped up around the documentation bit and how -- we'll call it confusion, how much confusion exists within businesses and organizations on what is required and what they can ask for. One of the best things I can think of -- and I hope most of us have access to a smartphone or something, is there are a ton of very clear statements and guidance that make very clear that that is not required. So while it's frustrating to carry things like that around, it could be useful to pull up. The Department of Justice website, the HHS department of civil rights website and just refer them to the very clear information, this is not required.

>> JAN GARRETT: I'll just add to that. Those are both very good responses. I will just say that the Pacific ADA Center has a little pocket guide. It literally is a small trifold guide that fits in a shirt pocket or easily in a purse or a fanny pack or anything like that. It is on service animals and tells all the requirements, including the fact that you do not need documentation. And we have those available that we could actually mail to people if you want to go to our website, ADApresentations.org and contact us and say that you would like the service animal pocket guide. And we would be happy to send you some of those.

>> LEWIS KRAUS: Let's move to the next question. Is there any policies on the number of service animals? We had a patron who had six. And they were also brought into the facility in a stroller. We want to include in our policy a maximum number. Is that possible?

>> I love this. It reminded me of our service animal that trains another service animal scenario. So I would not take the route of putting a hard number in your policy. So it is feasible that someone could have more than one service animal. I would focus in on what the impact of a large number of service animals or their stroller might have on your business. Does it create a fundamental alteration? Are all the animals under control? You can certainly ask this person the two questions and see if they are able to respond how each animal is trained. But that's -- I would focus more on those topics within your policy than I would focus on just picking a number. Sorry, this is Sarah by the way. I'm used to being on video.

>> KATIE SLYE-GRIFFIN: And I would agree. Creating any sort of definitive limit within a policy is oftentimes asking for trouble. And so it's important that your policies be written in such a way as to make sure that they are as open as possible, because you can never predict what sort of disabilities and needs you're going to come up against. It, as Sarah said, someone could have a need for more than one animal. And while it may seem like six is too many for someone, they could have a valid need and they could be able to articulate that need. So we would really, really caution against that, putting any sort of hard limit this is really never a good idea. But stating your policy in such a way as to make sure that you are working within the operating principles of the law, which is to ask the two questions and to ensure that everyone on staff is trained to use those questions appropriately is the most important thing.

>> JAN GARRETT: Also, just to follow up, again, I completely agree with the answers that Sarah and Katherine gave. Do not have a blanket policy about the number of animals. But when you ask the two questions, they should be able to articulate what each animal does, not just, oh, well, all six, you know -- maybe all six do the same thing. I don't know. It would seem like each one would probably need to do a task for the person. And if the person says, well, this one helps me with balance, and, you know, then the question would come up for me about why is that dog in a stroller if it helps you with balance? So, you know, you have to kind of -- in asking the two questions and in listening to the answers, determine whether or not you think it's credible in terms of what the person is answering. And then again, if this is just in a restaurant where somebody is going to be there for maybe 45 minutes and the animals are under control and the stroller is not creating a space problem in your restaurant, then you may just want to let that go. In a different scenario where somebody is in an employment situation or perhaps in a higher education situation where they're bringing these animals with them day after day to class, for example, that's a different scenario where you would be entitled to have really more information and a credible response.

>> LEWIS KRAUS: All right. The next question: Are service animals allowed in an ICU?

>> SARAH WILLIAMS: I'll jump in first with my favorite attorney answer ever: Maybe. So that's really going to come down to the individualized assessment. I would not necessarily blanket exclude service animals from the ICU unless it's, again, a very specific type of patient that is always on that floor. And the common, you know, examples are the burn ward patients, things of that nature. But if there is a patient that is truly immunocompromised and would otherwise be compromised by a service animal, maybe. But are you allowing other people in and out of that ICU? Are you allowing patients without protective gear in that ICU? You really would have to do the individualized assessment of what the particular safety issues would be with regard to allowing a service animal in.

>> KATIE SLYE-GRIFFIN: I completely agree. It has to be looked at on an individualized case-by-case basis. And that is always the case with reasonable accommodation and reasonable modification. We can never state that enough. Every situation is unique. Every situation is different. And it's very hard in -- a session like this, unfortunately, to give a definitive answer, but it's so, so important that everyone get that takeaway of you have to do an individualized assessment. There really does have to be a really solid look to seek, you know, what is the reality of this particular situation and what alternatives are available if we are not able to do that in this particular situation.

