

<b>Title: Accommodating Persons with Service Animals</b>
<b>Facility:</b>
<b>Date:</b>

## I. PURPOSE

To develop a plan that accommodates individuals pursuant to Section 504 of the Rehabilitation Act of 1973, Section 1557 of the Patient Protection and Affordable Care Act (2010) and the Americans with Disabilities Act of 2008 which prohibits discrimination on the basis of disability in the offering and delivery of healthcare services.

**FACILITY** is committed to compliance with federal and state laws prohibiting discrimination on the basis of disability in the offering and delivery of healthcare.

**FACILITY** recognizes its legal obligation to accommodate service animals and makes every effort to pro-actively assess the accommodation needs as well as providing the most compassionate care.

Service animals are dogs (or miniature horses) that are individually trained to assist people with disabilities. The Americans with Disabilities Act (ADA) definition of service animals is any "dog 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." The work or tasks performed by a service animal must be directly related to an individual's disability.

This policy requires the development of a plan to ensure that persons using service animals have an equal opportunity to participate in and benefit from healthcare services. This policy specifically differentiates "service animals" from "therapy animals," and describes types of service dogs, as well as sets behavioral guidelines.

## II. RESPONSIBLE PERSONS

All **FACILITY** staff.

## III. DEFINITIONS

- A. Disability. A person must meet the statutory definition of having a "disability," under federal, state and/or local laws. These statutes recognize the following broad categories of disabilities:

- A sensory, mental, or physical impairment that substantially limits one or more major life activities (such as walking, seeing, hearing, speaking and breathing, working, learning, caring for one's self, performing manual tasks, etc.).
- A sensory, mental or physical condition that is medically cognizable or diagnosable.

- B. Handler. A person with a service or therapy animal.

- C. Individualized Assessment. An individualized assessment of a service animal must be made by the Access Compliance Coordinator (ACC) (previously referred to as the 504 Coordinator/ADA Administrator ) or other designee prior to excluding the service animal and is based on reasonable judgment that relies on current medical knowledge or on the

best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids will mitigate the risk. [28 C.F.R. §36.208(b); 28 C.F.R. §35.139(b)]

- D. Pet/Comfort Animal. A domestic animal kept for pleasure or companionship. Pets are generally not permitted in the **FACILITY**. Permission may be granted by Administration for a pet to be in a campus facility for a specific reason at a specific time.
- E. Service Animal. Any dog (or miniature horse) individually trained to do work or perform tasks directly related to the disability that the individual has. A service animal meets the definition of a service animal regardless of the terminology used to describe it. A service animal is sometimes also called an assistance animal. (A non-inclusive list of more common types of service animals is below).

If there is a question about whether an animal is a service animal, contact the ACC.

- F. Therapy Animal. An animal with good temperament and disposition, and who has reliable, predictable behavior, selected to visit people with disabilities or people who are experiencing the frailties of aging as a therapy tool. The animal may be incorporated as an integral part of a treatment process. A therapy animal has not been trained to assist an individual with a disability with work or tasks. The therapy animal does not accompany a person with a disability all the time, unlike a service animal that is always with its handler. Thus, a therapy animal is not a service animal.
- G. Service Animal in Training. A dog or miniature horse, undergoing training to become a service animal. A trainee will be housebroken and fully socialized. To be fully socialized means the animal will not, except under rare occasions, bark, yip, growl or make disruptive noises; will have a good temperament and disposition; will not show fear; will not be upset or agitated when it sees another animal; and will not be aggressive. A trainee will be under the control of the handler, who may or may not have a disability. If the trainee begins to show improper behavior, the handler will act immediately to correct the animal or will remove the animal from the premises. There is no federal obligation to accommodate service animals that are still in training.

- **TYPES OF SERVICE ANIMALS**

There are many different types of services animals. A non-inclusive list of some of the most common service animals is below:

- A guide service dog is trained to assist in navigation and other tasks for a person who is legally blind or has low vision.
- An alert service dog is trained to alert a person with significant hearing loss or who is deaf when a sound occurs, such as a knock on the door.
- A mobility service dog is trained to assist a person who has a mobility or health disability. Duties may include carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, helping a person up after a fall, etc. Mobility service dogs sometimes are called assistance animals.

