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THE UNIVERSITY OF TEXAS MEDICAL BRANCH

Considerations for Recommending Service and Emotional Support Animals

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Disclosures

- Financial: Employee of the University of Texas Medical Branch at Galveston
- Animal Lover

Session Objectives

- Understand the similarities and differences between Service and Emotional Support Animals
- Explain how various state and federal laws regulate the use of Service or Emotional Support Animals by psychiatric patients
- Navigate the ethical dilemmas created when patients request documentation to justify the presence of Emotional Support Animals in various settings

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Please rate the following statements.

I understand the difference between a service animal and an emotional support animal.

I am familiar with the various laws that regulate the use of service or emotional support animals.

I feel confident navigating patient requests for emotional support animal documentation.

Strongly disagree

Strongly agree

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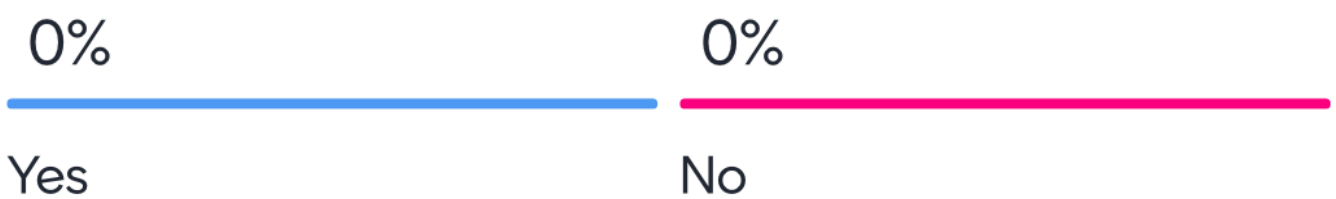
In your clinical practice, do you provide documentation (ex. lett regarding service or emotional support animals?



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Service Animals

UTMB Health

Americans with Disabilities Act (ADA)

- Federal civil rights law that prohibits discrimination against people with disabilities in everyday activities

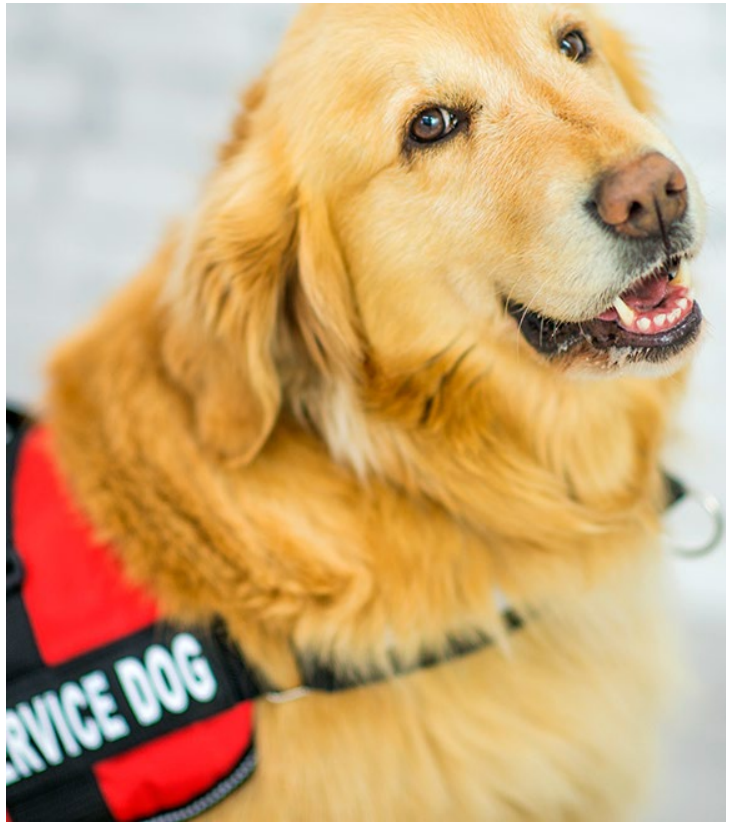
- A person with a disability is someone who:
  - Has a physical or mental impairment that substantially limits one or more major life activities,
  - Has a history or record of such an impairment,
  - Or is perceived by others as having such an impairment

- If a person falls into any of the above categories, the ADA protects them

Service Animal Definition

- According to the ADA, for an animal to be classified as a service animal, the animal must have been "individually trained to perform task(s) for an individual with a disability" and the task(s) must be related to the person's disability
  - Ex: Guide dog for an individual with blindness

