



Rules differ for accommodating service animals, emotional support animals

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On a busy afternoon in the clinic, you are called to the front desk. A new patient has arrived with a dog. You are concerned about having an animal in your office and wonder whether the animal is a service dog or emotional support dog. You also are apprehensive because one of your nurses has a severe allergy to dogs. How should you proceed?

Recent news stories have focused on a wide variety of creatures used as assistance animals. Perhaps the most notorious was Dexter, a peacock, that was denied boarding on a United Airlines flight.

When considering your approach to assistance animals, it is important to differentiate between service animals and emotional support animals.

Service animals are dogs, or in some circumstances miniature horses, that are "individually trained to do work or perform tasks for the benefit of an individual with a disability...." The use of these animals is protected by the Americans with Disabilities Act (ADA). The ADA does not consider other species as service animals. Health care facilities, including medical offices, must allow individuals with a disability to use service animals.

Emotional support or comfort animals provide passive support rather than performing specific tasks. Outside of air travel, emotional support animals are not recognized under federal law and may be excluded from your office.

When you encounter a patient with an animal and the animal's purpose is not obvious, you are allowed to ask whether the animal is needed because of a disability and also what tasks the animal has been trained to perform. You may not require proof of the disability or the animal's training.

The individual and his or her service animal must be permitted the same access as other patients or visitors unless the animal's presence would fundamentally alter the area's operation. Courts have interpreted this provision very strictly, permitting service animals' access to most hospital areas with exceptions only for highly specialized areas such as operating rooms, burn units and intensive care units. Fear of animals or allergies are not legitimate reasons to deny a service animal access.

There are some limitations, however. The patient/family is required to keep the animal under control at all times. The care of the animal is the responsibility of the patient/family. You and your staff are not required to assist in any way. Although it would be unusual for a service animal to act out, those that are aggressive, disruptive (e.g., excessively barking) or not housebroken can be excluded from the office.

You may be asked to sign documents for air travel permitting a patient to fly with an emotional support animal. These are airline specific and will ask you to certify that you are treating the patient for a mental health disability listed in the Diagnostic and Statistical Manual of Mental Disorders.

State laws may provide additional protections. Be sure to discuss concerns with an attorney in your area. There also are additional federal laws regarding housing and transportation (which do not apply to a physician's office or hospital).

Tips for practices

- Train your staff about the need to accommodate patients with service animals.



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- Treat patients with service animals as you would treat any other patient.
- Remember that access for service animals can be limited only in narrow circumstances.
- Understand that the service animal is working, so staff and other visitors should not interact with it.

After a brief inquiry, you find out the new patient has diabetes, and the service dog signals when her blood sugar is low. The dog accompanies its partner in the waiting room, examination room and lab without incident. Your nurse with an allergy tends to other patients during the visit.

Dr. Bondi is a member of the AAP Committee on Medical Liability and Risk Management.

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