



# HURON BEHAVIORAL HEALTH POLICY

Procedure #: **SD.1.37**  
Issue Date: 10/16/19  
Rev. Date: 05/25/23  
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**Title: Service Animals and Emotional Support Animals Policy**  
**Prepared By: Executive Director**

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## Purpose:

The purpose of this policy is to define the guidelines for Service Animals and Emotional Support Animals (ESA) at Huron Behavioral Health.

## Scope:

This policy applies to all employees, contract providers, consumers, and visitors of Huron Behavioral Health (HBH). In this policy the term "handler" is used to describe an individual (employee, contract provider, consumer, visitor) that is in charge of and responsible for the Service Animal or Emotional Support Animal.

## Information:

- There are three (3) types of companion animals:
  1. Service Animals (the Americans with Disabilities Act has expanded "service animals" to include not only dogs, but also miniature horses) and this also includes Psychiatric Service Dogs
  2. Emotional Support Animal (ESA) - including Comfort Animals
  3. Therapy Animals

### ***Note: This policy is intended to focus predominantly on Service Animals and Emotional Support Animals***

- In accordance with the Americans with Disabilities Act (ADA), Service Animals shall be permitted to accompany persons with disabilities in all HBH-operated facilities.
- Emotional Support Animals (ESA) are not automatically permitted into HBH facilities. The privilege of having an accompanying Emotional Support Animal may be allowed in HBH facilities under certain conditions and with prior approval. Permission for ESA's should be requested prior to bringing any ESA on-site. Permission may be granted at the discretion of the Clinical Director or Executive Director.
- Different laws govern the use of service animals in different contexts. The ADA governs the use of service animals (dogs and miniature horses) in public places. The ADA guarantees people with physical, emotional, or mental health disabilities using a service animal to equal access to public places such as restaurants, hospitals, hotels, theaters, shops, and government buildings. This means that these places must allow service animals. The ADA also requires public places to modify their practices to accommodate service animals, when necessary. However, these protections only apply to animals that satisfy the ADA's definition of "service animal." The ADA defines a service animal as an animal that is "individually trained" to "perform tasks for the benefit of an individual with a disability." The tasks an animal has been trained to provide must be directly related to the person's disability. According to the ADA, disabilities can be physical, sensory, psychiatric, intellectual, or other mental health disability.
- Many individuals (both with and without disabilities) derive emotional support and comfort from dogs and other animals that are not specially trained to perform specific tasks directly related to their disability. The ADA considers such "emotional support animals" to be distinct from service dogs, and treats them differently. The ADA does not grant emotional support dog owners the same right of access to public places as it gives to individuals who use service dogs. That means that under the ADA, a movie theater, for example, must allow service dogs to accompany their owners into the movie auditorium but can refuse to admit individuals with emotional support dogs.
- The difference between a service dog and an emotional support dog is not always clear to the staff in public places, and even to some people with disabilities, whether an animal accompanying an individual with a disability or impairment is performing a specific service or merely providing emotional support. The key distinction to remember is that a service dog is actually trained to perform certain tasks that are directly related to an individual's disability. The dog's primary role is not to provide emotional support; it is to assist the owner with accomplishing vital tasks

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they otherwise would not be able to perform independently. In addition, a psychiatric service dog must not only respond to an owner's need for help, the dog must also be trained to recognize the need for help in the first place. A dog must be able to respond *and* recognize to be a service dog. By contrast, an emotional support animal is a pet that is not trained to perform specific acts directly related to an individual's psychiatric disability. Instead, the pet's owner derives a sense of well-being, safety, or calm from the animal's companionship and physical presence. The companionship of an emotional support animal can have genuine therapeutic benefits for individuals with psychiatric disabilities and less severe mental impairments. But unless a dog is also trained to work; that is to independently recognize and respond to its owner's psychiatric disability, the dog does not qualify as a psychiatric service dog and does not receive the protections of the ADA. For example, people with social phobia might only feel safe enough to leave their home for food or medication if their dog accompanies them. Such a dog would be considered an emotional support animal. If, however, the same person is prone to dissociative episodes when they leave home, and their dog is trained to recognize and respond to the onset of such an episode by nudging, barking, or removing the individual to a safe location, then the dog would be considered a psychiatric service dog.

