



**UW PACC**

Psychiatry and Addictions Case Conference

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# **SERVICE, EMOTIONAL SUPPORT, THERAPY ANIMALS: WHAT I NEED TO KNOW AS A MENTAL HEALTH PROFESSIONAL**

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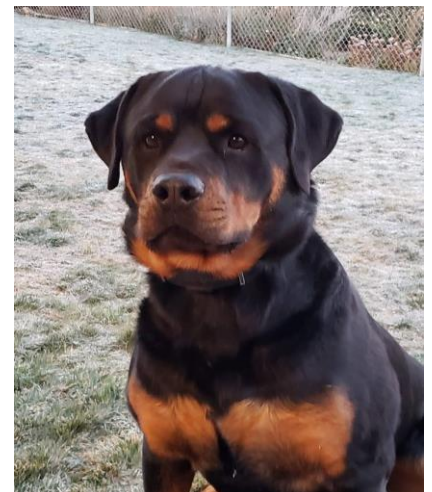
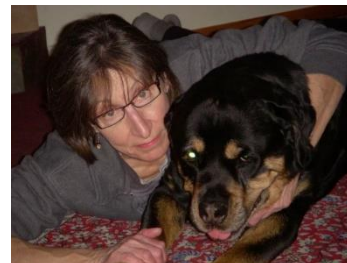
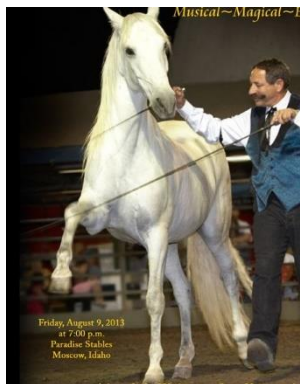
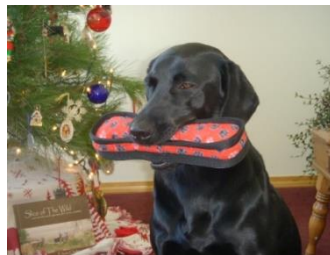
# SPEAKER DISCLOSURES

- ✓ Any conflicts of interest?

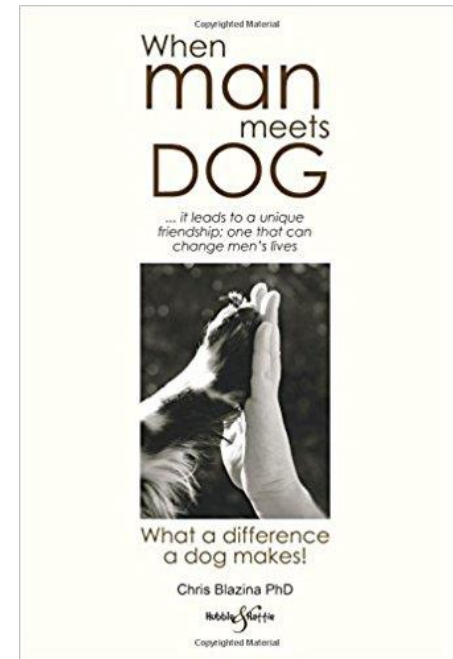
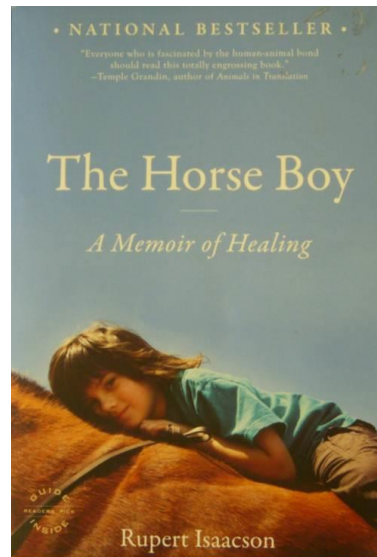
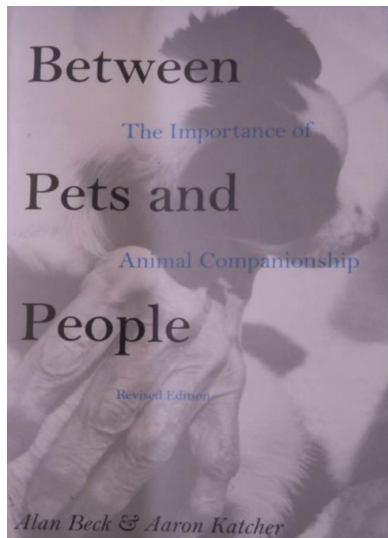
# OBJECTIVES

