

Service Animals, Emotional Companions and Therapy Dogs

an overview



Disclaimers

Monica is a peer and provider within behavioral health services, she is not a lawyer and is unable to answer questions regarding the legalities around this topic, though can help individuals connect to Disability Rights Maine for further legal assistance.

Jane is a peer and an advocate within the mental health system. Jane has a law degree and can provide legal information but not legal advice. Jane works for Disability Rights Maine and can assist individuals in connecting to DRM for further assistance as each case is unique.

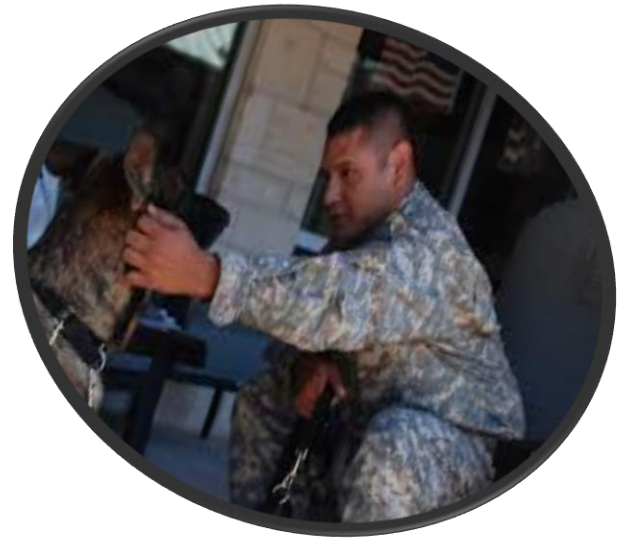
Disclaimer for Legal Information

- Some legal information **but not** legal advice
- Legal information is subject to interpretation and changes over time
- Everyone's personal situation is different so best to consult an attorney with your specific concerns
- May contact Disability Rights Maine or Pine State Legal Assistance (see resource page for contact information)

You may seek legal information through the state of Maine or contact your local Disability Rights Agency or Law Enforcement Office.

Objectives

- a. Similarities and Differences
- b. Recovery and Importance of Animals
- c. Legal Information



Laws Governing Assistance Animals

- Maine Human Rights Act
 - Public accommodations
 - Employment
 - Housing
- Americans with Disabilities Act
 - Public Accommodations
 - Employment
- Fair Housing Act

Defining the Types of Animals

- Service Animals
- Emotional Support Animals
- Assistance Animals
- Therapy Dogs

Service Animals

- Either dogs or miniature horse (mostly used for mobility/balance disabilities)
- Disability must meet definition
- Individually trained (by trainer or self) to do **tasks**
- **Perform work or tasks** for the benefit of the person with a disability
- **Directly related** to your disability
- Certification or documentation **not** necessary

Cut to the chase....

The Service DOG!!



- Typically the most common and well known of the therapeutic animals, is the service dog.
- They are usually dressed in highly visible attire and can be easily identified by the equipment they wear! They may have warnings such as ‘seeing eye dog’, ‘please don’t pet me I’m working’, or other similar indications that they are specifically doing a job for their fellow person.
- Service dogs are typically breed, trained and then matched for the personal needs of the individual they serve. They are protected under ADA Laws.

Service Animal Tasks

- Alert Handler to Street or Intersection
- Guide Handler Around Hazards (Open Manhole Cover)
- Indicate Stairs, Steps, or Ramps
- Follow a Person (Waiter, Hostess, Clerk)
- Push Elevator Button
- Laying Across the Chest of a Seizing Handler to Help Reduce Duration of Seizure
- Alerting Handler to Repetitive Motions or Stemming
- Retrieving Glucose Kit From Fridge
- Retrieving Medication From Designated Spot
- Alert Handler of Nightmares/Flashbacks
- Alert Handler of known triggers
- Pulling Wheelchair

Service Animal Tasks

- Retrieving Dropped Items
- Retrieving Named Items (Phone, Keys, Leash)
- Opening / Closing Doors
- Holding Doors Open So Handler Can Pass Through
- Opening Door to Allow EMS Entry to Home
- Turning Lights On/Off
- Deposit Garbage Into Can
- Carry Mail From Mailbox to House
- Drop Recycling Into Bin
- Put Items Onto Countertop
- Calling 911 or Designated Emergency Person via K9 Safety Phone
- Alerting Caretaker to Alarms from Medical Equipment

Examples of Tasks of Psychiatric Service Dogs

- Remind you to take medications or bring meds
- Lead you to safe place when overwhelmed
- Turn on lights and check room
- Keep you from having unwanted physical contact-put body between you and individual
- Assist with side effects of medication
- Interrupt behaviors resulting from disability
- Alert you to people approaching