- Psychiatric service dogs differ from emotional support animals because they can detect the onset of an episode and lessen their effect by:
  - reminding the person to take medications
  - turning on lights, or other activities that decrease anxiety
  - disrupting self-mutilating behaviors
  - keeping disoriented persons out of danger

## Policy:

### A. General Guidelines:

1. Huron Behavioral Health shall allow service animals to accompany their handler to any location in the building or facility where members of the public or other persons served are permitted. The consumer will be given a "Basic Rules and Responsibilities for Handlers of Service Animals and Emotional Support Animals Agreement Form (90-705) and must sign the agreement form to acknowledge they have been given the rules and agree to them. A copy of the agreement form needs to be placed in the consumer's case record in the Electronic Medical Record (EMR) system.
2. The privilege of having an accompanying emotional support animal may be allowed in HBH facilities under certain circumstances when permission has been granted. Permission for an ESA should be requested prior to bringing any ESA on-site. Permission may be granted at the discretion of the Clinical Director or Executive Director.
3. When it is not obvious what service an animal provides, the ADA allows only two (2) questions to be asked:
  - Is the animal a service animal or emotional support animal required because of a disability?
  - What work or task has the animal been trained to perform?
4. Prohibited questions - Staff is not allowed to ask a person:
  - what their disability is
  - to prove their medical condition with documentation
  - to provide identification or certification documentation for the dog/animal
  - to demonstrate the animal's ability to perform the work or task
5. Whether a service animal or emotional support animal, all animals must be harnessed, leashed, or tethered, unless such a device interferes with the service animal's work or the individual's disability prevents the use of these devices.
6. Service animals and ESA are not required to wear a vest, identification tag, or specific harness.
7. All service animals and ESA must be housebroken. HBH is not responsible for the care, supervision of, or cleaning up after the animal.

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8. Handlers are encouraged to vaccinate their service animals and ESA in accordance with state and local laws. HBH requires rabies vaccination for animals visiting HBH facilities. The primary worker will obtain proof of rabies vaccination from the handler prior to the animal coming on-site.
9. When there is a legitimate reason to ask that a service animal or ESA be removed from the building, staff must offer the individual the opportunity to obtain services without the animal's presence and make reasonable accommodations to ensure continued services.
10. Individuals with disabilities who use a service animal or ESA cannot be isolated from others, treated less favorably, or charged fees that are not charged to other persons without animals.
11. Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals or ESA's. When a person who is allergic to dog dander and a person using a Service Animal or ESA must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms within the facility.
12. Persons using service animals or ESA cannot be treated differently than others (for example asking them to use a different restroom than other persons or to eat in another area not used by the public).
13. HBH recognizes the benefits from the use of therapy animals (see "Definitions" section below) in a clinical setting. The therapy animal shall only be used after the following steps have been taken:
  - therapy animal is requested for specific purpose in the Individual Plan of Service (IPOS) for a consumer or group of consumers.
  - on behalf of a group of consumers, the HBH employee shall seek permission from the Clinical Director or Executive Director for the use of a therapy animal at HBH facilities prior to the scheduled date.
  - if the therapy animal is a dog, the handler shall present documentation at the time of the visit of an American Kennel Club (AKC) approved therapy dog certification.
  - HBH employees shall inform the therapy dog handler of all of the standards in this policy that apply.
14. HBH staff may request accommodation options from the Human Resource (HR) Manager for service animals or ESA in accordance with the Americans with Disabilities Act.

### **B. Staff Etiquette and Responsibilities Regarding Service Animals and Emotional Support Animals:**

1. When working with an individual with a service/working animal in harness, ask the handler where you should walk. Some animals will work harder if you are on the same side as the handler.
2. Do not distract the animal by talking to it or calling to it.
3. Realize that the owner may not allow the animal to be petted.
4. Do not make a big deal about the animal being used as a service animal.
5. Always ask permission before touching the animal.
6. Treat the person/animal team with respect.
7. Do not make judgments that the animal is not really a service animal.
8. Never touch the leash or harness without permission and instruction from the handler.
9. Do not feed the animal or give it treats.
10. Realize that a service animal is just that; an animal, and animals can make mistakes.

### **C. Handler Responsibilities:**

1. Handlers are responsible for the care and supervision of their service animal or ESA at all times. HBH staff is not to provide care or food to service animals or emotional support animals.