- Understand the differences between ESA, service, therapy animals
- Learn what is required to write a letter to support request for an ESA or Service Animal
- Become familiar with legal/ethical implications

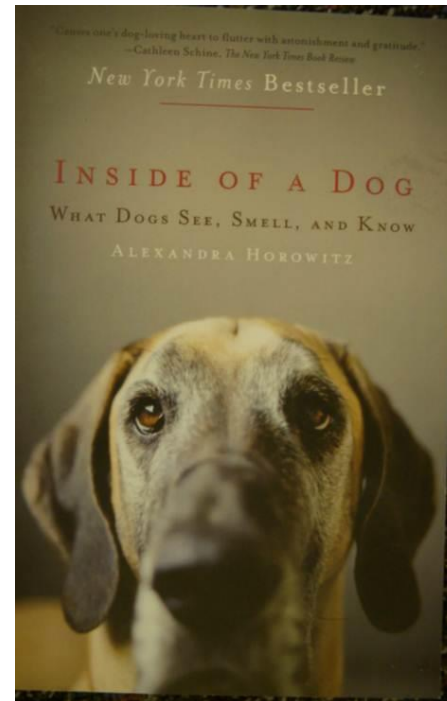
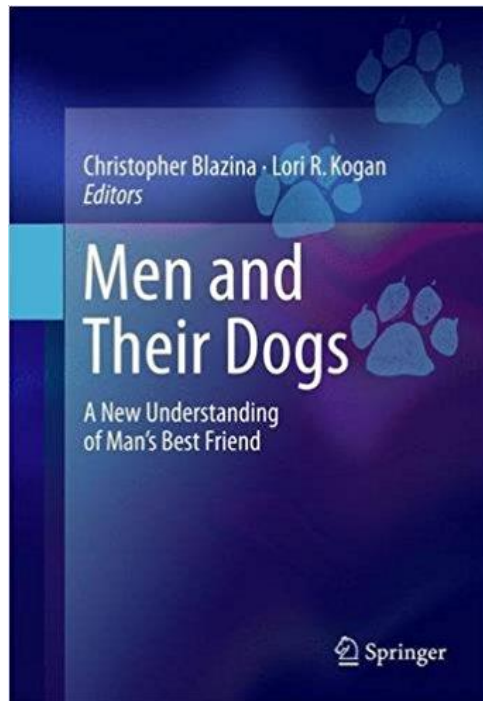
# ANIMALS ARE IMPORTANT TO US