- Emotional support animals, therapy animals, and companion animals are not considered services animals if they have not been trained to perform specific tasks and their only purpose is to provide comfort





Services Animals

Not Service Animals

- Any animal other than a dog or miniature horse

- Putting an animal in a service animal vest does not make it a service animal



Service Animals: Dogs

- Any breed and any size of dog
- Must always remain under control of its handler
- Must be “housebroken”
- Must be trained to perform a task directly related to a person’s disability





Service Animals: Miniature Horses

- Entities covered by the ADA must modify their policies to permit miniature horses where reasonable.
  - "Housebroken"
  - Under the owner's control
  - Facility can reasonably accommodate miniature horse's type, size, and weight.
  - Whether the miniature horse's presence will compromise legitimate safety requirements for safe operation of the facility.
- Definition of Miniature Horse
  - 24-to-34-inch height to shoulders
  - Weight between 70-100lbs
- Trained to do work or perform task(s) for a person with a disability

Service Animal Rules

- Under the ADA, State and Local Governments, businesses, and nonprofit organizations that serve the public generally must allow services animals to accompany people with disabilities in all areas of the facility where the public is allowed to go
  - Exceptions:
    - Service animal's presence would fundamentally alter the nature of goods, services, programs, or activities provided to the public.
    - In Texas, refusal = misdemeanor punishable by a fine of up to $1000
- ADA applies to certain types of housing
  - Public and private universities, public housing programs, emergency shelters
- ADA prohibits discrimination against disabled individuals in the workplace

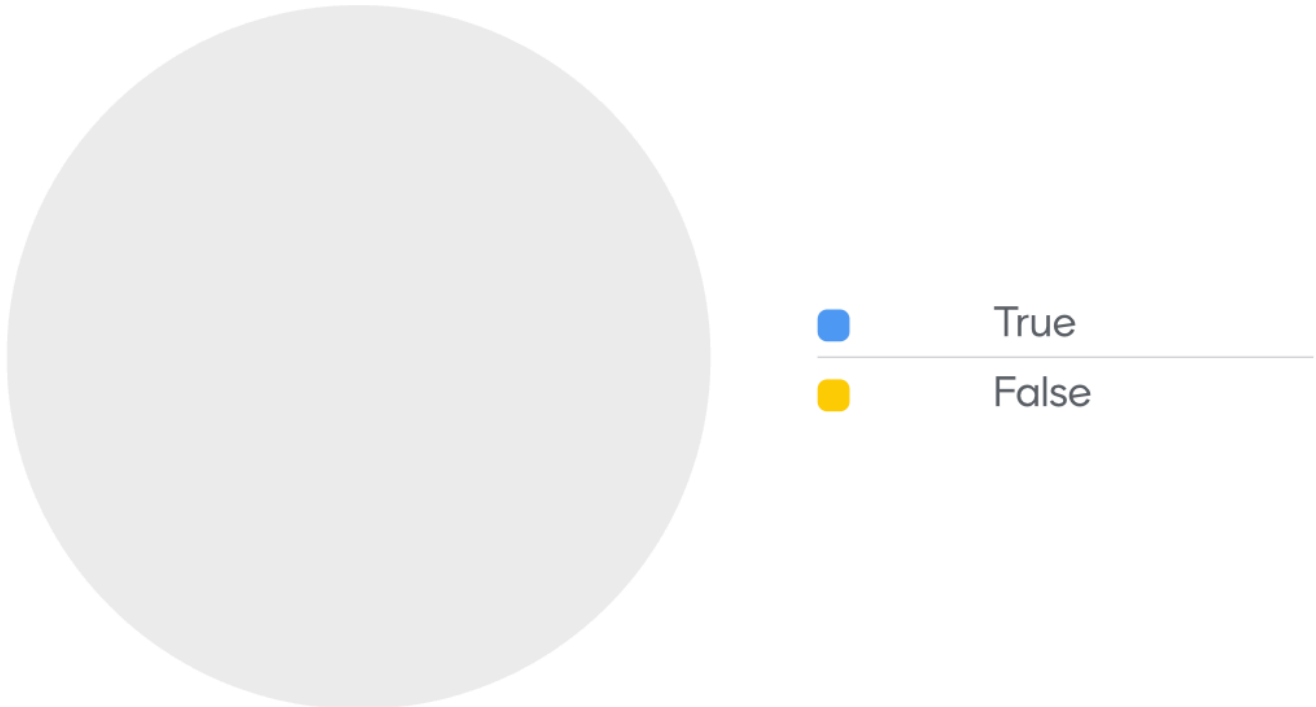
Asking about Service Animals

- You may ask:
  - Is the service animal required because of a disability?
  - What work or task has the service animal been trained to perform?