Examples continued

- Call 911/ crisis/suicide hotline
- Provide tactile stimulation as reality check or stop disassociation
- Excuse to leave situation causing distress
- Deep pressure therapy during panic attack
- Answer doorbell
- If meds or disability make it hard to get up dog can awaken you

Emotional Support/Comfort Animals

ESA

- **Different than service animals**: different laws/less rights
- Provide companionship, relieve loneliness and help with depression, anxiety and phobias.
- Therapeutic **to owner**
- Passive assistance vs. active responses by service dog
- Do not need special training
- Can be any species of animal
- **NOT covered by ADA or Maine Human Rights Act**-no legal protection to go into public places

The Companion or Emotional Support/ Assistance Animal!!



- Now here's the sticky piece... though amongst the most increasing population of support animals they do not hold with the same levels of status in our communities.
- Companion and Emotional animals provide a significant amount of love, connection, and emotional support to their care givers. Which service providers recognize and support with letters of need.
- Though considered a valuable component of an individuals well-being they usually are not trained to do their job and are therefore not yet regarded as service or therapeutic animals in the medical community and general population. They do not meet any current ADA Laws.

Helpful because...

- For an individual
- Provide companionship
- Emotional connection
- Avert feelings of anxiety or loneliness
- Are typically recommended by a medical or mental health provider
(though have a medical note this is not equivalent to service animals)
- May alert to someone at the door
- May have limited training to support individual (owner taught to turn on/off the lights)
- Provide motivation (a dog who needs to be walked, motivates owner to walk)

Assistance Animals

- Specific term used for housing
- Determined to be necessary to mitigate the effects of disability in order to allow one to live or enjoy a housing unit
- Both emotional support animals and service animals included

Therapy Animal

- Work with handler to provide therapeutic assistance for **SOMEONE else**, not owner
- Usually brought in to a settings such as a hospital, school, nursing home, residential program or other group settings
- Well-trained, good-natured, friendly dogs are mostly pets for the owner
- **No legal protection to go into public places or for housing**

The Therapy DOG!!



- They have a different title because they are the select few that can earn a badge of entry to facilities to assist a variety of people, not specific to their owner.
- Therapy dogs and other animals are specifically trained to provide comfort and to build meaningful unconditional relationships.
- The therapy dog may be seen in the community, in hospitals, nursing homes, schools, and therapy offices. Though they are not protected by ADA Laws.

Service Dogs in Public Accommodations

Sources: ADA, MHRA

- Definition: Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability
- Work must be directly related to one's disability
- Public Accommodations=Non-governmental private settings-
Restaurants, stores, movie theaters, doctors offices...

Two Questions That Can Be Asked By Public Accommodation

- Is this dog a service animal and required because of your disability?
- What work or task has the dog been trained to perform?

What Can Not Be Asked

- What is your disability?
- Do you have medical documentation of your disability?
- Is your dog certified or licensed as a service dog?
- Does your dog have a form of identification to show (s)he is a service dog
- Will you demonstrate the tasks that your dog performs?

When Can A Service Dog Be asked to Leave?

- Out of control and no efforts are tried or are effective to control the dog
- The dog is not house broken

**if dog asked to leave the person by themselves can not be denied goods or services

Allergies/Fear

- If another has allergies or fear of dog the person with the service dog does not have to leave
- Efforts should be made to accommodate both people (putting them on opposite sides or room or different room)

Licensing Service Dogs

- Must be licensed and vaccinated according to law
- License fee waiver is possible

Additional Information about Service Dogs

- Cannot be isolated from other patrons
- Cannot be treated differently
- Cannot be charged extra fees/deposit (if deposit is charged for non-service animals the fee/deposit should be waived)
- If charges for damage are applied to all customers it applies to service animal damage
- Public accommodation is not required to provide food, water or care for the dog

Service Dog Etiquette



- Do not pet the Service Dog
- Do not distract the Service Dog in any way. Making noises, offering food, water, toys or petting may be dangerous to the dog's disabled handler
- Please ignore the Service Dog entirely. You're not being rude if you don't acknowledge the Service Dog's presence.
- Many handlers have "invisible disabilities," such as diabetes, hearing loss or other symptoms not readily apparent, and if a Service Dog is paying attention to someone who's distracting her, she's not doing her job for her handler
- If you would like to pet the Service Dog, ALWAYS ask the handler first, but don't be offended if they refuse.
- Never ask personal questions about the handler's disability or intrude on their privacy.

Jane Moore, Disability Rights Maine 2018.

