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The Rising Role of Psychiatric Service Dogs in Healthcare

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Fair warning: We are not attorneys, and this is not legal advice.

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•What's a service dog?

- What's it like to have a psychiatric service dog (PSD)?
- Is a PSD right for you or someone you know?
- Access laws
- Letter writing: housing
- Letter writing: flying
- PSDP resources



What is a (psychiatric) service dog?

- Disability
- Trained work or tasks
- Public access ready
- Program-provided or owner-trained



Dogs/animals that help

For a person with a (psychiatric) disability:

- (Psychiatric) service dogs
- Emotional support animals

For others to feel better:

- Therapy animals



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Positive stories

- Veronica
- Linden
- Chanda





It's not for everyone...

- Major commitment
- Side effects via others
 - access challenges
 - interruptions/chats
 - resistance from your team
- Financial investment
- Time gulp



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Resources & common traits

We have resources to help, including handouts.

<https://www.psychdogpartners.org/resources/frequently-asked-questions>

- Limited success with medication & therapy
- Enjoy dogs and dog training
- Willing to ask for help and learn about laws

—*10 Traits of Successful Psychiatric Service Dog Users*

<https://www.psychdogpartners.org/resources/getting-a-dog/10-traits-of-success-psychiatric-service-dog-users>



Extra benefits

- Understanding your mental illness
- Standing up for yourself
- Interacting with others



§3/7: Is a PSD right for you or someone you know?

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Owner-training can be the *better* choice!

- Program dogs' low supply & high demand
- Cost
- Prevalence of scams and amateurs
- Must learn about & keep up training anyway



For those who want to owner-train

- Steps for training
- Laws for service dogs in training vs. service dogs
- Use professional trainer and support system

<https://www.psychdogpartners.org/resources/getting-a-dog/steps-become-service-dog-user>



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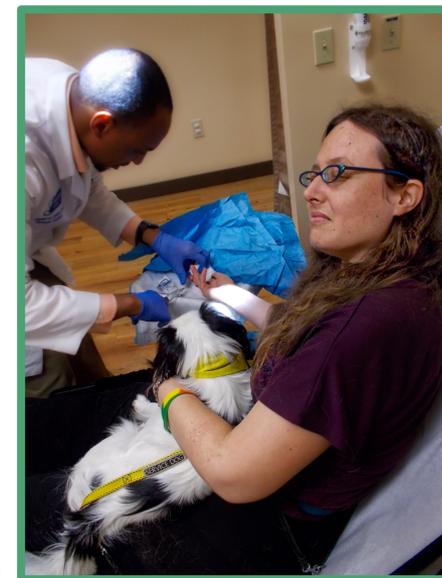
An overview of some laws in play

- Americans with Disabilities Act (ADA) Titles I, II, & III—employment, state and local government, and places of public accommodation
- Rehab act (mostly case law)—federal property and federally-funded programs
- FHAct—almost all housing
- ACAA—airline operated property (generally jetways and aircraft)



Service dogs in businesses/medical facilities (1)

- ADA applies
- Guideline: anywhere the public can go without protective clothing, a service dog can go
- Businesses are not required to allow a service dog in sterile areas—mostly just surgery and burn units—but are required to allow in cafeterias, patient rooms, etc.





Service dogs in businesses/medical facilities (2)

- Businesses are not responsible for the dog's care
- Stays in locked units and ER visits must be evaluated on case-by-case basis; caregiver may be able to assist, or may be able to bring the service dog for part of the day
- Accommodating disabling fears or disabling allergies (treat all *disabled* parties equally)



The two ADA questions

- When it's not obvious whether it's a service dog—two questions:
 - (1) is the dog a service animal required because of a disability? and
 - (2) what work or task has the dog been trained to perform?



Prohibited to determine service dog status

Not allowed to:

- require task demonstration
- ask about the nature of the person's disability
- request any documentation

Q & A from DOJ (2015):

https://www.ada.gov/regs2010/service_animal_qa.html



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Letter request types

- Ad hoc
- Housing
- Flying



§5/7: Letter writing: housing

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Context, “disability” definitions: ADA

- Substantially limiting impairment
- Low/inclusive threshold
- Relevant to service dogs
- Same level as Air Carrier Access Act (ACAA) and Fair Housing Act (FHAct)

28 CFR §35.108(a):

A physical or mental impairment that substantially limits one or more of the major life activities...The definition of “disability” shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA.

https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=2ab2aab2d3d2fd0f544a5ce7aad8f04c&rgn=div5&view=text&node=28:1.0.1.1.36&idno=28#se28.1.35_1108



Context, “disability” definitions: Social Security

- Can't work for a least a year
- High/exclusive threshold
- Not relevant to service dogs

20 CFR §404.1505(a):

...the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

https://www.ecfr.gov/cgi-bin/text-idx?SID=ce004599bd7717475d988744d6c852f5&mc=true&node=pt20.2.404&rqn=div5#se20.2.404_11505



Housing: laws in play

- Americans with Disabilities Act (ADA)
- Fair Housing Act (FHAct)
- §504 of the Rehabilitation Act (Rehab Act), when federally funded

Sometimes all three laws apply, and sometimes just one does. Almost all housing providers generally need to allow "*assistance animals*" (roughly, service dogs and emotional support animals), subject to a case-by-case evaluation, under the *FHAct*.