- You may not ask:
  - For documentation proving the animal is a service animal
  - About the nature of the person's disability
  - For a demonstration of the animal completing its task

- Request for Removal:
  - Service animal is not housebroken.
  - Service animal is out of control, and the person cannot get the animal under control.

True or False: An individual can train their own servi



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Service animals are not:

- Required to be certified or go through a professional training program to become a service animal
- Required to wear a vest or other ID that indicates they are a service animal
- Required to register as a service animal with any organization or certifying body



Laws Pertaining to Service Animals

- Americans with Disabilities Act
- Fair Housing Act
- Air Carrier Access Act
- Equal Employment Opportunity Commission

Americans with Disabilities Act

Title I: Employment	Equal Employment Opportunity Commission
Title II: State and Local Government Services	Department of Justice
Title III: Public Accommodations and Commercial Facilities	Department of Justice



Fair Housing Act

Fair Housing Act

- Administered by the Department of Housing and Urban Development (HUD)
- Prohibits discrimination against individuals who have a disability
- Landlord must make a **reasonable accommodation** to rules, policies, and practices to allow a person with a disability **equal opportunity** to enjoy and use their housing
- Request for an assistance animal is handled like any other reasonable accommodation request
  - Includes landlords with a no pet policy

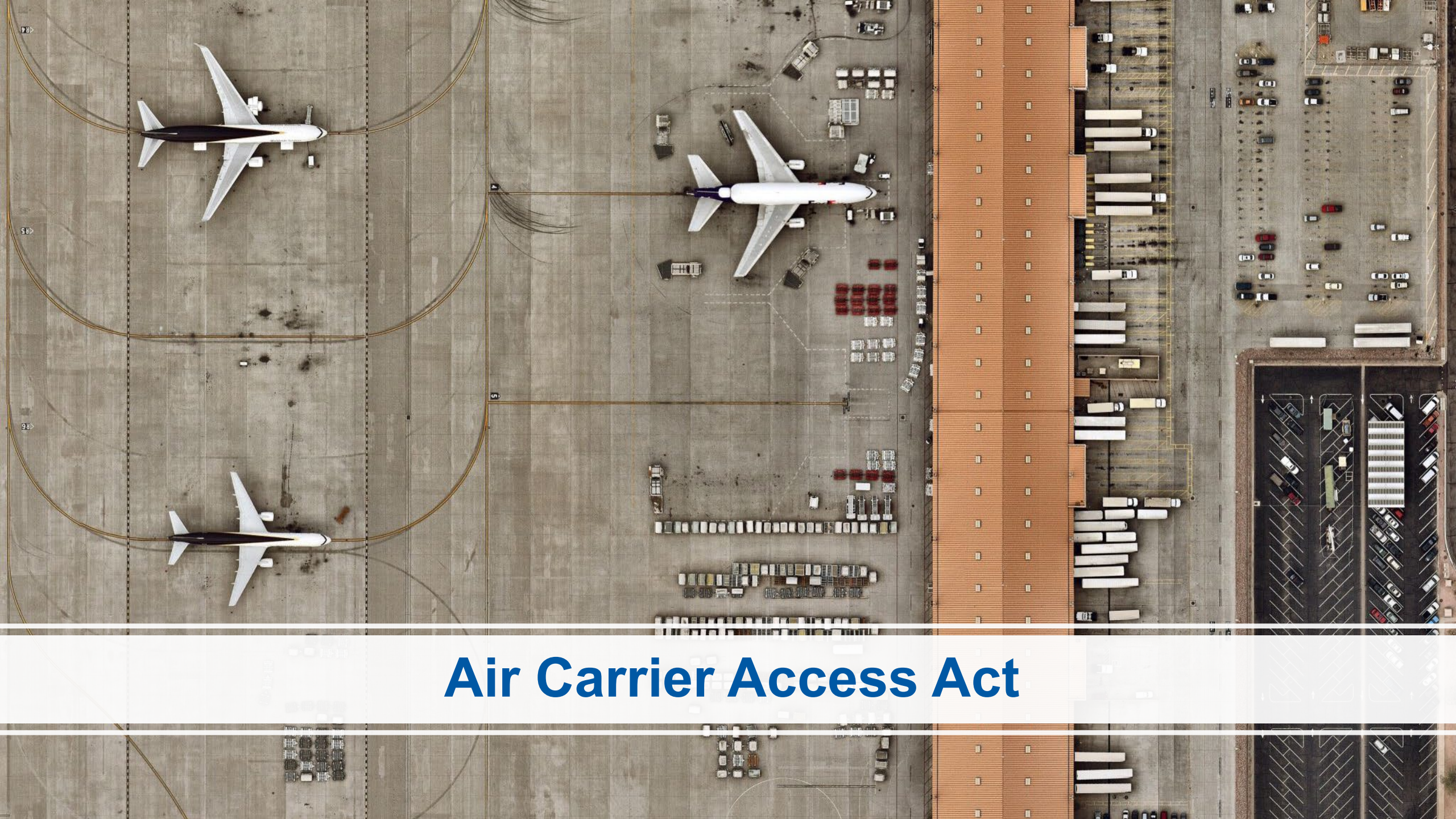
Fair Housing Act

- Must demonstrate: disability + disability-related need for the animal
- If disability is not obvious or known, landlord can require proof
  - Verification Letters from treating healthcare professional
- Impacts on Landlords
  - Cannot charge extra rent or deposit for assistance animal
  - Breed, size, and weight restrictions may not be applied

Fair Housing Act

- Historically, has used the term “assistance animal” which includes both service animals and emotional support animals

- New HUD Enforcement Guidance issued on May 22, 2026!
  - “will find reasonable cause and recommend charges only for those cases involving animals trained to provide disability-related assistance”
  - Highlights the challenges distinguishing between pets and emotional support animals
    - “entire industry has emerged to convert pets into emotional support animals”
  - More closely aligns FHA to ADA guidance for services animals
  - Per FHA, complainant may still file a civil action in an appropriate court within 2 years of alleged discriminatory housing practice



Air Carrier Access Act

Air Carrier Access Act (Pre 2020 Revision)

- Airlines were required to recognize and accommodate emotional support and comfort animals (not just task-trained service animals) in the cabin

- Rule did not limit services animals strictly to dogs
  - Allowed for a wide range of animals to be transported if passenger claimed a need for them

