



<b>Policy Title: Service Animals at Livingston HealthCare</b>	
<b>Policy Number:</b>	
<b>Effective Date:</b>	<b>Revision Date:</b>
<b>Manual/Section:</b>	
<b>Applicable Catalogs:</b>	

**POLICY STATEMENT**

Livingston HealthCare’s policy is to comply with applicable provisions of the Americans with Disabilities Act (“ADA”) and the Rehabilitation Act of 1973 (“Rehabilitation Act”), as well as the regulations implementing the ADA and the Rehabilitation Act.

Livingston HealthCare prohibits discrimination against individuals with disabilities who require the assistance of *service animals*.

Livingston HealthCare generally provides the same or comparable access to its facilities for patients and visitors who require the assistance of a service animal as compared to access provided to individuals who do not require the assistance of a *service animal*.

To determine if an animal is a *service animal*, a representative and/or staff member of Livingston HealthCare may ask two questions:

- *Is this animal required because of a disability?*
- *What work or task has this animal been trained to perform?*

These questions may not be asked if the need for the *service animal* is obvious (e.g., the dog is guiding an individual who is blind or is pulling a person’s wheelchair).

A public entity or private business may **not** ask about the nature or extent of an individual’s disability or require documentation, such as proof that the animal has been certified, trained or licensed as a service animal, or require the animal to wear an identifying vest.

Livingston HealthCare does allow animals that are not *service animals* to be on Livingston HealthCare’s premises **under rare and limited** circumstances for patient visitation. See: HealthCare Livingston Health Care Policy# IP-13, *Pet Visitation at Livingston*

**DEFINITIONS**

A. Direct Threat: A significant risk of substantial harm to the health or safety of an individual with a disability or others that cannot be eliminated by modifying policies, practices or procedures, or by providing auxiliary aids or services.

- B. **Disability:** A physical or mental impairment that substantially limits one or more major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment.
- C. **Facility:** A portion of Livingston HealthCare's buildings, structures, sites, complexes, equipment, roads, walks, passageways, parking lots, or other real or personal property, including the sites where Livingston HealthCare's buildings, property, structures and equipment are located.
- D. **Individual with a Disability or Disabled Individual:** A person who has a *disability* as defined above. It does not include an individual who is currently engaging in the illegal use of drugs.
- E. **Service Animal:** A 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. Other species of animals are not *service animals*.

Therapy animals, emotional support animals, and companion animals do **not** meet the federal or state of Montana definition of *service animals*.

## PROCEDURE

- A. *Service animals* must perform work or tasks that are directly related to an individual's *disability*. For example, *service animals* assisting *disabled individuals* who are blind or have low vision should provide navigation and other assistance with visual tasks, and *service animals* assisting the deaf or hard of hearing should assist with alerting to the presence of people or sounds. *Service animals* also may provide the following assistance to an *individual with a disability*:
  1. Non-violent protection or rescue work
  2. Pulling a wheelchair
  3. Assistance with an individual during a seizure
  4. Alerting to the presence of allergens
  5. Retrieving necessary items, such as medication or a phone
  6. Physical support and assistance with balance
  7. Preventing or interrupting impulsive or destructive behaviors for individuals with mental disabilities.
- B. Once the workforce member determines that an animal is a *service animal* within the meaning of this policy, the *service animal* generally is allowed to accompany the *disabled individual* into those areas on Livingston HealthCare property and Facilities where the public, clients, customers and patients are allowed to go, so long as the *service animal* does not pose a *direct threat*.
- C. *Service animals* must at all times meet the following conditions while on the premises of Livingston HealthCare Facilities:
  1. **Clearly not a *direct threat* to the disabled individual or others**
    1. *Service animals* that pose a *direct threat* to the health and safety of the *disabled individual* or others must be removed from Livingston HealthCare facilities and reported immediately to the Manager or Director of the department and the Risk Management department.
      - a. Factors to consider when determining whether a *direct threat* exists are:
        1. the nature, duration and severity of the risk;
        2. the probability (likelihood) that the potential injury (severity) will actually occur; and
        3. whether the risk can be eliminated or mitigated by reasonable modifications of policies, practices or procedures, or by providing auxiliary aids or services.
    2. When determining whether a *service animal* poses a *direct threat*, an individualized assessment is conducted and documented. Determination is based on reasonable judgment that relies on current medical knowledge or the best available objective evidence from first hand witnesses to the *direct threat*.

