

# Big Bend Community Based Care Policy & Procedure

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<b>Series:</b>	1100: Human Resources	
<b>Policy Name:</b>	Service Animals	
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<b>Regulation:</b>	Americans with Disabilities Act of 1990	

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## Purpose

To clarify and provide staff with appropriate guidance for individuals receiving services, staff and visitors presenting to BBCBC facilities with a service or comfort animal.

BBCBC is committed to compliance with the Americans with Disabilities Act (ADA) of 1990 and is intended to ensure individuals with disabilities receive equal access.

## Procedure

- A. Big Bend Community Based Care (BBCBC) Staff may ask:
  1. If the animal is a service animal because of a disability and what work or task has the animal been trained to perform. Staff may ask if the service animal is housebroken. Staff may not inquire about what the disability is.
  2. Explain to the individual that he/she is responsible for all care related to their service animal during their visit/stay, including feeding, watering, and toileting.
  3. Request proof of current rabies vaccination and place in medical record or personnel file if applicable. Identification certifying the service animal is not required as there is no federal certification for service animals in the United States. If the individual offers a letter from a physician or agency authorizing the use of the service animal, make a copy of it and place in the medical record if applicable or staff's personnel file if applicable.
  4. Alert staff regarding the service animal and make accommodations as needed.

## Responsibilities

- A. BBCBC Staff may:
  1. Allow the service animal to remain with the individual/visitor at all times.
  2. Explain to other people/visitors about the service animal and ADA regulations.
  3. Due to safety concerns for staff, clients, and the animal, the Crisis Stabilization Unit (CSU) is not equipped to accommodate service animals. This is a locked facility where members of the public are not generally allowed. Clients or their representative will have to make other accommodations for the service animal accordingly.
  4. Educate other people of the need to not pet the service animal.

# Big Bend Community Based Care Policy & Procedure

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5. Inform the people to notify the staff immediately if they have any relevant allergies. Every effort to accommodate individuals by assigning them to different areas/rooms shall be attempted.
6. Allow service animals to go outside during breaks with individuals.
7. Service animals shall not be allowed in any area where food is being prepared.
8. In the event of a medical emergency, a staff member shall assume control of the service animal until the individual's emergency contact is notified and arrives to assume responsibility for the animal or until the individual is capable.

## Individual Receiving Services

- A. The Individual receiving the services of the service animal must:
  1. Care for all service animal needs.
  2. Provides food for the service animal. Does not allow service animal to eat food from BBCBC resources.
  3. Service animal shall be under the control of its handler at all times.
  4. The service animal shall have a harness, leash or other tether, unless either the handler is unable because of a disability to use a harness, leash or other tether, or the use of a harness, leash or other tether would interfere with the client or the service animal's safe, effective performance of care or work tasks, in which case the service animal shall be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
  5. People/visitors with service animals that urinate, defecate or show aggression or other disruptive behaviors inside BBCBC facilities shall be notified that if this behavior continues, the animal will be banned from the facility. If the handler is a client, staff shall assist by assuming responsibility for the animal until arrangements can be made for the animal to be picked up.

## BBCBC Service Animal Requirements

### A. Definition of a Service Animal

Service Animal (defined by Title II and Title II of the ADA): Any dog that is individually trained to do work or perform tasks for individuals with disabilities, including a physical, sensory, psychiatric, intellectual, or other mental disability, for example: visual impairment, mental illness such as post-traumatic stress disorder (PTSD), seizure disorder, mobility impairment or diabetes. The dog shall be trained to take a specific action when needed to assist the person with a disability. For example, a person with diabetes may have a dog that is trained to alert him when his blood sugar reaches high or low levels. A person with depression may have a dog that is trained to remind her to take her medication. Or, a person who has epilepsy may have a dog that is trained to detect the onset of a seizure and then help the person remain safe during the seizure.

The work tasks performed by a service animal must be directly related to the individual's disability.

Examples of work or tasks include guiding individuals who are blind, alerting individuals who are deaf, pulling a wheelchair, alerting and protecting an individual who is having a seizure, reminding an individual with a mental illness to take prescribed medications, retrieving items such as

# Big Bend Community Based Care Policy & Procedure

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medications or the telephone, providing physical support and assistance with balance and stability, calming an individual with PTSD during an anxiety attack, helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors or performing other duties.

Service animals are working animals, not pets.

