

<i>Stanford Hospital and Clinics</i>	Last Approval Date: September 2014
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I. PURPOSE:

- A. To comply with requirements of the Americans with Disabilities Act (ADA), the Disabled Persons Act, the U.S. Department of Justice’s revised final regulations implementing the ADA, the Unruh Civil Rights Act, and other laws and regulations related to persons with disabilities
- B. To ensure that **service animals** accompany patients and visitors with disabilities in all areas of Stanford Hospital & Clinics (SHC) where public access is normally allowed, which includes most patient areas, ***except*** as specified in sections IV (A - C, G).
- C. To provide guidelines for staff to identify service animals when they encounter a **dog or miniature horse** in the hospital.

II. POLICY:

- A. It is the policy of SHC that persons with disabilities will not be discriminated against and that they will have full and equal access, services and treatment.
- B. All patients and visitors accompanied by a dog or miniature horse that is individually trained to do work or perform tasks for a disabled person must be permitted to enter all areas of SHC open to the general public, which includes most patient areas.
- C. SHC staff shall use ***minimal inquiry*** when the work, service or tasks performed by the dog or miniature horse are not obvious and apparent.

III. DEFINITIONS:

- A. **Individual with a Disability** — A person who:
 - 1. Has a physical or mental impairment that substantially limits one or more major life activities;
 - 2. Has a record of such an impairment; or
 - 3. Is perceived by others as having such an impairment
- B. **Service Animal** — Only *dogs* (excludes other species of animals) that are individually ***trained to do work or perform tasks*** for people with disabilities qualify as service animals.
 - I. Service animals ***recognize and respond*** to needs. Examples include, but are not limited to:
 - a. Guiding vision impaired
 - b. Alerting hearing impaired
 - c. Pulling wheelchair
 - d. Retrieving items

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- e. Stability and ambulation
- f. Alerting or protecting person having seizure
- g. Reminding person to take medication
- h. Calming person with Post-Traumatic Stress Disorder during an anxiety attack
- i. Preventing or interrupting impulsive or destructive behavior
- j. Removing disoriented individuals from dangerous situations

C. **Comfort / Emotional Support Dogs**

1. **ADA** - Dogs that solely provide companionship, comfort, and emotional support are *not service animals under the ADA*.
 - a. Companionship, comfort and emotional support do not constitute work or tasks
2. **California law** — Under the Unruh Civil Rights Act, the Department of Fair Employment and Housing *may* investigate denials of accommodation for access to public entities (ex: hospitals) regarding comfort/emotional support dogs.
 - a. Denying accommodation of a **comfort/emotional support** dog in a public entity (ex: hospital) *may* result in a complaint to the Department of Fair Housing and Employment for violation of the Unruh Civil Rights Act.

D. **Direct Threat** - A significant risk of substantial harm to the health or safety of others that cannot be eliminated or mitigated by a reasonable modification of practices or procedures or the provision of auxiliary aids or services.

1. SHC must complete an **individualized assessment** when determining whether the service animal poses a direct threat based upon:
 - a. Reasonable judgment that relies on current medical knowledge or on the best available objective evidence;
 - b. The nature, duration, and severity of the risk;
 - c. Probability that the potential injury will actually occur; and
 - d. Whether reasonable modifications of policies, practices or procedures or provisions of auxiliary aids or services will mitigate the risk.

E. **Fundamental Alteration** — A change that is so significant that it alters the nature of the facility or service offered. For example, *service animals* are generally prohibited from the operating room and burn units, which are not open to the public and require strict hygiene and protective barriers that could not be reasonably imposed on the service animal. Allowing a service animal in areas such as the operating room would require a fundamental alteration of the nature of the facility.

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IV. PROCEDURE:

- A. **Permitting Service Animals** - Service animals shall be permitted in all areas of SHC that are open to the public, including most patient areas, provided the service animal does not:
 1. Pose a direct threat; or
 2. Fundamentally alter SHC’s operations, policies, practices or procedures.