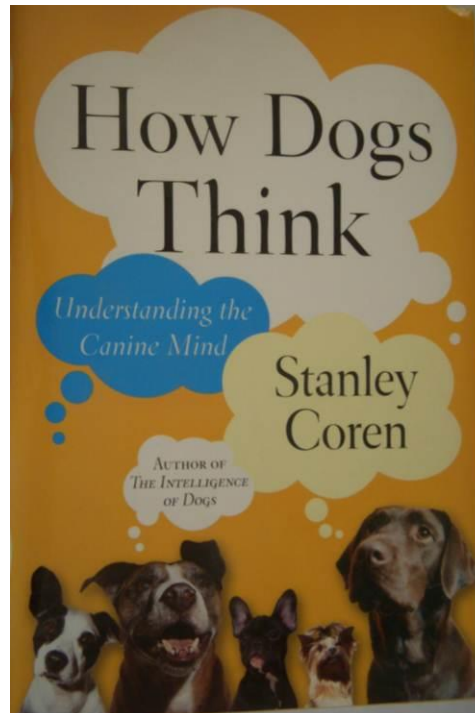
# WE WRITE ABOUT THEM



# WE TRY TO FIGURE THEM OUT

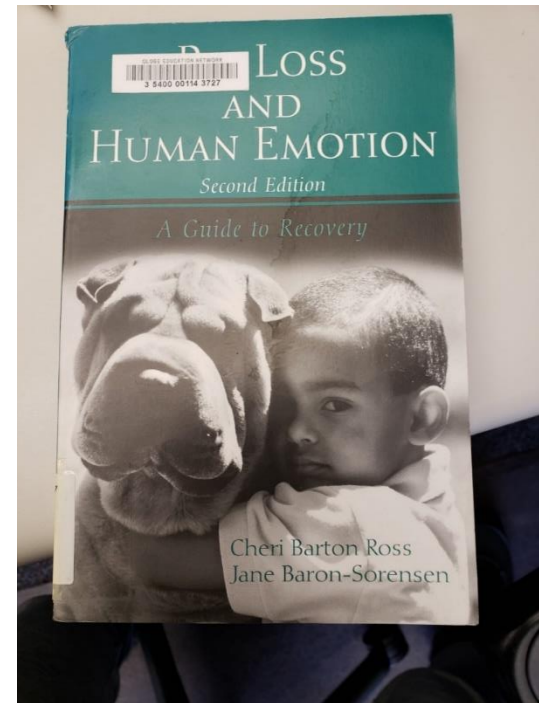
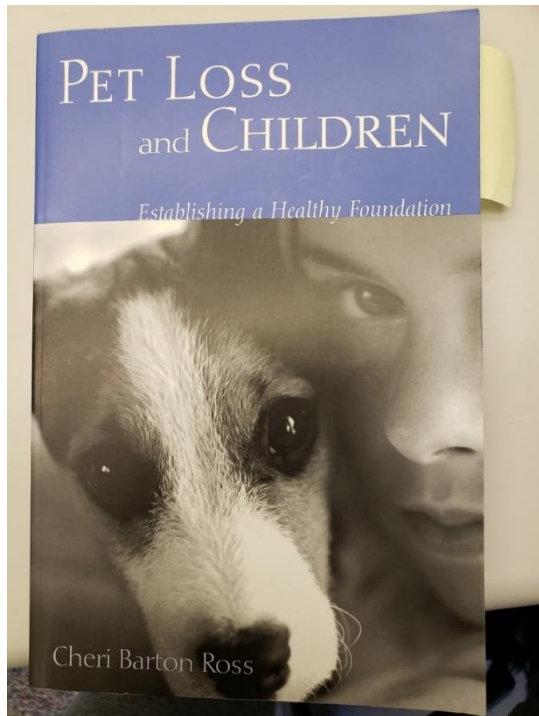


# WE ASK....DO THEY REALLY HAVE EMOTIONS?



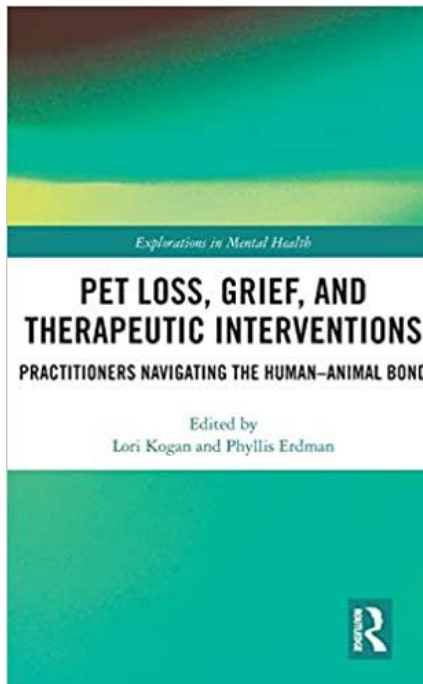


# WE GRIEVE THEM



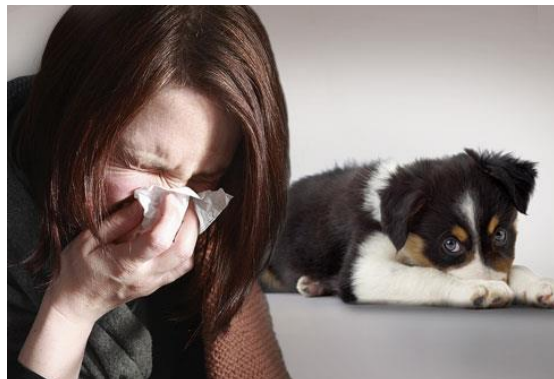


# WE TRY TO HELP OTHERS WITH THEIR GRIEF



# WE SHOW THEM HOW MUCH WE LOVE THEM

- 79% of families with children have pets
- 30% of older people living alone have pets
- 65% of cats/39% of dogs sleep in family bed
- 80% of people with allergies refuse to give up pets



