

# Service Animals in Healthcare Settings

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## INTRODUCTION

The Americans with Disabilities Act (ADA) is a United States federal civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including employment, public accommodations, transportation, and telecommunications. The ADA provides protections and rights for individuals with disabilities, including those who use qualified service animals.

The ADA consists of five titles, and Titles II and III address service animals. Title II covers state and local government, and Title III covers public accommodation such as businesses and non-profit entities.

The application of the ADA in relation to service animals is relatively straight-forward in that there is excellent guidance provided by the Department of Justice. That guidance comes in two main forms: 1) their ADA.gov site which provides information on the ADA and how to interpret it, and 2) the outcomes of legal cases and complaints related to the ADA that have been decided by the DOJ.

However, one area that causes a lot of confusion is healthcare settings. Most healthcare settings fall under Title III of the ADA, public accommodations, also known as private businesses, though government-operated healthcare settings would fall under Title II of the ADA. In either case, service animals have the same definition and are handled the same way. This paper provides information on how to apply the ADA's service animal regulations in healthcare settings.

## THE ADA AND SERVICE ANIMALS – THE BASICS

### Definition of Disability

The ADA protects people with disabilities and defines disability as a physical or mental impairment that substantially limits one or more major life activities. Major life activities include functions such as seeing, hearing, thinking, walking, breathing, speaking, learning, performing manual tasks - essentially any bodily function. The ADA also protects people with a history of having a disability, who are perceived as having a disability, and people associated with a person with a disability.

Disabilities can be visible or invisible. Visible disabilities are typically obvious and observable, such as someone who uses assistive technology, someone who is blind or low vision, and someone who is Deaf/deaf or hard of hearing and using American Sign Language to communicate. Invisible disabilities are less observable and can include things like anxiety and other psychiatric disabilities, and chronic illnesses such as diabetes or rheumatoid arthritis.

## Reasonable Modifications

The ADA's Titles II and III require that entities provide what is called a reasonable modification to people with disabilities. That means that the ADA requires all state and local governments, businesses, non-profits, etc. that provide any programs, goods, or services to the public to make reasonable modifications to their practices, policies, and procedures to accommodate people with disabilities. In the case of service animals, allowing service animals into a place of business or another public entity would be a modification of a no pets policy.

An entity is not required to provide a requested reasonable modification if it can prove that that modification is an 'undue financial or administrative burden' or a 'fundamental alteration' to their program. With some exceptions that will be presented below, allowing a service animal in a place of public accommodation is generally not considered an undue burden or a fundamental alteration. (United States Department of Health and Human Services, n.d., 'Exclusion of Service Animals').



## Identifying a Service Animal

Titles II and III of the ADA define a service animal as a dog and, when reasonable, a miniature horse that is individually trained to perform active tasks or do work for a person with a disability. Miniature horses must be individually trained to do work or perform tasks for a person with a disability and must be a size and weight that can be reasonably accommodated in the specific setting.

The tasks or work performed by the service animal must be directly related to the person's disability. Essentially, a service animal performs tasks that the person with the disability is unable to perform. The service animal functions as an extension of the person with a disability and promotes independence in daily living activities.

Under the ADA, businesses and other entities are limited in the questions they can ask about a person's disability or their service animal. If the disability is not obvious, they may ask 1) is the

animal required because of a disability and 2) what tasks or work has the animal been trained to perform for the owner. They cannot ask for documentation or proof of the person's disability. They cannot ask that the animal perform the task. They also cannot ask for proof of training, proof of vaccination, or any other documentation. Owners can train their own animals – professional training is not required.

There is no registry, certificate, or ID for service animals that is recognized by the Department of Justice as proof of a service animal's protected status. And though the ADA does not require service animals to wear special vests or carry identification cards, some owners may choose to use them for convenience or to indicate that their animal is a service animal. However, the presence of a vest, ID card, or certificate does not prove that the animal is a trained service animal. Those items can be purchased online by anyone. The only way to identify a service animal is by asking the two allowed questions.

Emotional support animals, which provide comfort and emotional support but do not perform specific tasks, are not considered service animals under the ADA. In most cases, emotional support animals are not allowed in healthcare facilities unless there are separate policies or regulations that allow their presence.