Emotional Support/Comfort Animal: Often used as part of a medical treatment plan as therapy animals, but they are not considered service animals under the ADA and are not covered by federal laws protecting the use of service animals. BBCBC currently does not have the means to accommodate emotional support/comfort animals for clients, visitors and/or staff so they are not authorized.

## **1. Are emotional support, therapy, comfort, or companion animals considered service animals under the ADA?**

No. These terms are used to describe animals that provide comfort just by being with a person. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA.

The ADA makes a distinction between psychiatric service animals and emotional support animals. If the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. However, if the dog's mere presence provides comfort, that would not be considered a service animal under the ADA.

## **2. Are service-animals-in-training considered service animals under the ADA?**

No. Under the ADA, the dog shall already be trained before it can be taken into public places. However, some state or local laws cover animals that are still in training.

## **General Rules**

### **A. What questions can a covered entity's employees ask to determine if a dog is a service animal?**

In situations where it is not obvious that the dog is a service animal, staff may ask only two (2) specific questions:

- (1) Is the dog a service animal required because of a disability?
- (2) What work or task has the dog been trained to perform?

Staff are not allowed to request any documentation for the dog, require that the dog demonstrate its task, or inquire about the nature of the person's disability.

### **B. Do service dogs have to wear a vest or patch or special harness identifying them as service dogs?**

No. The ADA does not require service animals to wear a vest, IS tag, or specific harness.

# Big Bend Community Based Care Policy & Procedure

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## **C. Who is responsible for the care and supervision of a service animal?**

The handler is responsible for caring for and supervising the service animal, which includes toileting, feeding, and grooming and veterinary care. Covered entities are not obliged to supervise or otherwise care for a service animal.

## **Certification and Registration**

### **A. Does the ADA require that service animals be certified as service animals?**

No. Covered entities may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, as a condition for entry.

1. *There are individuals and organizations that sell service animal certification or registration documents online. These documents do not convey any rights under the ADA and the Department of Justice does not recognize them as proof that the dog is a service animal.*

Service animals are subject to local licensing and registration requirements.

## **Breeds**

### **A. Can service animals be any breed of dog?**

Yes. The ADA does not restrict the type of dog breeds that can be service animals.

## **Exclusion of Service Animals**

### **A. When can service animals be excluded?**

The ADA does not require covered entities to modify policies, practices, or procedures of it would “fundamentally alter” the nature of goods, services, programs, or activities provided to the public. Nor does it overrule legitimate safety requirements. If admitting service animals would fundamentally alter the nature of a service or program, service animals may be prohibited. In addition, if a particular service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, that animal may be excluded.

### **B. What does under control mean? Do service animals have to be on a leash? Do they have to be quiet and not bark?**

The ADA requires that service animals be under the control of the handler at all times. In most instances, the handler will be the individual with a disability or a third party who accompanies the individual with a disability. The service animal must be harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal’s work or the person’s disability prevents use of these devices. In that case, the person must use voice, signal, or other effective means to maintain control of the animal. For example, a person who uses a wheelchair may use a long, retractable leash to allow her service animal to pick up or retrieve items. She may not allow the dog to wander away from her and must maintain control of the dog, even if it is retrieving an item at a distance from her. Or, a returning veteran who has PTSD and has great difficulty entering unfamiliar spaces may have a dog that is trained to enter a space, check to see

# Big Bend Community Based Care Policy & Procedure

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that no threats are there, and come back and signal that it is safe to enter. The dog must be off leash to do its job, but may be leashed at other times. Under control also means that a service animal should not be allowed to bark repeatedly in a lecture hall, theater, library, or other quiet place. However, if a dog barks just once, or barks because someone has provoked it, this would not mean that the dog is out of control.

If a service animal is out of control and the handler does not take effective action to control it, staff may request that the animal be removed from the premises.

## **C. What happens if a person thinks a covered entity's staff has discriminated against him or her?**

Individuals who believe that they have been illegally denied access or service because they use service animals may file a complaint with the U.S. Department of Justice. Individuals also have the right to file a private lawsuit in Federal court charging the entity with discrimination under the ADA.

## **Resources**

For more information about the ADA, please visit the Americans with Disabilities website or call the toll-free number.

**ADA Website:** [www.ADA.gov](http://www.ADA.gov)

**ADA Information Line:** 800-514-0301 (Voice) and 800-514-0383 (TTY)