# ....AND HOW MUCH THEY MEAN TO US

70% acquired new pets after death of pet

87% include pets in holiday celebrations

52% prepare special needs

53% take time off work to care for sick pet

44% take pets to work



# WHAT IS AN EMOTIONAL SUPPORT ANIMAL (ESA)?

- Provides emotional support to individuals with disabilities/alleviates symptoms of person's disability
- May be part of a specific medical/psychological treatment plan
- Type – any species permitted under state law/local ordinances
- Training – none required
- Where permitted – residence halls, housing, apartments, \*airlines
- Regulations – must be under effective control at all times

\* New airline laws to be in effect soon

# ESA'S ALSO CALLED

Therapy animals

Comfort animals

Companion animals



CONFUSION



# WHAT IS A SERVICE ANIMAL?

- Provides assistance related to a person's disability
- Trained to do work or perform tasks for the benefit of individual with a physical, sensory, psychiatric, intellectual, or other mental disability
- Working animals/not pets
- Dogs or miniature horses
- Work/task they perform must be directly related to the disability
- Allowed anywhere handler goes – with some restrictions (e.g., some labs)
- Examples:     assisting with sight/hearing  
                     retrieving items (phone/medicine)  
                     recognizing seizures  
                     psychiatric services dog – subcategory of service animal

# WHAT IS A THERAPY ANIMAL?

- A pet (typically dog) that accompanies their owner into settings for benefit of residents/clients as part of a therapeutic intervention
- Typical in hospitals, schools, nursing homes, counseling
- Handler owned
- Should, but not required, to have special training
- Do not have rights in public places
- May have some restrictions in facility
- Sometimes referred to as facility dogs



# SERVICE ANIMALS VS ESA'S

- Service animals - help by performing certain tasks trained for  
may be formally trained or trained by owner  
dog or miniature horse
- ESA - help simply by their presence  
therapeutic benefit = companionship  
no training required  
any kind of animal

# LAWS

- **Service animals** – covered by Rehabilitation Act, Americans with Disabilities Act (ADA), Fair Housing Amendments Act (FHA), and Air Carriers Access Act (ACAA)
- **Emotional support animals** – covered ONLY by FHA and ACAA
- **No national certification or registration for either SA or ESA**

# ISSUES REGARDING ESA'S

- No standards for evaluating ESA
- ESA's growing rapidly
- Welfare of ESA
- Possible impact on trained service animal
- General public is confused/unsure what they can ask/request
- Research - Very little/inconclusive
  - “no published study of the effectiveness of an ESA”  
(Sandra Barker, Ph.D. professor of psychiatry/Director of Center for Human-Animal Interaction, Virginia Commonwealth University)
- Any devoted pet owner can attest to the bond they feel with their animal



# US SUPPORT ANIMALS

## OFFICIAL SERVICE & SUPPORT ANIMAL REGISTRATION



## U.S. Registered Support Animal

Handler of this Support Animal ID Card meets one of the following requirements under the ADA; American with Disabilities Act, Air Carrier Act, Fair Housing Act or the Rehabilitation Act of 1973. The handler and support animal

Name: Amy Hyer  
Animal Name: Pete  
Breed: Brussels Griffon  
State: FL  
ID Number: 5555555555

To Verify Registration Visit Online or Scan QR Code  
[www.USAServiceDogRegistration.com](http://www.USAServiceDogRegistration.com)



## Emotional Support Animal

# UNLIMITED RESOURCES...ERR...SCAMS

- Certapet
- <https://www.certapet.com/>
- TherapyPet
- <https://therapypet.org/>
- Moosh
- <https://mooshme.com/about/>
- The Official ESA Registration of America
- <https://www.esaregistration.org/>

And on and on and on.....

# HOW TO AVOID SCAMS????? WITH A SCAM

- US Service Animals  
(Official Service and Support Animal Registration)
- [https://usserviceanimals.org/blog/are-you-falling-for-an-emotional-support-animal-scam?utm\\_content=Google;Search;AD;ESA1;esa%20letter;108&gclid=Cj0KCQjwpsLkBRDpARIsAKoYl8zVcwLWg-i84bwYzheTKR04Mvarj5OOjInfbR6vwR6vI44cdPj\\_o7oaAqJ8EALw\\_wcB](https://usserviceanimals.org/blog/are-you-falling-for-an-emotional-support-animal-scam?utm_content=Google;Search;AD;ESA1;esa%20letter;108&gclid=Cj0KCQjwpsLkBRDpARIsAKoYl8zVcwLWg-i84bwYzheTKR04Mvarj5OOjInfbR6vwR6vI44cdPj_o7oaAqJ8EALw_wcB)

