



Animals Used for Medical and Support Assistance in the Urgent Care Setting

■ ALAN A. AYERS, MBA, MAcc

Urgent message: Urgent care providers must be prepared to address the increasing presence of dogs and other animals used for either support or comfort by patients and/or employees.

Introduction

Animals used for medical and emotional support assistance are commonly seen in the workplace. This includes dogs that assist those who are visually impaired, service dogs for medical conditions,¹ and emotional support dogs for individuals such as military combat veterans.² The American Humane Association reports that there are 20,000 service dogs working in the United States.³ However, there have been many recently reported cases of fraud with support animals.^{4,5}

This article examines issues concerning employees—and, especially, patients—who want or need to bring service animals onto the premises of an urgent care center. To that end, what legal protections does the patient or employee have to require an employer to allow their animal, and what protections must be provided for the urgent care center and patient safety?

Challenges

There are numerous challenges in the urgent care environment that pertain to the presence of a service animal. Of course, chief among them is creating and maintaining a clean environment to keep employees, animals, visitors, and family members safe from biohazards that enter an urgent care setting. There is also additional liability for an animal's behavior if it were to bite an

employee, a patient, or a visitor.

Discussion

Initially, it is imperative to recognize that federal law makes a drastic distinction between *service animals* and those that provide *emotional support/comfort*. Under the Americans with Disabilities Act (ADA),⁶ a service animal is defined as a *dog* that has been “individually trained to do work or perform tasks for an individual with a disability.”⁷ The task(s) performed by the dog must be *directly related* to the person's disability. These dogs are permitted under federal law to accompany their disabled handler into *non-sterile, public areas*. This means that service dogs are allowed in hospitals, doctor's offices, patient rooms, and other healthcare facilities, provided their presence does not pose a threat or danger to standard medical practices and does not impede operations of fundamental services and functions.⁸

The federal regulation states, “[i]ndividuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.”⁷ Typically, the service animal can accompany an urgent care patient to all areas where the public is normally allowed to access. In an urgent care center, this includes treatment rooms and exam rooms.¹ However, service animals need not be allowed into areas if their presence would *fundamentally alter* the nature of a service. In a healthcare setting, this would mean settings where an animal would compromise a sterile environment—like an operating room. In other words, the presence of the service dog cannot violate the standards that are in place for patient or staff safety and are medically necessary.

The vast majority of positions in urgent care entail direct patient care on the clinic floor. As a result, the specific regulations discussed in this article would apply. For support functions such as billing, human resources, and accounting—if located off-



Alan A. Ayers, MBA, MAcc is Chief Executive Officer of Velocity Urgent Care and is Practice Management Editor of *The Journal of Urgent Care Medicine*.

site—this would be determined by the standard ADA rules and regulations for service animals in the workplace.

Emotional Support Animals

To reiterate, dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.⁹ These animals are also known as therapy, comfort, or companion animals.

An emotional support animal does not need to be professionally trained because they provide support just by being around the patient—the animal's *mere presence* provides comfort. Again, an emotional support animal is not protected by the ADA governing service animals. Service dogs are allowed access to all public places. In contrast, emotional support animals are allowed access only to apartments (including those with no-pet policies) and on airplanes.

However, if a public place is pet-friendly, that means it's open to both emotional support animals and regular pets; examples would include a pet store or some coffee shops. An urgent care facility may impose a "no pets" policy similar to any restaurant, grocery store, schools, or retail establishment. Again, emotional support animals do not need to be accommodated.

Note that the ADA makes a distinction between *psychiatric service animals* and emotional support animals. If the dog has been trained to sense that an anxiety attack is about to occur and take a specific action to help avoid such an attack or lessen its impact, it would qualify as a service animal. But if the dog's *mere presence* provides comfort, the animal would not be considered a service animal under the ADA.¹

Urgent Care Center Policies

It's critical that urgent care operations have policies that comply with the ADA when addressing patients' service animals and address how to handle emotional support animals.

When a patient arrives at an urgent care facility with an animal, staff should first determine whether it is a service animal. As discussed above, a service animal is a dog that is individually trained to perform a task/work for an individual with a disability that is directly related to that individual's disability. Any other animal is not a service animal and *does not* need to be accommodated under the ADA.¹⁰

In making this initial determination, it's important to understand that federal regulation mandates that a public entity *cannot* inquire about the nature or extent of a person's disability.⁷ However, it may make two inquiries to determine whether an animal qualifies as a service animal. They can ask whether the animal is required because of a disability, and what work or task the animal has been trained to perform.

Also, an urgent care center cannot require documentation (eg, records or other proof that the animal has been certified, trained, or licensed as a service animal).¹ Along with this, staff

may not ask that the animal wear any special harness or vest or request that the animal demonstrate its task or work.⁷

Federal law states that these inquiries about a service animal cannot generally be made when it's readily apparent that an animal is trained to do work or perform tasks for an individual with a disability, such as the dog is seen guiding the patient who is blind, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an obvious mobility disability.

If a patient at an urgent care center answers that the animal is required for a disability and explains the task/work that the animal performs, the facility must accommodate the animal.⁷ However, a public entity may ask an individual with a disability to remove a service animal from the premises if either the animal is out of control, and the animal's handler doesn't take effective action to control it; or the animal isn't housebroken.⁷ (One final note: A public entity can't ask or require an individual with a disability to pay a fee or a deposit for the dog's presence, such as for potential damage caused by the service animal.⁷)

Takeaway

Urgent care centers must accommodate service animals (dogs) pursuant to the ADA, and should fashion policies that reflect the restrictions concerning inquiries into a patient's disability and a service animal's training and work.

Animals that provide only comfort or emotional support through companionship are not service animals; these animals do not need to be accommodated under federal law. However, an individual urgent care owner may pursue a policy permitting emotional support animals in an effort to be more sensitive to their patients' needs and well-being. ■

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