- B. **Excluding / Removing Service Animals and/or Comfort / Emotional Support Dogs** - Any decision to exclude service animals and/or comfort/emotional support dogs from SHC shall be made only after an *individualized assessment* that the animal poses a direct threat to the health or safety of others which cannot be mitigated by modifications of policies or procedures or the provision of auxiliary aids or services.
 1. The individualized assessment of direct threat shall be conducted by the department manager in consultation with other services, including, but not limited to Infection Control, Guest Services and Risk Management.
 2. The individualized assessment of direct threat must be based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence to ascertain:
 - a. The nature, duration, and severity of the risk;
 - b. The probability that the potential injury will actually occur; and
 - c. Whether reasonable modifications of policies, practices or procedures or provisions of auxiliary aids or services will mitigate the risk

- C. **Restricted Areas** — While service animals are generally permitted in the hospital, they are restricted from entering operating rooms and other sterile areas, and they *may* be restricted from patient care units housing immunosuppressed patients and isolation for infectious precautions, if SHC determines after an individualized assessment in accordance with Section IV.B that the service animal poses a direct threat to the health or safety of others or would fundamentally alters the nature of the goods, services, facilities, privileges, advantages, or accommodations SCH provides to the public.

- D. **Staff Inquiry** - When it is not obvious or apparent what service, task or work the dog performs, staff may ask two questions *only*:
 1. Is the dog a service animal required because of a disability; and

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2. What work or task has the dog been trained to perform?
 - a. Under the ADA, staff must rely upon the patient or visitor's word that the dog is a service animal and the description of the service, task or work it performs.
 - b. Utilize the chain of command if there is concern that the service animal poses a direct threat or would fundamentally alter SHC and the services provided.
 - c. After activating internal chain of command, consult with other departments *as needed*, including but not limited to Infection Control, Guest Services and Risk Management.

E. **Staff must not:**

1. Ask about the nature or extent of the person's disability;
2. Require documentation to support service animal status (e.g., ID card, proof of certification and training);
3. Ask dog to demonstrate ability to perform service, task or work;
4. Refuse access based upon allergies and fear of dogs;
5. Treat patients and visitors with service animals less favorably;
6. Pet the service animal (May distract from assigned tasks);
7. Feed, clean, toilet or care for the service animal;
8. Ask patient, visitor or handler to remove service animal from premises, ***unless*** an individualized assessment of direct threat has been completed (*See Sections B, C, G*).

F. **Requirements for Service Animals** — Service animals must be under the handler's control at all times via at least one of the following:

1. Harness
2. Leash
3. Tether
4. Voice control
5. Motion / signal control
6. Other effective controls
7. **Exception** — The devices listed above need not be used if they:
 - a. Interfere with the service animal's work; or
 - b. Person's disability prevents using these devices

G. **Legitimate Reasons for Removing the Service Animal**

1. The dog poses a direct threat to the health or safety of patients, staff and/or other visitors that cannot be eliminated by a reasonable modification of the hospital's policies, practices, or procedures or the provision of auxiliary services;

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2. Dog fundamentally alters the nature of alter the nature of the goods, services, facilities, privileges, advantages, or accommodations SHC provides to the public.
3. Dog is out of control and handler does not take effective action to control it;
 - a. Disruption (barking, running, jumping);
 - b. Aggressive behavior (biting, lunging);
4. Not housebroken;
5. Poor hygiene;
6. Dog is ill.

H. Miniature Horses (IVIH)

1. They are not service animals under the ADA, however they must be accommodated where reasonable and if ***individually trained to do work or perform tasks*** for people with disabilities.
2. The department manager, in consult with other departments *as needed*, must complete an ***individualized assessment*** to determine whether miniature horses can be accommodated. The four (4) assessment factors are:
 - a. Whether the MH is housebroken;
 - b. Whether the MH is under the owner or handler’s control;
 - c. Whether the facility can accommodate the miniature horse’s type, size and weight; and
 - d. Whether the MH’s presence will not compromise legitimate safety requirements necessary for safe operations.