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2. Handlers are encouraged to vaccinate their service animal and emotional support animals in accordance with state and local laws. HBH does require a rabies vaccination for animals visiting HBH facilities.
3. Service animals and emotional support animals must be harnessed, leashed or tethered at all times (unless these devices interfere with the service animal's work or the individual's disability prevents using these devices).
4. Service animals and emotional support animals are not required to wear a vest, identification tag, or specific harness.
5. All service animals and emotional support animals must be housebroken. HBH is not responsible for any care, supervision of, or cleaning up after the animal.
6. HBH can ask the handler to remove his/her service animal or emotional support animal from the premises if:
  - a) the animal is out of control and the handler does not take effective action to control it (e.g., continually barks, wanders around, damages property, or the animal becomes a threat to the health and safety of others)
  - b) the animal is not housebroken
7. Handlers are financially responsible for any damage to the facilities and/or equipment that is caused by service animal or emotional support animal.

## Definitions/Acronyms:

### Acronyms:

ADA – Americans with Disabilities Act

AKC – American Kennel Club

EMR – Electronic Medical Record

ESA – Emotional Support Animal

HBH – Huron Behavioral Health

HR – Human Resource

MDCR – Michigan Department of Civil Rights

PTSD – Post-Traumatic Stress Disorder

### Definitions:

Disability: An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

Emotional Support Animals: Animals that provide companionship, relieve loneliness, and help with anxiety, depression, loneliness, and certain phobias. These animals do not have special training to perform tasks to assist people with disabilities. Emotional Support Animals (ESA) are not Service Animals and are not under the protection of the ADA. ESA can be any animal, but most often are dogs.

Handler: Person in charge of and responsible for the Service Animal or Emotional Support Animal.

Pet: A domestic animal kept for pleasure or companionship.

Psychiatric Service Dogs: are service dogs that are specifically trained to help people manage mental health condition episodes, distress, triggers, and medication compliance and can provide assistance to people with psychiatric disabilities, such as severe depression, anxiety disorders, and post-traumatic stress disorder (PTSD). Examples of work or tasks that psychiatric service dogs perform could include:

- providing safety checks or room searches for individuals with PTSD
- blocking persons in dissociative episodes from wandering into danger (for example, traffic), and
- preventing or interrupting impulsive or destructive behaviors, such as self-mutilation
- remind a person to take their medications

Service Animals: The ADA defines a service animal as a guide dog, signal dog, or other animal individually trained to provide assistance to a person with a disability. If they meet this definition, animals are considered service animals under the ADA

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regardless of whether they have been licensed or certified by state or local government. Service animals perform some of the functions and tasks that the person with a disability cannot perform for him or herself. Guide dogs are one type of service animal, used by some people who are blind. This is the type of service animal with which most people are familiar. Service animals also help people with other kinds of disabilities in their daily activities. Some examples include:

- Alerting persons with hearing disabilities to sounds
- Pulling wheelchairs or carrying and picking up things for persons with mobility disabilities
- Assisting persons with mobility disabilities with balance

Therapy Animals: Therapy animals go with their owners to volunteer in settings such as schools, hospitals, and nursing homes. From working with a child who is learning to read to visiting a senior in assisted living, therapy dogs and their owners work together as a team to improve the lives of other people. Therapy animals are not service animals.

## Forms:

[90-705 Basic Rules and Responsibilities for Handlers of Service Animals and Emotional Support Animals](#)

## Records:

Copies of certification or vaccination records are to be scanned into the HBH EMR system and retained in accordance with the "[HBH Record Retention and Storage Policy](#)" [QI.1.23](#).

## Reference(s) and/or Legal Authority

[QI.1.23 HBH Record Retention and Storage Policy](#)

Americans with Disabilities Act - 2010 Federal Guidance on Service Animals

Public Act 144 of 2015 (Service animals, prohibition of assault and interference, refusal of entry of service dog)

Public Act 145 of 2015 (Service animals, licensing fees, exemptions)

Public Act 146 of 2015 (Service animals, ID and patches, MDCR powers and duties)

Public Act 147 of 2015 (Service animals, fraudulent use, reporting, penalties)

American Kennel Club Guidelines for Service Animals

Rehabilitation Act, Section 504

[QI.1.23 HBH Record retention and Storage Policy](#)

## Change History:

Change Letter	Date of Change(s)	Changes
None	10/16/19	New policy
A	06/13/21	Made several minor wording/grammatical changes/corrections throughout policy without changing sentence content.
B	05/25/23	In "Policy" section A.1 added 2 <sup>nd</sup> & 3 <sup>rd</sup> sentences, in "Acronyms" section added "HR" & "MDCR", in "Definitions" section under "psychiatric Service Dogs" added "are specifically trained... and can" and also added 4 <sup>th</sup> bullet, made several minor wording/grammatical changes/corrections throughout policy without changing sentence content.