

PURPOSE

The Michigan Department of Health and Human Services (MDHHS) complies with the Americans with Disabilities Act (ADA) and other laws related to persons with disabilities. This policy provides guidance for staff of MDHHS hospitals to use when they encounter a service animal in the hospital. MDHHS only recognizes a dog or a miniature horse as service animals. This policy applies to all MDHHS hospitals.

DEFINITIONS

Americans with Disability Act (ADA) is a federal law passed in 1990 that requires covered entities Title II (state and local government services) and Title III (public accommodations and commercial facilities) to provide reasonable modifications in their policies, practices and procedures when necessary to accommodate people with disabilities.

Service animal is defined by the ADA as a dog or a miniature horse that is individually trained to do work or perform tasks for people with disabilities. The work or task the animal has been trained to provide must be directly related to the person's disability. Utilization of a service animal is a covered provision under the ADA.

Emotional support animal or therapy animal is an animal that solely provides comfort, emotional support or companionship, is not a service animal and is not covered under this policy or the ADA.

POLICY

MDHHS allows a service animal to accompany a patient during an inpatient stay at a MDHHS psychiatric hospital when criteria defining a service animal are met. Therefore, the service animal must be trained to perform a specific task for the patient with disabilities. Animals that act solely as an emotional support animals, comfort, companion or therapy animals are not service animals and are not covered under this policy.

Should a patient have a different type of service animal, it will be reviewed on a case-by-case basis and all criteria must be met. Only a dog or a miniature horse (24 - 30 inches tall, 70 - 100 lbs) are recognized as service animals by the ADA.

When it is not obvious what task the service animal performs for the patient, staff may ask two questions to clarify the service animal's

purpose which are (1) does this animal perform a service for you because of a disability? and (2) what task has the animal been trained to do?

Staff may not ask what the patient's disability is, why the patient needs a service animal, to have the service animal demonstrate the task they are trained to do, or request that additional documentation of the patient's medical history or the service animal's training be provided.

The patient is responsible for all aspects of care the service animal requires during the inpatient stay. This includes feeding, grooming and toileting. Prior to admission to an MDHHS hospital, it must be determined by the treating psychiatrist that the patient can care for the service animal. An MDHHS 5755, Service Animal Arrival Checklist, must be completed and placed in the patient's chart. Hospital staff are not responsible for any aspects of the service animal's care except when it is necessary to supervise patient (for example, when patient is taking service animal outside for toileting and must be accompanied by staff).

Should the treating psychiatrist determine that the patient is not capable of either interacting with the service animal (using the service animal for the animal's trained tasks) or taking care of the animal, then the service animal may be refused admission to the hospital with the patient. When admission is refused, arrangements to care for the service animal outside of the hospital are the responsibility of the patient or their legal guardian. This includes any financial responsibility of veterinary care or boarding costs.

Should the patient become incapacitated during their inpatient stay and unable to care for the service animal, the admission can be revoked and the alternate caregiver listed on form MDHHS 5755 is to assume possession of the animal. Should the alternate caregiver be unavailable, then the hospital must make arrangements, including payment, for the animal to be boarded at an appropriate facility while attempts to engage the alternate caregiver continue. The service animal cannot be left on the hospital grounds while the patient is unable to care for it.

While in the hospital, the service animal must be allowed to accompany the patient in all areas the patient can go. This includes patient rooms, clinics, cafeterias, or examination rooms. A service animal can be excluded from areas where the animal's presence may compromise or fundamentally alter the nature of services provided (such as a sterile environment).

The service animal must always be under the patient's control by use of a leash, harness or tether unless an inability to use one of these is documented in the patient's chart. A service animal that is not in control (list not all inclusive) by either running, exhibiting aggression, barking, lounging, biting or attempting to bite, not housebroken (defecating and urinating within the facility), is ill (fever, vomiting, diarrhea), is unkempt (dirty, malodorous) or has an infestation (fleas, parasites) may be removed from the facility after an individual assessment is made and a service animal exclusion form is completed.

Any decision to exclude a service animal from an MDHHS inpatient hospital can only be made after an individual assessment of the patient's ability to interact and care for the animal, whether the animal meets criteria for a service animal, whether the animal can safely be utilized in the inpatient setting or if the service animal imposes undue financial and administrative burden.

The evaluation will be done by a department supervisor in collaboration with direct treatment staff, social workers and other departments, such as Infection Control or Risk Management, as needed.

A MDHHS 5754, Service Animal Exclusion Assessment, form must be completed in detail and placed in the patient's medical record.

Should another inpatient or any hospital staff have either a fear of animals or an animal allergy then reasonable accommodations must be made for those individuals. Neither a fear of animals nor an allergy to animals are valid reasons to deny a patient the use of their service animal in the facility.

REFERENCES:

ADA Revised Requirements: Service Animals FAQ, US Dept of Justice, Civil Rights Division, Disability Rights Section
[https://https://www.ada.gov/service_animals_2010.htm](https://www.ada.gov/service_animals_2010.htm)

Michigan Protection & Advocacy Services (MPAS) Service Animals
[http://http://www.mpas.org/contact-mpas/service-animals](http://www.mpas.org/contact-mpas/service-animals)

MPAS Service Animal or Emotional Support Animal – What's the Difference?
http://https://www.mpas.org/sites/default/files/service_or_emotional_support_animal_ta.pdf

CONTACT

For more information contact the Bureau of State Hospital and Behavioral Administrative Services.