

Approved By:	Board of Directors	Adopted Date:	10/19
Distribution:	All Staff	Revision Date(s):	
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PURPOSE:

Open Door Community Health Centers (ODCHC) welcomes service animals and emotional/assistive support animals, as defined by Federal and State law, in our health centers and administrative areas. This policy defines what a service animal or emotional/assistive support animal is and the areas in which the animal will be allowed.

DEFINITIONS:

Disability: 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.).

Emotional/Assistive Support Animal: An animal of any species that is not trained to perform a specific task, but provides emotional, cognitive, or other similar support to a person with a disability, including, but not limited to, traumatic brain injuries or mental disabilities, such as major depression. They help by reducing symptoms of depression, anxiety, stress, and difficulties regarding social interactions. (California Code of Regulations, Title 2, Section 11065 (a) (D)).

Handler: A person with a service, emotional/assistive support, or therapy animal.

Individualized Assessment: An individualized assessment of a service animal must be made by the Site Administrator or other designee prior to excluding the service animal or emotional/assistive support animal.

Pet/Comfort Animal: A domestic animal kept for pleasure or companionship. Pets are generally not permitted in ODCHC public areas. Permission may be granted by the Site Administrator or designee for a pet to be in an ODCHC public area for a specific reason at a specific time.

Service Animal: Any dog or miniature horse individually trained to do work or perform tasks directly related to the disability of the individual. A service animal meets the definition of a service animal regardless of the terminology used to describe it. A service animal is sometimes called an assistance animal.

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 the 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. A therapy animal is not a service animal.

POLICY:

Service animals will be permitted to accompany an individual with a disability to areas of ODCHC where members of the public and/or patients are normally allowed to go. This meets the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act prohibiting the discrimination on the basis of a person's disability.

Emotional support animals will be permitted when the individual has documentation of the need for the animal from their health care provider, confirmation that the animal will behave appropriately in the

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ODCHC facility, and meets the minimum standards for an emotional/assistive support animal. (California Code of Regulations, Title 2 Sections 11065(a), 11069(e). Pets or therapy animals are generally not allowed in the health center.

Requirements for Staff:

1. Staff legally cannot ask about the nature of the person's disability, require or request proof of the animal's training (or any other certification) as any inquiry violates various nondiscrimination laws, including the ADA.
2. If it is not readily apparent the service or emotional/assistive support animal is performing a function for the individual the staff may ask:
 - a. **Is the animal required because of a disability?**
 - b. **What work or task has the animal been trained to perform?**
 - i. If the animal (dog or miniature horse) is required for a disability, the animal has been trained to perform a specific task, and the animal meets the definition of a service animal, it must be allowed to accompany the patient or staff member anywhere the public would be allowed to go.
 - ii. If the animal is not trained to perform a specific task or the person does not have a disability, the animal qualifies as an emotional/assistive support animal. The animal may be required to undergo an individualized assessment by health center administrative staff to ensure the animal is safe. Health center administrative staff may seek alternatives for the individual to temporarily replace the handlers need for the animal.
3. Staff must not pet, play with, or try to distract the animal in anyway.
4. Staff must not feed or care for the animal in anyway.
5. Staff must not charge or require an individual to pay a surcharge in order to accommodate an animal.
6. Staff should never attempt to separate the animal from the person.
7. Staff should always remember the service or emotional/assistive support animal is a working animal and should make every effort to minimize activities that may startle the animal.

Handler Responsibility:

1. The handler must be in full control of the animal at all times.
2. The care and supervision of the animal is solely the responsibility of the handler. This includes cleanup of animal waste and providing the animal with food and water.
3. If an animal must be separated from the handler to avoid a fundamental alteration in health services or 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. Under no circumstances shall the staff or volunteers care for the animal.

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When the Handler Can be Requested to Remove the Animal:

If the animal is out of control and the handler does not take effective action to keep it under control; or the animal is not housebroken it may be asked to leave. If it does not meet the criteria for a service or emotional/assistive support animal it may also be asked to leave.

Individualized Assessment:

The individualized assessment is based upon reasonable judgement 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, procedures, or the provision of auxiliary aids will mitigate the risk. (28 CFR Section 36.208(b); 28 CFR Section 35.139(b))

Complaint Process:

ODCHC shall not discriminate on the basis of a person's disability in the offering or delivery of healthcare or employment. The Patient Concern process 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 they have been subject to discrimination on the basis of their disability may file a complaint/grievance under this procedure. It is against the law to retaliate against anyone who files a complaint/grievance or participates in this complaint/grievance process.

REFERENCES:

Accommodating Persons with Service Animals, ECRI Institute, Sample Policy, 05-01-18

Get Safe, HRSA Article, 05-01-19

The New California Regulations Support Animals in the Workplace, SHRM, Andrea Fellion and Patti Perez, 04-29-16

San Francisco Mayor's Office on Disability, Service and Support Animals a Brief Overview, May 2018

ECRI Policy "Accommodating Persons with Service Animals". 5-2018

ASSOCIATED DOCUMENTS:

None

KEYWORD TAGS:

None