- A seizure response service dog is trained to assist a person with a seizure disorder. The animal's service depends on the person's needs. The animal may go for help, or may stand guard over the person during a seizure. Some animals have learned to predict a seizure and warn the person.

#### IV. POLICY STATEMENT

Service animals will be permitted in all areas of the **FACILITY** open to the public in accordance with both the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504) and other applicable federal and state laws and regulations prohibiting the discrimination on the basis of a person's disability.

Reasonable modifications must be made to policies, practices and procedures when necessary to accommodate all individuals with a service animal. Generally, this means the waiving of a no animal policy to permit the use of a service animal.

Service animals will be permitted to accompany an individual with a disability to all areas of the **FACILITY** where members of the public and/or patients are normally allowed to go, except where the accommodation of the animal would result in a fundamental alteration of the services offered.

Service animals assist with many different tasks, including, but not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard-of-hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of an allergen(s), providing assistance with balance and stability to individuals with mobility disabilities, and helping persons with behavioral health and neurological disabilities by reminding them to take medications or assisting them when they are symptomatic. If an animal meets this definition, it is considered a service animal regardless of whether it has been licensed or certified by a state or local government or a training program.

#### V. PROCEDURE

##### A. Requirements for Staff

1. Staff cannot ask about the nature of the person's disability, require (or request) any 'proof' of the animal's training (or any other certification) as any inquiry violates various nondiscrimination laws, including the ADA.

If it is NOT readily apparent that the dog is a service animal staff must ONLY ask:

- a. **IF THE ANIMAL IS REQUIRED BECAUSE OF A DISABILITY? and**
  - b. **WHAT WORK OR TASK HAS THE ANIMAL BEEN TRAINED TO PERFORM?**
2. Staff CANNOT pet, play with or try to distract the service animal in any way.
  3. Staff CANNOT feed or care for the service animal, including toileting.
  4. Staff CANNOT charge or require an individual to pay a surcharge in order to accommodate a service animal.

5. Staff should NEVER attempt to separate the service animal from the person with the qualified disability.
6. Staff should ALWAYS remember that the service animal is a working animal and should make every effort to minimize activities that may startle the animal.

B. Requirements of Service Animals and Their Handlers

1. Leash: The service animal must be on a leash, harness or tether at all times, unless either the handler is unable because of a disability to use the harness, leash or other tether; or the use of a harness, leash or tether would interfere with the service animal's safe, effective performance of the work or task which the service animal was trained to perform. The service animal must still remain under the control of the handler even if the service animal is not on a harness, leash or tether.
2. Under Control of Handler: The handler must be in full control of the animal at all times. The care and supervision of a service animal is solely the responsibility of its handler. If a service animal must be separated from the handler to avoid a fundamental alteration or a threat to safety, it is the responsibility of the handler to arrange for the care and supervision of the animal during the period of separation.
3. Cleanup Rule: The handler must always carry supplies sufficient to clean up the animal's feces. Marked service animal toileting areas should be used when provided.
4. Feeding and Other Care: The handler must provide the service animal with food, water, and other necessary care or make other arrangements for the care of the service animal. Under no circumstances shall the staff or volunteers care for the service animal.

C. When a Service Animal Can Be Asked to Leave

A person with a disability may only be asked to remove their service animal immediately from the premises if the service animal is out of control and the handler does not take effective action to keep it under control; or the service animal is not house broken.

D. Individualized Assessment

Individuals with disabilities shall be permitted to be accompanied by their service animal in all areas where members of the public and/or patients are permitted to go. However, it may be appropriate to perform an **individualized assessment** to exclude the service animal from areas such as the operating rooms and burn units where a sterile environment is critical to the services provided.

