

CHAPTER Recipient Rights	CHAPTER 04	SECTION 003	SUBJECT 45
SECTION Individual Rights		DESCRIPTION Animals on LCCMH Property	
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APPLICATION:

<input checked="" type="checkbox"/> CMH Staff	<input checked="" type="checkbox"/> Board Members	<input checked="" type="checkbox"/> Provider Network	<input checked="" type="checkbox"/> Employment Services Providers
<input type="checkbox"/> Employment Services Provider Agencies	<input checked="" type="checkbox"/> Independent Contractors	<input checked="" type="checkbox"/> Students	<input checked="" type="checkbox"/> Interns
<input checked="" type="checkbox"/> Volunteers	<input checked="" type="checkbox"/> Persons Served		

POLICY:

Lapeer County Community Mental Health (LCCMH) recognizes the beneficial use of an emotional support animal (ESA), therapy dog, or service animal dog in the therapeutic setting.

STANDARDS:

A. Emotional support animals

1. LCCMH considers use for ESA on a case-by-case basis with proof of need provided by the person served and confirmation of such need by an LCCMH clinician or prescriber. LCCMH reserves the right to exclude an ESA.
2. LCCMH recognizes only cats and dogs as an ESA, unless otherwise approved by the Recipient Rights Officer and the Health and Safety Chairperson.
3. Under the Fair Housing Act’s allowance for reasonable accommodations, persons served may be entitled to an allowance of an ESA in their home even if the dwelling has a “no pets” policy. A LCCMH clinician or

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prescriber may be asked by a person served to provide a letter supporting the need for this reasonable accommodation.

- a. LCCMH clinicians and prescribers consider providing letters on a case-by-case basis. Clinicians and prescribers may be required by subpoena to defend the rationale for such a letter.
- b. LCCMH clinicians and prescribers hold no legal obligation to provide such letters.

B. Therapy dogs

1. LCCMH considers use for therapy dogs on a case-by-case basis with proof of need provided by the handler and American Kennel Club (AKC) documentation. LCCMH considers the admittance of a therapy dog with AKC registration, therapy dog certification, insurance policy, and, if applicable, AKC training level title.
2. LCCMH recognizes only therapy dogs certified through the AKC or are in training for certification through the AKC.
3. Therapy dogs do not receive protection by the Americans with Disabilities Act (ADA), and it is unethical and illegal (under the ADA) to attempt to pass a therapy dog off as a service animal.

C. Service animals

1. LCCMH honors all rights of individuals using service animals, following the ADA. Per the ADA, LCCMH must allow service animals to accompany the handler to any location in the building or facility where members of the public or persons served are permitted.
2. Service animals in training (including service animals of employees) are permitted at LCCMH but are not protected by the ADA. It is the responsibility of the person handling the animal to provide proof it is a service animal in training.
3. Dogs whose sole function is “the provision of emotional support, well-being, comfort, or companionship” are not considered service animals under the ADA.

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4. The use of service animals for psychiatric and neurological disabilities is explicitly protected under the ADA.
 5. The crime deterrent effects of an animal's presence do not qualify that animal as a service animal and “an animal individually trained to provide aggressive protection, such as an attack dog, is not appropriately considered a service animal.”
- D. Handlers are financially responsible for any damage caused by the animal to facilities and equipment.
- E. All animals are housebroken. LCCMH is not responsible for any care, supervision of, or clean up after the animal.
- F. LCCMH requires all animals to be vaccinated following state and local laws.
- G. All animals must be harnessed, leashed, caged, or tethered unless otherwise approved by the Health and Safety Chairperson or if it inhibits or interferes with a service animal’s performance of tasks related to the handler’s disability.

PROCEDURES:

- A. Emotional support animals and therapy dogs
1. The primary case holder is responsible for documenting the need for the ESA or therapy dog registration number (American Kennel Club, Purebred Alternative Listing, or canine partner’s registration number), certification, and insurance policy in the clinical record. Staff or guests who bring in a therapy dog provide this information to Human Resources.
 2. The primary case holder includes current vaccination documentation not more than one year old in the clinical record. The primary case holder ensures vaccination records are updated annually.
 3. The handler signs the Animal Handler’s Responsibility Form (LCCMH Form #427) and the primary case holder adds it to the clinical record or Human Resources maintains a copy.
 4. If an LCCMH clinician or prescriber is asked to write a letter of need for an ESA, the letter will be on LCCMH letterhead and include the following items:

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- a. A statement the person has a mental health-related disability listed in the Diagnostic and Statistical Manual of Mental Disorders (DSM). The actual diagnosis should not be listed.
- b. A statement the animal accompanying the person served is necessary for their mental health or treatment.
- c. The name, title, date, and professional license number of the person writing the letter.
- d. Include an expiration date on the letter for one year from the date issued.
- e. A statement the behavior of the animal is the responsibility of the person served, also known as the animal's handler, and LCCMH assumes no liability for the animal.
- f. Attach a copy of the Animal Handler's Responsibilities to the letter (LCCMH Form #427).

B. Service Animals

1. Per the ADA, upon entering LCCMH or contracted facilities, staff are limited to asking the handler of a Service Animal only the following questions:
 - a. Is the animal required because of a disability?
 - b. What work or task has the animal been trained to perform?
2. LCCMH does not request any documentation or proof the service animal has been certified, trained, or licensed. Local laws prohibiting specific breeds of dogs, size, and weight limitations do not apply to service animals.
3. LCCMH, per the ADA, attempts to accommodate individuals with pet allergies and fear of animals by, if possible, assigning the individual with allergies or fear different locations in the facility. LCCMH under no circumstances refuses individuals with service animals or requests the

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service animal be removed from the facility on this basis.

- C. It is the responsibility of the handler to keep the animal under control through restrictive devices, voice commands, signal commands, or other effective control mechanisms. The handler must supervise the animal at all times.
- D. LCCMH reserves the right to remove an animal from the premises if the animal is out of control and the handler does not take effective action to control the animal or the animal is not housebroken.
 - 1. If an animal is disruptive to others in the building, the primary case holder asks the person served to remove the animal from the building. If a primary case holder is unavailable, then a staff member from Triage asks the person served to remove the animal from the building.
- E. LCCMH accommodates individuals with pet allergies or fear of animals by separating the individuals to different locations in the facility.
- F. LCCMH staff transporting an animal in agency vehicles use the pet hammock to eliminate pet hair and dander in the vehicle.

DEFINITIONS:

Emotional Support Animals: Animals provide companionship, relieve loneliness, help with depression, anxiety, and certain phobias. These animals do not have special training to perform tasks that assist people with disabilities. Emotional Support Animals are not Service Animals and are not under the protection of the ADA.

Service Animals: Effective March 15, 2011, the ADA defined a Service Animal as any dog that is 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual’s disability. Entities covered by the ADA are also required to permit miniature horses where reasonable. Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh 70-100 lbs. To determine if the facility can accommodate the miniature horse, the following are assessed:

- 1. Whether the miniature horse is housebroken

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2. Whether the miniature horse is under the animal handler's control
3. Whether the facility can accommodate the miniature horse's type, size, and weight
4. Whether the miniature horse's presence compromises legitimate safety requirements necessary for the safe operation of the facility

Therapy Dogs: Dog is registered with the American Kennel Club and has obtained AKC registration, therapy dog certification, and training level title.

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

REFERENCE:

Fair Housing Act 1998, Reasonable Accommodations
 Title II and Title III Americans with Disabilities Act, revised September 15, 2010
 Section 504 of the Rehabilitation Act
 American Kennel Club
 LCCMH Form #427 Animal Handler's Responsibilities

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