

Service Animals

335.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The California Department of State Hospitals (DSH) recognizes this need and is committed to making reasonable accommodations to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability. Employees of DSH shall utilize the reasonable accommodation process to address the need and request for a service animal.

335.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability. (28 C.F.R. § 35.104.)

California expands the definition of a service animal to include other animals that are individually trained to provide assistance to an individual with a disability. (Health & Saf. Code, § 113903.)

335.2.1 USE OF SERVICE ANIMALS

Approved service animals for DSH employees will be readily identifiable. Visitors to DSH shall coordinate with the Hospital Police for the use of their animal on hospital grounds. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities. The following examples are some of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.

- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

335.3 EMPLOYEE RESPONSIBILITIES

Approved service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. DSH employees are expected to treat individuals with service animals with the same courtesy and respect that DSH affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Employees of DSH are expected to provide all services as are reasonably available to an individual with the disability.

Service animals are not pets. DSH employees should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, employees of DSH should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.