- Abuse of the system by passengers wanting to avoid paying fees for pets

Service Pig

Connecticut (2014)



Service Peacock

New Jersey (2018)



Air Carrier Access Act

- December 2020 Revision: “Traveling by Air with Service Animals”
  - No longer considers an emotional support animal to be a service animal
  - Defines service animal as a service dog trained to assist a person with a disability
  - Requires airlines to treat psychiatric services animals the same as other services animals
  - Allows airlines to require completion of forms developed by Department of Transportation (next slide)
    - Up to 48 hours in advance of the date of travel

US DOT Service Animal Air Transportation Form

- Handler must certify that service animal is required for a disability
- Certify health of service animal (ex. vaccinated & healthy)
- Certify the animal has been individually trained to perform a task related to a disability
- Certify that animal has been trained to behave in a public setting (ex. no history of aggression)
- Certify understanding of service animal rules (ex. leashed or harnessed at all times)
- Form does not require any information from a treating clinician!



Equal Employment Opportunity Commission

EEOC: Service Animals at Work

- Title I of ADA does not specifically address or define service animals
- Request from an employee to bring a service animal to work can be processed like any other request for a **reasonable workplace accommodation**
- Employers who have a no-animal policy must consider modifying the policy on a case-by-case basis
  - Engage in the interactive process to evaluate the employee's request

EEOC: Service Animals at Work

- Employers have a right to request reasonable documentation that an accommodation is needed because of an employee's disability
  - Documentation of the employee's disability often comes from a treating clinician
- Employer has the right to require that the service animal be trained to be in a workplace and capable of functioning appropriately in the work environment
  - Documentation of service animal training from a trainer or attestation that the individual with disability has trained the animal themselves
- Employers can deny a request if the service animal poses a direct threat to workplace safety or fundamentally alters business operations

Emotional Support Animals

UTMB Health

Emotional Support Animals (ESAs)

- In contrast to services animals, an ESA is an animal of any species that is not trained to perform a specific task, but rather through companionship alleviates a person's psychiatric disability

- Key Differences vs Service Animals
  - Not limited to the dog or miniature horse definition of service animal
  - Does not require training to perform a task
  - ESAs are not protected by ADA regulations
  - Recent updates to FHA and ACAA exclude ESAs from "service animal" definition

Emotional Support Animals

Man says emotional support alligator helps his depression

January 24, 2019



YORK HAVEN, Pa. (AP) — A Pennsylvania man says his emotional support alligator helps him deal with his depression.