# MISLEADING CLAIMS

- “the purpose of an ESA letter is to make the special bond between people and their therapy pets even stronger” (TherapyPet)
- You’re entitled to a life free of emotional and psychological stress...Get an official prescription letter from a certified therapist, and be on your way to living stress and worry free (ESA Registration of America)



# HOUSING RIGHTS AND ESA'S

- ADA – does not address housing and does not address ESA
- FHAA – addresses both service and ESA (refers to them as assistance animal)

# HOUSING AND ESA'S

- Service animals can be brought to any public location, including classrooms, but ESA's are **limited to housing and common areas**



# PROVIDING PROOF OF DISABILITY (SA AND ESA)

- Landlord **may** ask for documentation that there is a disability-related need for animal
- By law, should **not** request documentation if disability is obvious
- May **not** ask applicant to provide access to medical records
- May **not** require tenant to pay pet fee
- May **charge** tenant for **damage** done by animal if that is standard

# WHAT CAN I ASK?

- **Cannot** ask about nature or extent of person's disability
- **You can** ask:
  - Is the animal required because of a disability
  - What work or task has the animal been trained to perform



# CHANGES IN AIRPLANE TRAVEL - 2021

- U.S. DOT – traveling by air with service animals – early 2021 release  
[U.S. Department of Transportation Announces Final Rule on Traveling by Air with Service Animals | US Department of Transportation](#)
  - Recognizes ESA's as pets
  - Service animals – allows airlines to limit only 2 service animals/passenger
  - Allows airlines to require form for service animals
    - Developed by DOT
    - Attests to animal's training/good behavior
    - Certifies animal's good health
    - Flight longer than 8 hours – attest for how to relieve itself
    - To require forms up to 48 hours before flight
    - Can require animal to be harnessed/leashed/tethered
    - Specifies circumstances that owner may be charged with for damage

# PUBLIC PERCEPTIONS

As service dogs, emotional support dogs, and therapy dogs have become more prevalent, so too has the controversy surrounding their legitimacy

“Service Animals”



# STATES WITH LAWS – FAKE ESA'S

Florida  
California  
Colorado  
Idaho  
Kansas  
Maine  
Michigan  
Missouri  
Nebraska  
Nevada  
New Hampshire

New Jersey  
New Mexico  
New York  
North Carolina  
Texas  
Utah  
Virginia  
Washington





# COLORADO

- The new law criminalizes the intentional misrepresentation by individuals of assistance and service animals
- Misrepresentation - a class 2 petty offense punishable by a fine of \$25 for a first offense, \$50-\$200 for a second offense, and \$100-\$500 for a third or subsequent offense.



# NEW JERSEY

Defines fraudulent representation

“fitting a dog with a harness of the type commonly used by blind persons to represent that such dog is a guide dog when not trained as a guide dog”



# UTAH

Broader view of misrepresentation

In addition to clause also considers

“knowingly and intentionally representing a material fact to a health care provider for the purpose of obtaining documentation from the health care provider necessary to designate an animal as a service animal”

Class B misdemeanor



# WASHINGTON

- Passed in 2018
- \$500 fine for a civil infraction.



# WHO CAN RECOMMEND AN ESA/ \*SERVICE ANIMAL?

- Certification of ESAs has become large commercial enterprise
  - CertaPet - Get your ESA letter on line
    - [https://www.certapet.com/?utm\\_source=bingads&utm\\_medium=ppc&utm\\_campaign=acquisition](https://www.certapet.com/?utm_source=bingads&utm_medium=ppc&utm_campaign=acquisition)
  - Therapy Pet - Quickly & Easily See if you Qualify for an Emotional Support Animal
    - <https://therapypet.org/?p=b>
  - You tube videos – How to get an ESA
    - [https://www.bing.com/videos/search?q=how+to+get+an+emotional+support+animal&qpv=how+to+get+an+emotional+support+animal&view=detail&mid=2FC336285730994095C62FC336285730994095C6&FORM=VRDGA\\_R](https://www.bing.com/videos/search?q=how+to+get+an+emotional+support+animal&qpv=how+to+get+an+emotional+support+animal&view=detail&mid=2FC336285730994095C62FC336285730994095C6&FORM=VRDGA_R)