### Service Animal Overview

There are many tasks a service animal can be trained to perform. They can guide people who are blind or low vision. They can alert people who are Deaf/deaf or hard of hearing to sounds in the environment, such as a doorbell. They can pull wheelchairs, open doors, or retrieve items for people with mobility disabilities. Service animals can alert people with certain medical conditions of the impending onset of a medical event, such as a seizure or high or low blood sugar. This type of dog is often called a medical alert animal. Additionally, there are psychiatric service dogs that can remind someone with that type of disability to take their medication, stop them from self-harming, or assist them during a panic attack by providing deep muscle pressure – lying on their lap, for instance. There are service dogs for individuals with PTSD, and in addition to the tasks mentioned already, these animals can also sweep a room before the person with the disability enters. There are many veterans starting to use service animals for this purpose.

In 2018 Assistance Dogs International (ADI) had the following statistics on service animals placed in the United States. In the same year, ADI reported that they had placed 16,766 service animals in the US and Oceania. (Veterinarians.org, 2023, 'General Statistics'). However, this number only reflects the number of animals trained by ADI and placed in homes by them. The actual number of service animals in the United States is unknown, because service animals do not have to be certified or professionally trained. Additionally, there are many other professional training organizations other than ADI, though ADI is considered the premier training organization. (Veterinarians.org, 2023, 'General Statistics').

<b>Service Dog Type</b>	<b>Percent</b>
Mobility	48%
Autism	23%
PTSD Veterans	19%
Diabetic Alert	4%
Seizure	2.5%
Psychiatric	1.5%
Medical Alert	<1%

Service animals can be any size or breed. Specific sizes or breeds cannot be excluded because of concerns that are not related to the behavior of a specific service animal, even if a county, city, or other entity has banned a specific breed.

Importantly, it is often not obvious what task the animal performs, and the disability is often invisible as well. One example is a tiny dog held in the arms of its owner. At first glance you might assume that this is a pet or an emotional support animal, but you can't assume. Small dogs held near the face can alert an owner with diabetes to low blood sugar, for instance.

Service animals are working animals, not pets. Therefore, the ADA allows individuals with disabilities to be accompanied by their service animals in places that are open to the public. Service animals are allowed to accompany their owners anywhere the general public is allowed, including restaurants, hotels, stores, offices, schools, clinics and hospitals, and other public places. The presence of a service animal cannot be denied based on a "no pets" policy or other patrons' allergies or fear of dogs. There are very few exceptions to the requirement to allow service animals in a public setting. These are primarily in healthcare settings, which will be covered later in this paper.

Finally, an entity cannot charge a fee for a service animal. For instance, if a business charges a pet fee, they cannot charge the service animal owner that fee because a service animal is not a pet.

### **Excluding a Service Animal**

There are rare circumstances when a service animal may be excluded from a public place. This can happen if the animal is out of control and the owner cannot regain control, or if the animal poses a direct threat to the health or safety of others. A direct threat is defined as a significant risk to the health or safety of others that cannot be mitigated or eliminated by modifying policies, practices, or procedures. Additionally, if a service animal is not housebroken, or if it creates an undue hardship or fundamental alteration of the goods or services being provided, the establishment may exclude it.

The service animal must be under control and on a leash or harness unless the owner's disability or the nature of the task prevents the use of these devices. If a leash or harness

cannot be used, the animal must be under control by voice or signal. If the animal is out of control, the owner must be given the opportunity to bring the animal under control. Importantly, a bit of barking is not considered out of control, but incessant barking is. Do remember, however, that barking is part of some service animals' tasks, such as alert dogs for instance, so it is important to understand the context of the animal's barking. (Department of Justice, 2020, 'Exclusion of Service Animals').

Very importantly, if the entity finds it necessary to exclude the animal, the owner must be allowed to return and be allowed to participate in the programs, goods, or services without the animal.

Remember that while the ADA sets a national standard for service animal rights and protections, some state or local laws may provide additional regulations. For instance, New Mexico and many other states provide protection for service animals in training, though the ADA does not. It is important to familiarize yourself with the specific laws and regulations in your area to ensure understanding and full compliance.