>> LEWIS KRAUS: I'm just going to add along there, because... as Katie just mentioned, you know, if the question is very complex here and you're not able to get a really great answer or enough of an answer that you would like, you can, of course, call our regional ADA Centers at 1-800-949-4232 and those technical assistants can help

you. As Sarah and Katie have left their information there on the screen, you can also contact them. All right, let's move to the next question. This goes back to the discussion we were having about the dog allergy. And the person sort of wanted to follow up and say, what if the dog allergy is so severe it is considered a disability?

>> SARAH WILLIAMS: I think I saw that pop up before, sort of a follow-up scenario. So I hope that at least partially addressed the question. But it's the same as any time you might have any other sort of quote/unquote conflicting disabilities. You need to sort of engage in a split individualized assessment, for lack of a better -- or, sorry, -- interactive process, for lack of a better word. Both people have equal opportunity to be there and benefit. So you wouldn't necessarily rank a person with a particular type of disability above or below a person with a different particular type of disability. So this is just going to take thought and coordination and sometimes creative thinking to ensure that both individuals are able to receive care in an appropriate way. And if -- I'm happy to -- we're happy to talk about any follow-up questions if there's anything outside of that.

>> KATIE SLYE-GRIFFIN: I would also add that any time that I see allergy, my reasonable accommodation brain automatically goes to, likely it's a disability. Under the ADA as amended in 2010, the definition of disability is really a wide open space. And so very frequently allergies are going to fit that definition without much question. And so, like Sarah said, you're going to be instantly moving to interactive process with both parties. So it's not really going to be a question that both things are going to be handled individually, and both things are going to be counted as disabilities.

>> LEWIS KRAUS: All right, the next question: Why aren't people with service animals required to have identification or documentation concerning the service animal? Wouldn't that solve a lot of problems?

>> SARAH WILLIAMS: That's a big question. I think at sort of a facetious level we would have to ask Congress and enforcement agencies that make the regulations, but secondarily, I feel like that would just be an absolute mess. Like especially now it's so easy to make fake, for lack of a better word, documentation for service animals. And it doesn't really take into account the ability of folks to train their own animal without some significant burdens placed in their way. Katie and Jan, happy to defer to you on that.

>> KATIE SLYE-GRIFFIN: I would agree with the burden placed on the individual with the disability. And the entire point and spirit of the Rehabilitation Act and the ADA is to remove burdens and remove barriers from individuals with disabilities. If we place licensing requirements on to service animals, that places a licensing requirement on to a person with a disability, it is a very slippery slope that I'm sure you all can imagine. It is not one that I will walk down here, but it's not -- it's really not one that I would ever be advocating for or advising on. And there's really no need for it. Simply by asking the two questions, you have all of the information one needs. There's really no need to create a licensing vest, ID requirement when all you need to do is ask the two questions. It's a very simple, easy process, and acting in good faith is really the best avenue for everyone involved.

>> JAN GARRETT: I'll just add a little to that, although I completely agree, is that that lot of people don't realize that service dog training and guide dog training, there are a limited number of organizations that do that in a credible way, that do that as professionals. And those organizations have long waiting lists, and they're quite expensive in order to be able to get an animal that might actually be certified or come with a vest from one of those service dog schools, etc. And so, you know, I think the Department of Justice and others determined that it would be really unfair to place the financial and the time burden on people with disabilities who may not be able really ever or for many years to be able to get a service animal that they may need. And if they can train it to behave and to do one or more tasks for them, then that should be sufficient, and certainly the dog needs to be under control and they need to be able to answer what the task is.

>> LEWIS KRAUS: There's been a couple questions about leashes. In a public outdoor area where leashes are required, I understand the service animal can be off leash, but playing with balls, Frisbee, etc., allowed the rest of the time?