This assessment shall be based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence to ascertain: the nature, duration and severity of the risk; the probability that a potential injury will actually occur; and whether any reasonable modifications of policies, practices or procedures or the provision of auxiliary aids or services will mitigate the risk.

If it is determined, through an individualized assessment, that the service animal cannot be accommodated; staff shall, upon the request of the patient, arrange for visits between the service animal and the handler in an area of equivalent privacy and amenities.

E. Visitors with Service Animals

Service animals are generally permitted where visitors are permitted unless an individualized assessment is made to exclude a service animal.

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Visitors with service animals may not be permitted to access areas that employ greater than general infectious-control measures or when a patient is immunosuppressed. If a determination is made that a service animal cannot be accommodated in a certain area by the use of an individualized assessment; then the visitor will be offered additional accommodations including but not limited to transferring the patient to another comparable room when available to allow unrestricted access. Only if additional accommodations are not available will the visitor be given the option of removing the animal or having friend, family or accompanying persons remove the animal so the visitor may continue with the visit.

**F. Emergency Situations**

In the event of an emergency, the Emergency Response Team (ERT) that responds should be trained to recognize service animals and to be aware that the animal may be trying to communicate the need for help. The handler and/or animal may be confused from the stressful situation. The ERT should be aware that the animal is trying to be protective and, in its confusion, is not to be considered harmful. The ERT will make every effort to keep the animal with its handler. However, the ERT's first effort is toward the handler; this may necessitate leaving an animal behind in certain emergency evacuation situations. When doing so is possible, the ERT will transport the service animal to a safe location to await being reunited with its handler.

**If a patient is unable to care for their service animal and is unable to arrange for someone else to care for the dog, the FACILITY may place the dog in a boarding facility until the patient is released, or make other appropriate arrangements. However, the FACILITY must give the patient an opportunity to make arrangements for the dog's care before taking such steps.**

**VI. POLICY IMPLEMENTATION:**

1. [Facility to insert **VENDOR USED FOR SERVICE ANIMAL HOUSING AND ACCOMMODATIONS**]
2. [Facility to insert **VENDOR CONTACT INFORMATION for SERVICE ANIMAL HOUSING AND ACCOMMODATIONS**]
3. [Facility to insert **DETAILED PROCEDURE TO USE WHEN ACCOMMODATING SERVICE ANIMALS**]

**VI. COMPLAINT PROCESS:**

It is the policy of FACILITY not to discriminate on the basis of a person's disability in the offering or delivery of healthcare services. An internal grievance procedure has been adopted to provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (28 U.S.C. 794), Section 1557 of the Patient Protection and Affordable Care Act (2010) or the Americans with Disabilities Act of 1990 (42 U.S.C. 12181) including changes made by the ADA Amendments Act of 2008 (P.L. 110-325).

Any person who believes he or she has been subjected to discrimination on the basis of his or her disability may file a grievance under this procedure [or under the regular FACILITY grievance policy]. It is against the law for FACILITY to retaliate against anyone who files a grievance or participates in the grievance process.

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The ACC shall conduct a thorough investigation providing an opportunity for all relevant evidence to be submitted as it relates to the alleged discriminatory act.

The filing of a complaint of discrimination based on a person's disability does not prevent the filing of a complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office of Civil Rights Complaint Portal, available at:

<https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>, or by mail or phone at:

U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Room 509F, HHH Building  
Washington, DC 20201  
1-800-368-1019, 800-537-7697 (TDD)

Complaint forms are available at: <http://www.hhs.gov/ocr/office/file/index.html>

#### **I. RESOURCES:**

- Rehabilitation Act of 1973, Section 504.
- American Disabilities Act of 1990 (42 U.S.C. 12181), including changes made by the ADA Amendments Act of 2008 (P.L. 110-325).
- 28 CFR Part 36, revised as of July 1, 1994 entitled "Non Discrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities". ([http://www.ada.gov/regs2010/titleIII\\_2010/titleIII\\_2010\\_regulations.htm](http://www.ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.htm))
- Access to Services Policy, [ADA.001](#)