## SERVICE ANIMALS IN HEALTHCARE SETTINGS

Clinics, hospitals (including urgent care and emergency services), short-term care facilities, and long-term care facilities all must follow the ADA – they all fall under Title II or III of the ADA – and they must allow service animals as a reasonable modification of a no pets policy. However, they do not have to allow emotional support animals.

Healthcare facilities, like other Title II and III entities, are required to make reasonable accommodations or policy modifications to allow individuals with disabilities to be accompanied by their service animals. This means that individuals with disabilities should be allowed to bring their service animals into patient care areas and other parts of the facility where visitors and patients are allowed.

Though all provisions of the ADA apply in medical facilities, service animals may be excluded from areas that must maintain a sterile field, such as operating rooms, burn units, some ICU rooms, and certain other similar areas. Having a service animal in those settings could pose a direct threat to the health and safety of others, and/or a fundamental alteration of the services provided there since those settings require a sterile field and, arguably, the presence of an animal there could likely threaten the sterility of the room. In these cases, alternative accommodations must be explored, such as providing assistance or accommodation outside the restricted area. (Centers for Disease Control and Prevention, 2015, section 3).

### Allergies and Fear of Dogs

Allergies or a fear of dogs are not valid reasons for a service animal to be excluded from any healthcare setting or moved to an isolated location unless the other person's allergies rise to the level of disability due to their severity – allergy-induced asthma, for instance. In that case a reasonable solution must be found to ensure the rights and health of both disabled parties. This may involve arranging separate spaces or providing accommodations to minimize contact between the service animal and individual with disabling allergies.

For those with allergies that do not rise to the level of disability, or for those with a fear of dogs, the service animal must be given priority and must be allowed to stay in the public space. The person with allergies or fear should be moved to a private or separate location in order to minimize contact with the animal. (United States Department of Health and Human Services, n.d., 'Policy Guidance').

### Inpatient Settings

Service animals are generally allowed to accompany individuals with disabilities during their inpatient hospital stays, subject to certain considerations. Hospitals are required to make reasonable accommodations to allow individuals with disabilities to be accompanied by their service animals during their inpatient stay. This includes allowing the service animal to remain with the individual in their hospital room and go to other areas where the patient and visitors are allowed, with the exception of the aforementioned ability to exclude a service animal from areas requiring sterility of the environment. (Department of Justice, 2020, 'General Rules').

Individuals with disabilities may require assistance from the service animal with activities of daily living or basic care needs during their hospital stay. This can include tasks such as mobility assistance, retrieval of items, psychiatric assistance, or alerting the individual to the onset of specific medical conditions. Hospital staff should work with the individual and the service animal to determine the best way to accommodate these needs while ensuring the provision of necessary medical care.

Effective communication between hospital staff, patients, and service animal owners is crucial. Hospital staff should communicate with the owner to understand any specific instructions or

requirements related to the service animal. This includes information about the animal's behavior, commands, and necessary accommodations. Clear communication helps ensure the smooth integration of the service animal into the hospital environment.



During the hospital stay, the owner is responsible for the care and supervision of the service animal. This includes ensuring that the animal is properly fed, exercised, and relieved. The hospital may have designated areas for the service animal's needs, such as outdoor relief areas or designated walking routes.

If the patient cannot take care of the animal due to their condition, they must make other arrangements such as having a family member or caregiver come to the facility to relieve and feed the dog. Alternately, the dog may need to go stay with someone off site, or they may have to go to a kennel if there is no one else to take them. It is important to remember that the facility staff do not have to care for the animal, though in some cases the staff may need to arrange boarding of the animal off site if the patient is unable to do so. (Department of Justice, 2020, 'General Rules').

A facility may not exclude the animal because they believe their staff can perform the animal's tasks, or due to a perceived lack of need for that animal's tasks while the owner is a patient in the facility. The person must be allowed what is referred to as independent access, which means they are not relying on another person to perform daily tasks. Remember, one of the central functions of a service animal is to provide independence for their owner. But even if the patient does not have a need for the animal's tasks while an inpatient, they must be allowed to keep the animal in the room as long as the animal's needs can be met by someone other than hospital staff. (Centers for Disease Control and Prevention, 2015, section 3).