>> KATIE SLYE-GRIFFIN: There's no legal definition of rest time. When we talked about that in the presentation, we were talking about that in a general sense, to give a -- for practical purposes, what really happens with a service animal. Service animal is working sometimes, and, you know, does have these off-duty times. Generally speaking when they're at home. When it comes to a public park that is a location of public accommodation, as I said before, you're going to have local area laws. Whether or not an animal is allowed to be on or off leash is going to be up to those local areas. You're going to have to check carefully about that particular situation. And, you know, check into whatever additional provisions they might have for a service animal. So, you just need to really be educated as a handler and make sure you understand the situation in your local area. It might seem like a lot of work, but frankly, a lot of the people that I know who use service animals really are some of the best educated people about their local areas. They understand the civics of what is going on in their local areas. Because they are so impacted by these laws. And, you know, it makes a big difference if you have this knowledge and you're able to use it to help yourself. Okay. Next question. What if a person with a disability that is already given accommodation at an employer suddenly gets a service animal. Would the employer challenge? This person has been with the employer for more than five years.

>> KATIE SLYE-GRIFFIN: A person can ask for a reasonable accommodation at any time. Under the statutes. And an employer should be moving through the interactive process with that individual whenever a request is made. A request does not have to be made at any certain specific time and a request does not have to, you know, be made only once and then never again., so a request can be modified at any time as well. And our needs change over time. So some conditions could be fine at one period of time and need only one type of accommodation and then over time you might find that you need a service animal. So for someone who is low vision at the beginning of a period of time with an employer, you know, five years later might find that they have developed

the need for a service animal to act as a seeing eye dog. The employer should not act with surprise. They should be open to an interactive process. But every employer is different. The level of education on these issues is different with every person. And so sometimes, you know, just making sure that you're working through that interaction process in good faith on both sides is the most important thing. But a service animal, as we worked through in the scenarios, is always allowed where its handler is and working that interactive process is going to be really important in those scenarios.

>> LEWIS KRAUS: All right. Here is another question. What should a business do if someone goes into a business with a young puppy claiming it is a service dog?

>> SARAH WILLIAMS: I am not as up on the training side, and I think maybe Katie or Jan might be better, but I would suggest, again, ask the two questions. If they say it's a bona fide service animal, and the puppy isn't causing a problem -- I guess my question when it comes is some of the questions about how do we combat this fake service dog problem. I feel like I am seeing that theme arise. I would say on the one hand, if the owner is able to answer the two questions, if the dog is under control, if it's not causing fundamental alteration or a safety concern, what is the harm? I guess that's my personal stance on that. And I don't know if the question is -- you're saying the puppy is a fully trained service animal or puppy is a service animal in training.? Katie, Jan, thoughts?

>> JAN GARRETT: Katie may want to add to this too, but this is where you talked about where the state laws can really come into play. Because the ADA does not address service animals in training, and, you know, neither does the Fair Housing Act or typically the other laws. But the state laws do. And, for example, in California, where we are located at the Pacific ADA Center, that's one state in our region, service animals in training are allowed. But you do have to have a tag. The law actually says you have to have a tag that you get from the county animal control to show that this is a service animal in training. So that is part of the law. So you just need to be familiar with what your state law is. And we can certainly help you with that. The ADA National Network centers can help you with what your state laws are. That's why we're regional in nature. So feel free to give us a call at 1-800-949-4232 as we already have indicated before. But, Katie, did you want to say something too?

>> KATIE SLYE-GRIFFIN: Yeah. And to tag on to what you said before, Jan, about the organizations that train service animals, any organization that is training service animals, what they a lot of times do is they have volume tears who are working as puppy raisers. And so those individuals who are raising those puppies in training, those puppies are also very knowledgeable on those state laws, and know how to act and know what to do in those situations. If you're new to that situation -- and I have worked with some people who have moved into those volunteer roles, they go through intensive training on what needs to happen to make sure that those dogs are raised to really be appropriate service animals. Service animal training is so intensive. And it's really impressive how they operate. So you have to look at the state laws, but any organization who is doing that is going to be helping you along the way. And if you're

doing it individually, like Jan said, absolutely work with the ADA Centers. Because they'll help you out.

>> LEWIS KRAUS: All right, and we're going to do I think one last question here, combining a couple of items that are similar in nature. The first question was: Can a landlord require the same documentation for a service animal that they can for emotional support animals under the FHA? And similarly, what about airlines asking for additional documentation that proves the animal is fully trained besides the current DOT?