V. COMPLIANCE

- A. All workforce members including employees, contracted staff, students, volunteers, credentialed medical staff, and individuals representing or engaging in the practice at SHC are responsible for ensuring that individuals comply with this policy;
- B. Violations of this policy will be reported to the Department Manager and any other appropriate Department as determined by the Department Manager or in accordance with hospital policy. Violations will be investigated to determine the nature, extent, and potential risk to the hospital. Workforce members who violate this policy will be subject to the appropriate disciplinary action up to and including termination.

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VI. RELATED DOCUMENTS:

Disabled Accessibility and Services Policy
Disability Discrimination Grievance Policy

VII. APPENDICES:

A. Individualized Service Animal Assessment Tool

VIII. DOCUMENT INFORMATION:

- A. Legal Authority/References
1. Americans with Disabilities Act of 1990 U.S.C. §12181 et seq.
 2. 28 CFR §§ 35.104, 35.130, 35.136, 36.104, 36.208, 36.301, 36.302
 3. The Rehabilitation Act of 1973, 2a USC §794
 4. Cal. Civ. Code §54 — 55.32
 5. Cal. Pen. Code §§365.5, 365.6
 6. Unruh Civil Rights Act, Cal. Civ. Code §51
- B. Author/Original Date
1. Dana Orquiza, March 7, 2014
- C. Gatekeeper of Original Document
Administrative Manual Coordinators and Editors
- D. Distribution and Training Requirements
1. This policy resides in the Administrative Manual of Stanford Hospital and Clinics
 2. New documents or any revised documents will be distributed to Administrative Manual holders. The department/unit/clinic manager will be responsible for communicating this information to the applicable workforce members.
- E. Review and Renewal Requirements
1. This policy will be reviewed and/or revised every three years or as required by change of law or practice.
- F. Review and Revision History
- G. Approvals
August 2014, Quality, Patient Safety & Effectiveness Committee
September 2014, SHC Medical Executive Committee
September 2014, SHC Board Credentials, Policies & Procedures Committee

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Individualized Service Animal Assessment Tool (Appendix A)

Any decision to **exclude or remove a service animal** from Stanford Hospital & Clinics (SHC's) shall be made only after an *individualized assessment* completed by the department manager in collaboration with staff nurses, social work, physicians, advanced practice professionals and in consultation with other departments *as needed* including, but not limited to Infection Control, Guest Services and Risk Management.

Assessment Date: _____

Dept. Manager Name/Designee: _____

Patient Name: _____ **MRN:** _____

Animal Being Assessed (Circle): **Service Dog** **Miniature Horse**

A. Check All Boxes That Apply to the Animal:

1. Animal poses a **direct threat** to the health and safety of others
 - Not housebroken; has had more than one accident
 - Poor hygiene (malodorous, dirt, fleas)
 - Illness (fever, vomiting, diarrhea, impaired ability to serve patient)
 - Out of control / disruptive (barking, jumping, running, lunging, biting)

Additional facts:

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2. If you have checked any boxes above, please answer the following:

a. Nature of risk animal poses:

b. Duration of the risk the animal poses:

c. Severity of the risk:

d. Probability that injury will occur:

e. What reasonable modifications can be made?

3. Animal fundamentally alters SHC's operations, policies, practices and procedures

Provide Facts Demonstrating a Fundamental Alteration:

B. Check All Boxes that Apply to the Patient/Handler/Owner

- Refuses or is unable to control the animal (tether, harness, verbal commands, visual cues)

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- Refuses or is unable to feed and care for the animal (ambulation, toileting)
- Refuses or does not designate / provide handler to control animal
- Does not have friends or family who can control and care for the animal