\* Service animals are not the real issue

# WHAT MUST BE INCLUDED IN THE LETTER

## Housing

- Letterhead of physician or mental health provider
- Date, patient's name, dates of evaluation/treatment
- Attestation that patient meets definition of disability
- Patient's limitations
- Statement that ESA is being prescribed
- Statement about familiarity with ESA literature

# ESA LETTER – PRIOR TO 2021

## Airline

- Must be from verifiable mental health professional and state what type (psychologist, psychiatrist, clinical social worker, etc.)
- Printed on letterhead
- Not more than 1 year old
- Statement that patient has mental health related disability listed in DSM and that **substantially limits at least one major life activity.**
- Presence of animal is required
- Statement that patient is under their personal care
- May request – type of mental health license, date, and state issued, training



# WHAT ARE THE ISSUES?

- Should I write a letter for my client?
- How about if a non-client asks me?
- Are on line certifications ethical?
- What does it need to say?
- How about if I refuse?
- How do I know it will really help?
- Can I be sued if I write one/if I refuse?
- How about the animal's welfare?



# HYPOTHETICAL SITUATION

Client – Beth

Beth is 70 years old, recently widowed and moving out of her home of 50 years and into a small apartment. You have been seeing her for about 2 months mainly to deal with grief.

She has a dog (Romper) who was really her husband's dog, but she promised him she would always take care of Romper after he died. She realizes that Romper really does help her with her grief – she talks to Romper about memories of her husband, she has to wake up and feed and walk Romper, and she realizes she feels less lonely, anxious and afraid with Romper around.

The apartment is the only one within her financial means but they do not allow animals. It's also close to her children and grandchildren.

She has come to you and requested a letter for Romper as her ESA.

WHAT WOULD IT  
HURT TO HAVE  
ROMPER LIVE WITH  
HER?

Romper  
is so  
cute

But she has to  
move to a smaller  
place and they  
won't allow her  
dog to come with  
her.

Beth's  
obligation  
to husband

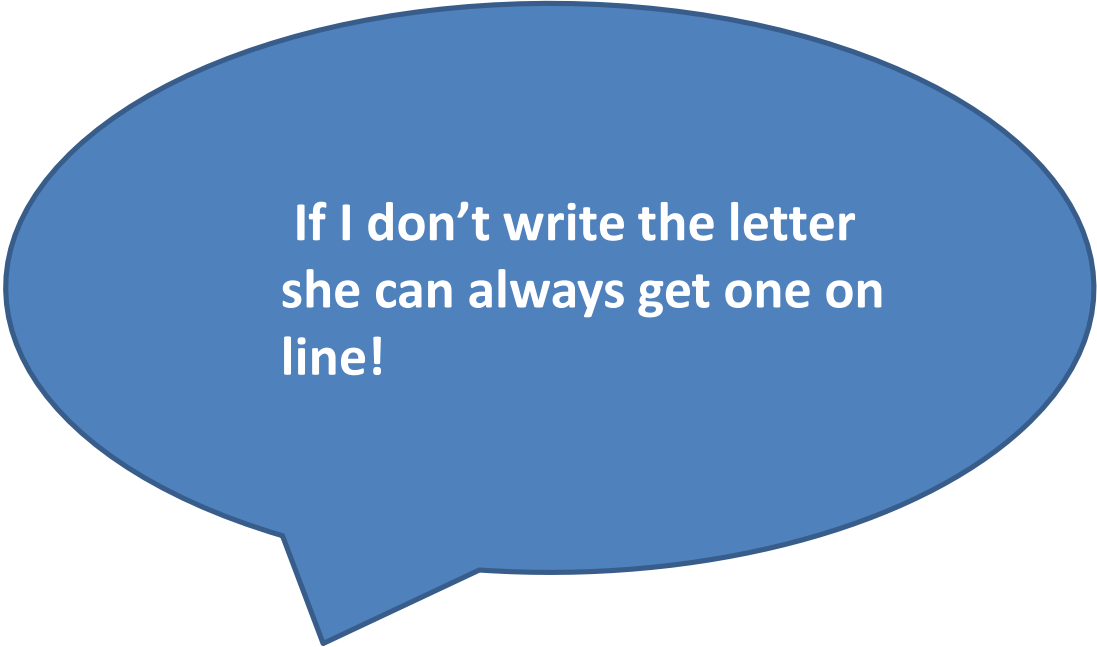
But I just love  
animals and  
want to make  
people happy

What harm  
can it do?