## 2. Under their handler's control

- a. It is the responsibility of the owner/handler of a *service animal* to be in full-control of the animal at all times. Livingston HealthCare will request that the *service animal* be removed if they are uncontrolled.
- b. Livingston HealthCare staff may ask an individual with a *disability* to remove a *service animal* from the premises (facility) if the animal exhibits uncontrolled behavior, and the *disabled individual* does not or cannot take effective action to control the *service animal*.
  - 1. Uncontrolled behavior may include but is not limited to:
    - a. unwarranted and unprovoked violent behavior (lunging or biting or jumping on people)
    - b. uncontrolled barking or growling
    - c. failing to follow owner/handler direct commands.
    - d. running away or fleeing the owner/handler
  - c. In the unlikely event that it is necessary to remove a *service animal* for uncontrolled behavior, Livingston HealthCare will offer and provide the same medical services to the *disabled individual* in the absence of the *service animal*.

**3. Bathed**

**4. In good health**

**5. Housebroken**

- D. *Service animals* are not allowed in restricted areas or areas where a sterile environment must be maintained. Examples of such areas at Livingston HealthCare Facilities include the following:
  - 1. operating rooms and surgical suites
  - 2. the intensive care unit if the patient is in serious or critical condition
  - 3. areas with patients who have compromised immune systems
  - 4. patient rooms that are under isolation precautions, and
  - 5. all areas in which masks or gowns must be worn.
- E. The care and supervision of *service animals* is solely the responsibility of the owner and handler of the *service animal*.
  - 1. This includes providing the *service animal* with food, water and all other necessary care and cleaning up after the *service animal*.
  - 2. Livingston HealthCare and its staff are not responsible for providing any care for *service animals*.
- F. If a visitor, patient or staff member is allergic to a patient or visitor's *service animal*, or has a fear or phobia related to *service animals*, Livingston HealthCare will make reasonable efforts to accommodate those individuals, depending upon the circumstances at hand.
- G. If a *service animal* is on a patient unit at Livingston HealthCare, a disposable barrier such as a blue pad should be placed between the Service Animal and the patient's bed during the entire visit. Such barriers will be discarded at the end of the visit.
  - 1. Livingston HealthCare staff should further consult the Infection Prevention and Control personnel for precautionary processes when a *service animal* is in the building.
- H. The use and presence of a *service animals* in patient care areas is to be documented in medical record by a patient's healthcare team including information and owner/handler guidance regarding the areas in which the *service animal* is permitted and prohibited.
- I. *Service animals* must be on a harness, leash or tether at all times unless the handler cannot use one of these devices due to a disability, or it would interfere with the assistance being provided by the animal. In that case, the *service animal* must be otherwise under the handler's control.
- J. Livingston HealthCare reserves the right to bill a *disabled individual* for any damage caused by that individual's *service animal*.

- K. This policy does not apply to job applicants or employees who require the assistance of a *service animal* to apply for employment or perform their job duties. For information regarding disabled employees or job applicants, see Livingston HealthCare's *Equal Employment Opportunity*, Policy.

## REFERENCES

1. Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.
2. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.
3. U.S. Department of Justice Regulations Implementing Title III of the ADA, 28 C.F.R. Part 36.
4. Livingston HealthCare's Pet Visitation Policy
5. Livingston HealthCare's Equal Employment Opportunity

**Key Words:** pets, therapy animal, animal companion

This policy was reviewed and approved by the Livingston Senior Leadership Group on 01/27/2021