



## Marshall Health Service Animal Policy

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

All Marshall Health employees are responsible for ensuring compliance with this policy. Failure to follow this policy may result in disciplinary action up to and including termination.

### **What is a Service Animal?**

Service Animals are dogs or miniature horses that are individually trained to do work or perform tasks for people with disabilities qualify as service animals.

Service animals recognize and respond to needs. Examples include, but are not limited to:

- Guiding vision impaired individuals
- Alerting hearing impaired individuals
- Pulling wheelchair
- Retrieving items
- Stability and ambulation
- Alerting or protecting a person having seizure
- Reminding a person to take medication
- Calming a person with Post-Traumatic Stress Disorder during an anxiety attack
- Preventing or interrupting impulsive or destructive behavior
- Removing disoriented individuals from dangerous situations

### **Comfort / Emotional Support Animals**

Animals that solely provide companionship, comfort, and emotional support are not service animals under the ADA. Companionship, comfort, and emotional support do not constitute work or tasks and are therefore not permitted in Marshall Health facilities.

### **How to determine if an animal is a service animal?**

In situations where it is not obvious that the animal is a service animal, staff may ask only two specific questions:

1. Is this a service animal required because of a disability or is this a comfort/emotional support animal?
2. What work or task has the animal been trained to perform?

Staff must not:

- Ask about the nature or extent of the person's disability;
- Require documentation to support service animal status (e.g., ID card, proof of certification and training);
- Ask the animal to demonstrate ability to perform service, task or work;
- Refuse access based upon allergies and fear of the animal;
- Treat patients and visitors with service animals less favorably;
- Pet the service animal (May distract from assigned tasks);
- Feed, clean, toilet or care for the service animal;
- Ask patient, visitor or handler to remove service animal from premises, before contacting their manager or department administrator.

A service animal can be any breed of dog and may not be refused access to a facility based solely on the breed. While a Huntington, WV ordinance bans pit bulls and wolf hybrids declared "dangerous", the ADA states an exception for service animals of a prohibited breed must be made, unless the dog poses a direct threat to the health or safety of others. Some people with disabilities may use more than one service animal. Both animals should be allowed in if both can be accommodated.

### **Who is responsible for caring for the animal?**

The handler is responsible for caring for and supervising the service animal, which includes toileting, feeding, and grooming and veterinary care. Covered entities are not obligated to supervise or otherwise care for a service animal.

## **Exclusion of Service Animals**

Service animals shall be permitted in all areas of Marshall Health that are open to the public, including most patient areas, unless:

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

Any decision to exclude service animals from Marshall Health facilities shall be made only after determining 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. Any employee that feels a service animal should be excluded should contact their manager or department administrator immediately.

## **Direct Threat**

If a particular service animal behaves in a way that poses a direct threat to the health or safety of others, has a history of such behavior, or is not under the control of the handler, that animal may be excluded. If an animal is excluded for such reasons, staff must still offer their goods or services to the person without the animal present.

Under control - The service animal must be harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal's work or the person's disability prevents use of these devices. In that case, the person must use voice, signal, or other

effective means to maintain control of the animal.<sup>1</sup> Under control also means that a service animal should not be allowed to bark repeatedly in a lecture hall, theater, library, or other quiet place. However, if a dog barks just once, or barks because someone has provoked it, this would not mean that the dog is out of control.

If a service animal is out of control and the handler does not take effective action to control it, staff may request that the animal be removed from the premises.

Allergies and fear of the animal are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

### **Restricted Areas**

While service animals are generally permitted in the facilities, 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 Marshall Health determines that the service animal poses a direct threat to the health or safety of others or would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations Marshall Health provides to the public.

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<sup>1</sup> For example, a person who uses a wheelchair may use a long, retractable leash to allow her service animal to pick up or retrieve items. They may not allow the animal to wander away from her and must maintain control of the animal, even if it is retrieving an item at a distance from her. Or, a returning veteran who has PTSD and has great difficulty entering unfamiliar spaces may have an animal that is trained to enter a space, check to see that no threats are there, and come back and signal that it is safe to enter. The animal must be off leash to do its job, but may be leashed at other times.