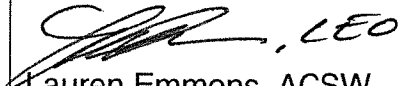


LAPEER COUNTY COMMUNITY MENTAL HEALTH

Date Issued 07/13/2016

Date Revised 12/12/17; 01/19/22

<b>CHAPTER</b> Recipient Rights	<b>CHAPTER</b> 04	<b>SECTION</b> 003	<b>SUBJECT</b> 45
<b>SECTION</b> Individual Rights		<b>DESCRIPTION</b> Emotional Support Animals	
<b>WRITTEN BY</b> Maureen Parsons, Intern Michelle Gould-Rice, LMSW QI Coordinator	<b>REVISED BY</b> Lisa Ruddy, CHES QI Coordinator	<b>AUTHORIZED BY</b>  Lauren Emmons, ACSW CEO	

**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) in the therapeutic setting and will consider use on a case-by-case basis with proof of need provided by the person served and confirmation of such need by a LCCMH Clinician or Psychiatrist.

**STANDARDS:**

- A. LCCMH will consider the admittance of ESA on an individual basis. LCCMH reserves the right to exclude an ESA.
- B. LCCMH recognizes only cats and dogs as an ESA, unless otherwise approved by the Recipient Rights Officer and the Health and Safety Chairperson.
- C. Handlers are financially responsible for any damage caused by the ESA.
- D. All ESAs will be housebroken. LCCMH is not responsible for any care, supervision of, or clean up after the animal.
- E. LCCMH requires all ESAs to be vaccinated in accordance with state and local laws.

CHAPTER Recipient Rights	CHAPTER 04	SECTION 003	SUBJECT 45
SECTION Individual Rights		DESCRIPTION Emotional Support Animals	

- F. ESAs must be harnessed, leashed, caged or tethered unless otherwise approved by the Health and Safety Chairperson.
- G. In accordance with the Fair Housing Act's allowance for reasonable accommodations, persons served may be entitled to allowance of an ESA in their home even if the dwelling has a "no pets" policy. A LCCMH Clinician or Psychiatrist may be asked by a person served to provide a letter supporting the need for this reasonable accommodation.
- a. LCCMH Clinicians and Psychiatrists will consider providing letters on a case-by-case basis. Clinicians and Psychiatrists may be required by subpoena to defend the rationale for such letter.
  - b. LCCMH Clinicians and Psychiatrist hold no legal obligation to provide such letters.

**PROCEDURES:**

- A. LCCMH will collect documented evidence of individual need for ESAs, including current vaccination records and a physician's or clinician's note/letter confirming the individuals need/benefit from use of an ESA in therapy. Documentation should not be more than 1 year old.
- B. It is the responsibility of the handler to keep the ESA under control through restrictive devices, voice commands, signal commands, or other effective control mechanisms. The handler must supervise their animal at all times.
- C. LCCMH will accommodate individuals with pet allergies or fear of animals by separating the individuals to different locations in the facility.
- D. LCCMH staff transporting an ESA in agency vehicles will assure the pet hammock is used in order to eliminate pet hair and dander in the vehicle.
- E. LCCMH reserves the right to remove an ESA 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.
- F. If a LCCMH Clinician or Psychiatrist is asked to write a letter of need for an ESA, the letter should be on LCCMH letterhead and include the following items:

CHAPTER Recipient Rights	CHAPTER 04	SECTION 003	SUBJECT 45
SECTION Individual Rights		DESCRIPTION Emotional Support Animals	

1. A statement that the person has a mental health-related disability listed in the DSM (the actual diagnosis should not be listed).
2. A statement that the animal accompanying the person served is necessary for their mental health or treatment.
3. The name, title, date, and professional license number of the person writing the letter.
4. Include an expiration date on the letter for 1 year from the date issued.
5. A statement that the behavior of the animal is the responsibility of the person served, also known as the animal's handler, and that LCCMH assumes no liability for the animal.
6. Attach a copy of the Handler's Responsibilities to the letter (see Exhibit 1).

**DEFINITIONS:**

Emotional Support Animals: Animals providing 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 protection of the ADA.

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

**REFERENCE:**

Fair Housing Act 1998, Reasonable Accommodations

**EXHIBIT:**

Handler's Responsibilities

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## HANDLER'S RESPONSIBILITIES

### **DEFINITIONS:**

Emotional Support Animals (ESA): Shall be defined as animals that provide companionship, relieve loneliness, help with depression, anxiety, and certain phobias. Lapeer CMH only recognizes dogs and cats as ESA. 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 protection of the Americans with Disabilities Act (ADA).

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

### **HANDLERS'S RESPONSIBILITIES:**

- All Emotional Support Animals shall be vaccinated in accordance with state and local laws and have provided current proof of such. Documentation should not be more than 1 year old.
- The handler is responsible for the care and supervision of his/her Emotional Support Animal at all times.
- The Emotional Support Animal shall be under control of the handler at all times in public or community environments through the use of restrictive devices such as a cage, harness, leash, or tether.
  - Examples of animals out of the handler's control include, but are not limited to, uncontrolled barking, growling, jumping on other people, and running away from the handler.
- A business has the right to deny or revoke access to an Emotional Support Animal that disrupts business.
  - Examples of disruptive behavior include, but are not limited to, repeated or excessive barking, disrupting other's enjoyment, growling at others, and poses a threat to the health or safety of others.
- Emotional Support Animals must be housebroken. Cleaning up after the Emotional Support Animal is the sole responsibility of the handler.
- Handlers are financially responsible for any damages caused by the Emotional Support Animal.

### **REFERENCES:**

Fair Housing Act 1998, Reasonable Accommodations

**ATTESTATION:**

I attest that I have read and will comply with the Handler's Responsibilities. I understand that Lapeer County CMH reserves the right to deny or revoke agency privileges for Emotional Support Animals for Handlers who are not in compliance with the Handler's Responsibilities.

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Signature of Handler

Date