>> KATIE SLYE-GRIFFIN: So this is Katherine. So, again, service animals and emotional support animals are two different things. And I think that is, again, an important differentiation to make. The airline rules have recently been changing under the Air Carriers Access Act, and so you are now seeing a change there where they are asking for some additional documentation. And that question was a complex list, so let me just --

>> LEWIS KRAUS: Sorry.

>> KATIE SLYE-GRIFFIN: Let me make sure I've got it straight in my head. So we're talking about the request for documentation either based on FFA or ACAA, right?

>> LEWIS KRAUS: Correct.

>> KATIE SLYE-GRIFFIN: Okay. So what really, I think is important here is no matter which way -- no matter which law you're working under, if you're working with an airlines you're going to be working directly with the airlines, whoever you're taking the flight with. And so if you have an emotional support animal, the long and short of it is that that animal is now likely going to be traveling as a pet, very likely. I'm just going to speak generally here. Versus a service animal, which is still going to be able to go under your seat. And so you may still have to provide documentation, but that is what is happening on that side of the house. Jan, feel free to correct me if I have messed that one up. Because --

>> JAN GARRETT: You're absolutely correct. There are brand-new regulations this year that basically have said emotional support animals are no longer allowed in the cabin.

>> KATIE SLYE-GRIFFIN: And then on fair housing, you can have all of those types of animals. Again, you are going to have a difference, though, when it comes to something like the service animal. So we spoke about fees before. You should not be charged, for example, a pet fee if the landlord has like an annual pet fee that you have to pay, you shouldn't have an annual pet fee for your service animal, a working dog. You could still be charged damages if the floors are scratched up, for example, but you shouldn't have a pet fee for your service animal. But I believe you can for the emotional

support animal. Again, Jan, correct me if I'm wrong. And, again, you're going to have a different set of forms. You should have forms that go along, I believe, with your emotional support animals. But there's no documentation there for your service animals.

>> JAN GARRETT: Actually, under Fair Housing Act -- and there is a great HUD publication. I forget if that's one of the ones that you noted in your presentation, on housing and urban development, has a great document about assistance animals. That is what they call them in housing, and that includes service animals and emotional support animals. And that document is on the Pacific ADA Center website as well. You know, a link to that document. But we -- basically service animals, you need to ask the two questions, the same as you would if you are a business or a non-profit. You need to ask the two questions. Emotional support animals, you are allowed to ask for documentation. Number one, of the person's disability, which can be, even from them, like a copy of their SSDI check or something to prove their disability. But also you're allowed to ask if they can provide a letter, either from a doctor, a rehabilitation professional, or someone who knows the person really well and knows how the emotional support animals assists that person. So there has to be -- is a good legal word. There has to be a nexus, which means a connection between the person's -- the tenant or the renter's disability and that emotional support animal. And the landlord is allowed to ask for documentation of that, because it is an emotional support animal and not a service animal. Service animals, you can ask the two questions and that's all you can do, even as a landlord.

>> LEWIS KRAUS: All right, everyone. Not surprisingly, there's a whole slew of questions in the chat box, and so I'm very sorry that we have not -- we didn't have enough time to get to those questions. And I apologize for that. But do feel free to contact your regional ADA Center at 1-800-949-4232 about these questions, or it looks like Sarah and Katherine are available for you to write questions to them at their addresses on the screen if you would like. You will receive an email what link to an online session evaluation. Please complete the evaluation for today's program as we really value your input and want to demonstrate the value of the program to our funder. We want to thank Katherine and Sarah today for sharing their time and knowledge with us. And a reminder that today's session was recorded -- is being recorded, and will be available for viewing next week at ADApresentations.org in the Archive section in Healthcare.

On our next webinar, June 24th, we will be joined by disability rights California and the Kaiser Family Foundation for a presentation on lessons from the COVID-19 vaccine experience related to Medicaid beneficiaries and people with disabilities in California and nationally. We hope you can join us. Watch your email two weeks ahead of time for the announcement of the opening of registration for that session.

So thank you again for attending today's session. Thanks again to Sarah and Katherine and to Jan, and have a good rest of your afternoon, everyone!
Bye-bye!