Basics: sort the animal, then the housing

- Service dog or emotional support animal (ESA)?
 - Service dog: Fair Housing Act (FHAct) letter can only be required if housing provider doesn't operate an ADA "place of public accommodation" (e.g., leasing office)
 - ESA: FHAct letter can be required
- Letter unnecessary if disability & need for animal known
- Some small housing providers don't have to allow FHAct "assistance animals" (ADA service dogs and ESAs)



Which law(s) apply in housing? (1)

- Many housing providers need to follow the *ADA* and can't require a letter from a prospective renter with an *ADA service dog*, because the providers operate a *place of public accommodation* (like a leasing office)
- Some landlords don't have to allow *service dogs or ESAs* under the *ADA or FHAct*, because they:
 - don't operate an ADA “place of public accommodation”, AND
 - are renting out an apartment or a room in a place with no more than four units and they live in one of them (FHAct)



Which law(s) apply in housing? (2)

- See 24 CFR §100.10(c)(2) for FHAct exclusion details

https://www.ecfr.gov/cgi-bin/text-idx?SID=78a3492597cf4c6e185484c5dfdb485b&mc=true&node=se24.1.100_110&rqn=div8

- If the FHAct applies, the ADA usually applies: It's very rare for a housing provider to be covered by the FHAct (more than 4 units or lives elsewhere), yet *not* be covered by the ADA (e.g., no leasing office)



When and why is the FHAct letter needed?

- Under the Fair Housing Act (FHAct), in some situations housing providers can require a letter to show whether someone has both
 - (1) a disability (*if not known/apparent*) and
 - (2) a disability-related need for the animal (*if not known/apparent*)
- Such a letter could then be required for someone who has or plans to get:
 - an emotional support animal (ESA), regardless of whether the housing provider is covered by the ADA (ESAs not covered by ADA)
 - a service dog, if the housing provider is clearly not covered by the ADA
- Side note: The housing provider could negotiate regarding the breed/size/species needed for an animal not yet obtained

Who can provide this kind of letter?

- Physician
- Psychiatrist
- Social worker
- Other mental health professional





What needs to be in the letter?

The Department of Housing and Urban Development (HUD), which is responsible for FHAct regulations and guidance, is fairly casual about how the letter is written:

Such documentation is sufficient if it establishes that an individual has a disability and that the animal in question will provide some type of disability-related assistance or emotional support.

https://portal.hud.gov/hudportal/documents/huddoc?id=servanimals_ntcfheo2013-01.pdf



What does *not* need to be in the letter?

- Attesting to anything else about the animal, such as its:
 - training
 - breed
 - safety
- Addressing any concerns beyond the requirements of the letter is the responsibility of the disabled party and housing provider



Are letter-writers liable for animals' behavior?

- The letter-writer doesn't evaluate the animal, but evaluates the person and their disability-related need for the animal
- It wouldn't make sense for a letter-writer to have liability regarding the animal, if the letter is not about the animal (animal's name doesn't even need to be mentioned)
 - Consider: If you prescribe a cane and the client chooses a cane with sword in it, are you liable?

Once again, we are not attorneys and are not giving you legal advice. We are merely relaying what does and doesn't make sense.



But I can't determine "disability", can I?

- Remember, it's the low-threshold definition, not the Social Security one. For FHAct letters, you might even quote the ADA definition without using the word "disability".
- Clients/patients with disabilities depend on healthcare workers to help them exercise their rights under disability law—we advise:
 - frank, open discussion of anyone's concerns
 - not letting phantom worries prevent you from helping



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An oddly discriminatory situation

To fly, an individual using a service animal (or ESA) *solely for a psychiatric disability* can be required to provide the airline with a detailed letter:

- At least 48 hours before the flight
- No older than one year from the scheduled flight
- On the letterhead of a licensed mental health professional

Not so with other disability types! This is a current DOT issue.



Who can write the letter?

The Department of Transportation (DOT) gives a specific and *non-exhaustive* list in 14 CFR §382.117(e). The list includes as examples the individual's:

...psychiatrist, psychologist, licensed clinical social worker, including a medical doctor specifically treating the passenger's mental or emotional disability.

<https://www.ecfr.gov/cgi-bin/text-idx?SID=cd15d6bd57f5c6f2e96a117c5a700e61&node=14:4.0.1.4.65.8.24.4&rgn=div8>



What's on this timely, letterhead letter?

The regulation is very specific (as follows), but if you're creative you could write one letter for both flying and housing.

(1) The passenger has a mental or emotional disability recognized in the Diagnostic and Statistical Manual of Mental Disorders—Fourth Edition (DSM IV); [in practice, no one seems to care whether it's 4th ed. or higher]

(2) The passenger needs the emotional support or psychiatric service animal as an accommodation for air travel and/or for activity at the passenger's destination;

(3) The individual providing the assessment is a licensed mental health professional, and the passenger is under his or her professional care; and

(4) The date and type of the mental health professional's license and the state or other jurisdiction in which it was issued.



Just the facts.

- This is not a letter of recommendation, so it doesn't have to go beyond those points
- Just like with the housing letter, you don't have to evaluate the animal
- There's apparently no more letter-writer liability here than there



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Resources for you and your population

- We don't provide dogs/funding for dogs (everything but!)
- Peer Guidance Group
<https://www.psychdogpartners.org/resources/support-listserv>
- Conventions
<https://www.psychdogpartners.org/resources/convention>
- Website; just go to:
psych.dog
- Advocacy
<https://www.psychdogpartners.org/board-of-directors/board-activities/advocacy>



Staying current and getting personal(ized)

- Social media
 - Facebook: [@PsychiatricServiceDogPartners](#)
 - Twitter: [@PSDPartners](#)
 - #PSDPrompt (social art therapy)
- Consultations with businesses and general public, phone and otherwise

<https://www.psychdogpartners.org/contact-us>

Want to invest in our cause? psych.dog/donate



§7/7: PSDP resources

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