Assistance Animals and Housing (MHRA, Fair Housing Act)

- Includes service dogs and emotional support animals
- Generally housing providers shall allow
- Assistance Animal Definition
 - An animal (dog, cat, bird, etc.)
 - Either determined necessary to mitigate the effects of disability as determined by health care provider or (emotional support animal)
 - Individually trained to work or perform tasks (service dog)

Assistance animal continued

- Landlord is required to allow tenant go be accompanied by an assistance animal
- If necessary to enjoy the benefits of housing
- Assistance Animal may aid a person with a disability to access housing
- Assistance animals are NOT Pets so “no pet” policies do not apply

Landlord Questions

- May ask about the nature of one's disability if it is not obvious
- May ask for evidence that the assistance animal is trained or prescribed through Demonstration or a health care provider's prescription or verification of need
- May charge for damage caused by animal if normal charge for damage
- May require animal be on a lead or halter when outside the private residence (or with certain animals under voice control)

Landlord Cannot

- Ask for a release to review your medical records
- Ask for id/certification
- Require a harness or collar identifying as assistance animal
- Isolate person or remove from normal usage areas
- Designate only certain apartments
- Cannot charge an additional fee or deposit even if it is charged for other pets
- Deny visitors who have a service animal
- Require to get own insurance unless same for others

When Can Animal be Removed from Housing

- Direct threat to health and safety of others
- It would result in substantial physical damage to property of others
- Substantially interferes with the reasonable enjoyment of the housing of others (barks at nights, nips at people) But More than just a fear.

Jane Moore, Disability Rights Maine 2018.

Can Breeds or Types of Animals be Restricted by Landlords?

- Only to comply to zoning restrictions
- If not covered by owner's insurance:
 - Is request for animal reasonable accommodation considering
 - Availability of other insurance or riders
 - Total cost compared to resources

Jane Moore, Disability Rights Maine 2018.

DISCUSSION & QUESTIONS:

Importance of Animals in Recovery

- Unconditional positive regard
- Awareness of emotions
- Symptom reduction
- Connection
- Safety in different environments
- Allow independence
- Create balance



What are some of your thoughts?

Employment

- No specific parts in ADA employment provisions (Title I) on service animals
- Processed like any other request for an accommodation
- No requirement that an employer must allow a service animal
- Must ask employer before bringing service animal to work
- Requests reviewed on a case-by-case basis

Documentation Requirements

- Require reasonable documentation that an accommodation is needed because of disability-EEOC guidance
 - Disability and functional limitations from medical provider
 - May need other documentation regarding to explain need for service animal and shows properly trained to be in work environment
 - May demonstrate appropriateness of service animal

Certification/Vaccinations

- Nothing in ADA regarding certification, insurance, vaccines - must abide by State law
- Not always available as some are self-trained
- Better to ask for demonstration or trial period
- Practically it may be easier to comply with request as is unclear area of law

Limitation or Denial of Use of Service Animal at Work

- May not be able go in certain work areas because of safety or OSHA laws
- Can't perform essential functions of job with service animal
- Causes an undue burden to employer
- Are there other effective accommodations that can be used

Undue Hardship for Employer

“An action requiring significant burden or expense”

- Safety concerns that cannot be lessened
- Substantially changing the nature or structure of the workplace to accommodate the person with a service dog
- Cost of having service animal at workplace in relation to size and resources.

Service Dogs in Employment Considerations

- Can you work without service dog in certain circumstances
- Discuss with employer all aspects of having a service dog at work and ways to accommodate
- If coworkers are allergic-both need to be accommodated
- May wish to discuss with coworkers and educate on how to interact with a service dog
- Are there other accommodations that could be implemented that would be as effective

Responsibilities

- Making sure not disruptive
- Keeping clean and free of parasites/fleas
- Taking outside to relieve itself
- Feeding/water
- Taking care of animal but can request accommodations to do so
- All veterinarian care

Emotional Support Animals

- No laws on this
- No specific definition of service animal in employment provisions of ADA
- Question of whether the support provided by the animal is specific to the disability and ability to do job functions

Service

- Specifically breed and trained to meet an individual's needs... sight, hearing, diabetic, seizure, etc.

Therapeutic

- Specifically trained to provide therapeutic care and unconditional connection to persons in need... in hospitals, nursing homes, schools, therapy offices.

Companion or Emotional Support

- Typically untrained. Any animal that provides an individual love, affection, comfort, emotional support and companionship and deemed an intricate part of the person's well-being.



Let's talk about it...

Service Animal

- After that review...

Companion or
Emotional
Support

Do you have questions?

Therapy

You may seek legal information through the
state of Maine or contact your local
Disability Rights Agency or
Law Enforcement Office.

Assistance
Animal



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