The service animal should not interfere with the delivery of care or disrupt the facility's operations. If the animal becomes disruptive or exhibits aggressive behavior, the owner may be asked to remove the animal from the premises. The animal's mere presence cannot be considered disruptive, only disruptive behavior such as excessive barking not related to a task.



### Physical Therapy and Rehabilitation

Additionally, in a physical therapy setting, the animal should be allowed to be present during therapy sessions. The handling of the animal by the owner should be part of the therapy program to ensure safety of both the animal and the owner during recovery. Rehabilitation and discharge planning should also include the patient's use of the animal.

### Ambulance

Service animals are generally allowed in ambulances to accompany individuals with disabilities. Ambulance services are required to make reasonable accommodations to allow individuals with disabilities to be accompanied by their service animals during transportation. Service animals should be permitted to ride in the ambulance with their owner, as long as their presence does not interfere with the delivery of emergency medical care or jeopardize safety. If space is crowded and the animal would interfere with the medical staff's ability to treat the patient, staff must make other arrangements to have the dog transported to the hospital, by a police officer, for instance. In no instance should the animal be left behind or separated from the owner with no plan to reunite them. (Department of Justice, 2020, 'General Rules').

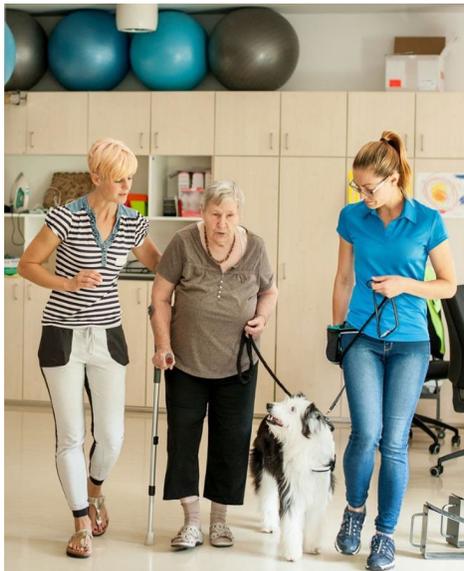
Ambulance crews may need to consider certain safety factors when accommodating service animals. This includes ensuring that the animal does not hinder medical care or interfere with the equipment and procedures conducted in the ambulance. Ambulance crew members may need to secure or restrain the service animal during transportation in order to ensure safety of everyone in the vehicle. Whenever possible, ambulance crews should work cooperatively with the owner to determine the best way to accommodate both the individual and the service animal during emergency care.

Ambulance crews should communicate with the owner, if possible, to understand any specific needs or instructions related to the service animal. This includes information about the animal's behavior, commands, and necessary accommodations. Effective communication ensures that the crew can provide appropriate care while respecting the presence and role of the service animal.

## Infection Control:

Healthcare facilities may have specific infection control policies and procedures in place. However, service animals cannot be excluded due to concerns about disease spread:

“No evidence suggests that animals pose a more significant risk of transmitting infection than people; therefore, service animals should not be excluded from such areas, unless an individual patient’s situation or a particular animal poses a great risk that cannot be mitigated through reasonable measures.” (Centers for Disease Control and Prevention, 2015, section 3).



## CONCLUSION

Service animals provide critical support to hundreds of thousands of people with many types of disabilities throughout the world. In the United States, disabled people with trained service animals are protected under the Americans with Disabilities Act and can take their service animals almost anywhere they themselves can go. The primary exceptions to public access with a service animal are in healthcare settings such as hospital operating rooms and burn units and similar areas that require a sterile environment. However, service animals can go wherever else the owner can go in the hospital. Healthcare institutions can support service animal users, both patients and visitors, by understanding how the ADA applies in their settings. This simple understanding can help a service animal user have a less stressful and more successful healthcare experience.

## References

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\*Note: these references from the CDC were originally written prior to 2008 when the ADA was amended, and therefore contain references to animals other than dogs being used as service animals. Before the 2010 amendment, service animal was defined much more broadly than just a dog or miniature horse.