Clinician Guidance on Emotional Support Animals

UTMB Health



American Psychiatric Association

Resource Document on Emotional Support Animals

(June 2022)

APA Resource Document on Emotional Support Animals

- Relevant Federal and State Laws
- Clinical Considerations
- Ethical Considerations
- Liability-Related Considerations

APA Resource Document on Emotional Support Animals

- Relevant Federal and State Laws
  - ESAs are not protected under the ADA
  - Various federal, state, and local laws may apply specifically to ESAs

APA Resource Document on Emotional Support Animals

- Clinical Considerations

- Limited research to support the use of ESAs
  - Most studies are small, underpowered, and lack RCT design
  - Rely on inferences from the effects of pet ownership on psychiatric symptoms

- ESA evaluations can be considered disability evaluations
  - Psychiatrists must first determine whether the person has a psychiatric disability, then determine whether the ESA will alleviate the psychiatric symptoms causing the disability

  - Evaluating a specific animal's suitability as an ESA is outside of psychiatrists' area of expertise and should not be part of the evaluation

- If writing an ESA letter, minimal necessary clinical information should be included to protect patient confidentiality

APA Resource Document on Emotional Support Animals

- Ethical Key Considerations

- Given the limited evidence supporting ESAs, it is ethically permissible to decline to write ESA certification letters for patients

- In considering whether to write a letter for an ESA, psychiatrists should carefully weigh the risks and benefits of an ESA

- Psychiatrists should be aware of the potential ethical concern regarding role conflict

APA Resource Document on Emotional Support Animals

- Ethical Considerations

- Unethical and illegal to engage in disability fraud by writing ESA letters simply to allow patients to bring pets to non-pet friendly venues, to avoid pet fees, or to avoid restrictions on pet breeds/species

- Duty to protect our integrity and avoid writing anything known to be untrue

- Must preserve “justice” for those patients who genuinely require an animal’s support

- Must consider secondary obligations to public health given an ESA impacts those around the patient

APA Resource Document on Emotional Support Animals

- Liability-Related Considerations

- ESA letter writers should have a clinical (or forensic) relationship with those seeking accommodation and clearly state the negative effect(s) of the patient's identified disability that the ESA would alleviate

- Psychiatrists should only write ESA letters in states in which they have a license to practice and only after an adequate evaluation

- What if the ESA harms someone? Am I liable for writing the ESA letter?
  - "No cases upholding an award against a provider who has written an ESA letter for an animal that went on to attack someone".

Clinical Scenarios

(Time Permitting)

UTMB Health

Clinical Scenario #1

- A patient calls to schedule a new appointment in your outpatient clinic. The patient tells your support staff that he has a service dog for his PTSD. He plans to bring the service dog to his initial evaluation.

- The dog accompanies the patient to his first appointment. While in the waiting room, the dog growls at several patients. The dog also urinates on the floor.

Should you allow the dog to remain in the clinic?

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Clinical Scenario #2

- A patient is planning to move into a new apartment complex. The complex allows pets but charges a non-refundable $500 fee. A patient's friend mentioned that the apartment complex will waive the pet fee if the animal is considered an emotional support animal.

- The patient asks if you will write her a letter to give to the apartment complex certifying her dog as an emotional support animal. When you ask how the dog helps her, the patient states "he keeps me company" and "he helps my mood". You see the patient for depression.

Would you write the letter? Explain your rationale.

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Clinical Scenario #3

- A patient with autism spectrum disorder is planning to fly out of state for the holidays. This patient has a service dog. The dog has been trained to engage the patient in instances of sensory overload. The patient plans to take his service dog with him on the plane.

- The patient completes the required airline paperwork for his service dog. The patient asks you to provide him for a letter in case the airline requires additional documentation.

If you wrote the letter, what information would you i

Responses can be up to 200 characters and will appear here.

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Questions?