


CHAPTER Recipient Rights	CHAPTER 04	SECTION 003	SUBJECT 50
SECTION Individual Rights		DESCRIPTION Service Animals	
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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) will honor all rights of individuals using Service Animals, in accordance with the Americans with Disabilities Act (ADA).

STANDARDS:

- A. In accordance with the ADA, LCCMH must allow Service Animals to accompany handler to any location in the building or facility where members of the public or persons served are permitted.
- B. Handlers are financially responsible for any damage caused by Service Animals to facilities and equipment.
- C. All Service Animals will be housebroken. LCCMH is not responsible for any care, supervision of, or clean up after the animal.
- D. All Service Animals will be vaccinated in accordance with state and local laws.

CHAPTER Recipient Rights	CHAPTER 04	SECTION 003	SUBJECT 50
SECTION Individual Rights		DESCRIPTION Service Animals	

- E. Service Animals must be harnessed, leashed, or tethered, unless the device inhibits or interferes with the Service Animals' performance of tasks related to the handler's disability.
- F. Service Animals in training (including Service Animals of employees) will be permitted at LCCMH, but are not protected by the ADA. It is the responsibility of the person handling the animal to provide proof that it is a Service Animal in training.
- G. Dogs whose sole function is "the provision of emotional support, well-being, comfort, or companionship" are not considered service dogs under the ADA.
- H. The use of service dogs for psychiatric and neurological disabilities is explicitly protected under the ADA.
- I. 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."

PROCEDURES:

- A. In accordance with the ADA, upon entering LCCMH or contracted facilities, staff are limited to asking the handler of a Service Animal only the following questions:
 - 1. Is the animal required because of a disability?
 - 2. What work or task has the animal been trained to perform?
- B. LCCMH will not request any documentation or proof that the Service Animal has been certified, trained, or licensed. Local laws prohibiting specific breeds of dogs, size and weight limitations will not apply to Service Animals.
- D. It is the responsibility of the handler to keep the Service Animal under control through restrictive devices, voice commands, signal commands, or other effective control mechanisms. The handler must supervise their animal at all times.
- E. LCCMH, in accordance with the ADA, will attempt 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 will under no circumstances refuse individuals with Service Animals or request the Service Animal be removed from the facility on this basis.

CHAPTER Recipient Rights	CHAPTER 04	SECTION 003	SUBJECT 50
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F. LCCMH staff transporting Service Animals in agency vehicles will assure the pet hammock is used in order to eliminate pet hair and dander in the vehicle.

G. LCCMH reserves the right to remove Service Animals from the premises only 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.

DEFINITIONS:

Service Animals: Effective March 15, 2011, the ADA defined 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
2. Whether the miniature horse is under the owner’s control
3. Whether the facility can accommodate the miniature horse’s type, size and weight
4. Whether the miniature horse’s presence will not compromise legitimate safety requirements necessary for the safe operation of the facility

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

REFERENCES/EXHIBITS:

Title II and Title III Americans with Disabilities Act, revised September 15, 2010.
Section 504 of the Rehabilitation Act

Exhibit 1: Handler’s Responsibilities

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HANDLER'S RESPONSIBILITIES

DEFINITIONS:

Service Animals: Shall be defined as dogs or miniature horses that are 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.

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

HANDLERS'S RESPONSIBILITIES:

- All Service 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 Service Animal at all times.
- The Service 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 a Service 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.
- Service Animals must be housebroken. Cleaning up after the Service Animal is the sole responsibility of the handler.
- Handlers are financially responsible for any damages caused by the Service Animal.

REFERENCES:

Title II and Title III Americans with Disabilities Act
Section 504 of the Rehabilitation Act
Fair Housing Act 1998, Reasonable Accommodations