Her husband  
loved this  
dog

But she says she  
feels so much  
better now with  
Romper around

# THE BIGGIE



If I don't write the letter  
she can always get one on  
line!

# ONLINE CERTIFICATION

Misrepresents work of mental health professional – imply brief questionnaire can yield a DSM diagnosis

Competence of MH professional to perform such evaluations is unknown

Conflict of interest – most guarantee you will qualify or money back

Lack of standardized assessments

# PROFESSIONAL CODE OF ETHICS - ACA

## Therapeutic-Forensic Role Conflicts (A.5.e)

When a counselor changes a role, he/she obtains informed consent from client and explains the right of the client to refuse services related to the change (e.g. individual to family, therapeutic to evaluative).

## Client Evaluation Prohibited (E.13.c)

Counselors do not evaluate individuals for forensic purposes they currently counsel.

## Role Changes in the Professional Relationship (4.02.01)

Providing forensic and therapeutic psychological services to the same individual or closely related individuals involves multiple relationships that may impair objectivity and/or cause exploitation or other harm....

# THINGS TO CONSIDER

- Dual relationship –
  - treatment relationship creates ethical obligation to act in best interest of patient
  - Administrative/forensic relationship requires objectivity
- Conflict of interest
- Multiple relationship



# IF YOU DECIDE TO WRITE THE LETTER

- Consider possible dual role = unethical
- Be prepared to legally defend your position
- Determine if request is housing or air
- Inform client about rights associated with ESA vs actual service animal
- Full informed consent (client must know that you might decide against ESA)
- Don't specify a particular pet
  - you are not qualified to evaluate animal's behavior
  - what if animal bites/hurts someone

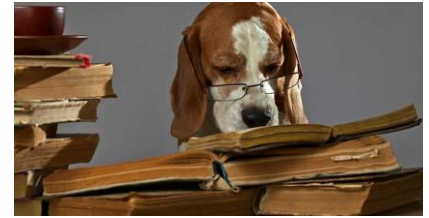


- Consider animal's welfare – can client properly care for animal; don't recommend specific animal
- Provide a thorough assessment (IF you are qualified)
- Consider symptoms – specifically how an ESA will help
- Place time limit on documentation
- Require follow up
- Decline to associate with commercial web services
- Ask client to have animal assessed by behaviorist

# CAN YOU HONESTLY ANSWER THESE?

- Realistically confirm disability?
- Are you providing services for this client?
- Who are you really serving?
- Are you just trying to make client happy?
- Are you enabling dependence of client?
- Have you observed client/animal interacting?
- Has the animal's welfare been considered?
- What other interventions have been considered/are available?

# RESOURCES



## Airlines policies

<https://onemileatatime.com/emotional-support-animals-planes/>

<https://www.greenmatters.com/p/no-more-emotional-support-animals-on-planes>

<https://www.esaregistration.org/blog/flying-with-your-esa/>

<https://www.outsideonline.com/2408374/esa-air-travel-ban-department-transportation>

<https://esadoctors.com/airline-requirements-for-traveling-with-an-emotional-support-dog/>

<https://people.com/pets/airlines-new-rules-emotional-support-animals/>

<https://esadoctors.com/airline/american-airlines-emotional-support-animal/>

<https://www.delta.com/us/en/pet-travel/overview>

[https://www.southwest.com/html/customer-service/unique-travel-needs/customers-with-disabilities-pol.html?clk=GFOOTER-CUSTOMER-ASSISTANCE#unique travel needs allergies disabilities pol tab list tab 11 scroll](https://www.southwest.com/html/customer-service/unique-travel-needs/customers-with-disabilities-pol.html?clk=GFOOTER-CUSTOMER-ASSISTANCE#unique%20travel%20needs%20allergies%20disabilities%20pol%20tab%20list%20tab%2011%20scroll)

[https://www.southwest.com/assets/pdfs/customer\\_service/emotional\\_animal\\_travel\\_instructions.pdf](https://www.southwest.com/assets/pdfs/customer_service/emotional_animal_travel_instructions.pdf)

<https://www.alaskaair.com/content/travel-info/accessible-services/specialservices-support-animals>

- Housing policies

- <https://esadoctors.com/hud-housing-rules-emotional-support-animals/>
- <https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>

- General

- [White Paper on Animal-Assisted Interventions | IAHAIO](#)
- <https://www.apa-hai.org/human-animal-interaction/emotional-support-animal-position-statement/>