ETHICAL & LEGAL CONSIDERATIONS IN HUMAN-ANIMAL INTERACTIONS: DOGS ON CAMPUS

Division 17: Counseling Psychology
Human-Animal Interaction (Section 13)
&
College and University Counseling Centers (Section 8)
Collaborative Symposium
Thursday, August 12, 2021
1:00 pm-1:50pm EST
COLLABORATORS

- Meghan Morrissey, LCSW, LAC, NYU School of Medicine, Department Child and Adolescent Psychiatry
- Shenay Bridges-Carter, PhD, Division 17; Section College and University Counseling Centers (17.08), Northwestern University, Counseling and Psychological Services
- Phyllis Erdman, Ph.D., LMHC, Washington State University
- Cori Bussolari, Psy.D., University of San Francisco, Department of Counseling Psychology
- Betz King, Psy.D., LLP - King & Associates Psychotherapy
- Amy R. Johnson, EdD, LPC, CPDT-KA, UW-AAB; Oakland University

PLEASE PUT ALL QUESTIONS IN THE CHAT AS THEY ARISE
WELCOME

Introduction by Dr. Bridges-Carter

- Section on Human-Animal Interactions and the Section on Counseling and University Counseling Centers collaboration on the importance of understanding dogs on campus and how to navigate these situations
OBJECTIVES

- Participants will be able to differentiate between service animals, emotional support animals, and therapy animals found on college or university campus’
- Participants will identify three ethical or legal implications of having animals on college and university campuses
- Participants will be able to implement a decision tree to assist in future determinations
Service Animals: A service animal is 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. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals.

Emotional Support Animals: Emotional Support Animals or Comfort Animals are often used as part of a medical treatment plan as therapy animals, they are not considered service animals under the ADA. These support animals provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities.

Therapy Dogs: A therapy dog is defined as a dog trained to provide affection and comfort to people in hospitals, retirement homes, nursing homes, schools, people with learning difficulties, and stressful situations, such as disaster areas. Therapy dogs come in all sizes and breeds. The most important characteristic of a therapy dog is its temperament.

https://adata.org/factsheet/service-animals
https://adata.org/guide/service-animals-and-emotional-support-animals
SERVICE ANIMALS
SERVICE ANIMALS

What is a service animal?

- Individually trained to do work or perform specific tasks for people with disabilities
- Dog (any breed) or miniature horse
- Undergoes extensive training
- Americans with Disabilities Act (ADA) defines service animals as, “…any dog 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.”
- Variety of tasks – guide dogs, medical alert/assistance (i.e., seizure disorders, diabetes, mobility), psychiatric (i.e., anxiety, self harm, cognitive decline).
SERVICE ANIMALS – ETHICAL & LEGAL ISSUES

- May wear special harness or vest but not required
- Expected to behave in accordance with strict standards/be under control (i.e., housebroken, up to date on all shots, etc.)
- Handler must adhere to proper etiquette also
- Not pets and should not be distracted while working
- Allowed access to any place open to the public with few exceptions
- If animal is acting inappropriately, can be asked to leave.
- Under Title 1, considered a “reasonable accommodation”

No licenses are required by the ADA

People utilizing service animal can train the animal themselves

ADA does not require any documentation proving animal is a service dog
SERVICE ANIMALS – HOW TO IDENTIFY

May Ask
- What work or task has the service animal been trained to perform?
- Is the service animal required because of a disability?

Cannot Ask
- To demonstrate its ability to perform the work/task
- For documentation or special ID card
- About person’s disability

https://www.ada.gov/regs2010/service_animal_qa.html
PSYCHIATRIC SERVICE ANIMALS
PSYCHIATRIC SERVICE ANIMAL

- Laws for being truthful (falsifying info)
- Originated with Veteran’s - to provide psychiatric tasks or inventions for a mental health condition.
- Animal is trained to perform at least one task to alleviate a symptom related to the disability
- Can be trained by handler

**Question:**
If someone's dog calms them when having an anxiety attack, does this qualify it as a service animal?

**Answer:**
It depends. 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 happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. However, if the dog's mere presence provides comfort, that would not be considered a service animal under the ADA.

https://www.ada.gov/regs2010/service_animal_qa.html
EMOTIONAL SUPPORT ANIMALS
### DEFINITIONS: KNOWING THE DIFFERENCE

<table>
<thead>
<tr>
<th></th>
<th>Emotional Support Animals</th>
<th>Therapy Dogs</th>
<th>Assistance Dogs</th>
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<tbody>
<tr>
<td>Specifically trained (task trained) to assist ONE person</td>
<td>☒</td>
<td>☒</td>
<td>☑</td>
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<tr>
<td>Provides emotional support to MANY people</td>
<td>☒</td>
<td>☑</td>
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<tr>
<td>ADA protection, can bring into public places (restaurants, stores, movies)</td>
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<td>Allowed by federal law to accompany handler on flights</td>
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<tr>
<td>May live with their owner with a disability in No Pet Housing</td>
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<tr>
<td>Provides emotional support to a person with a mental health related disability</td>
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EMOTIONAL SUPPORT ANIMALS

- **What:** An ESA is a companion animal (personal pet) that provides emotional comfort to a person with a verifiable mental health disability (American Veterinary Medical Association, 2017; U.S. Department of Justice, 2015).

- **Who:** The designation as an ESA is only relevant to those impacted by the Fair Housing Act of (1988) and, until late 2020, the Air Carrier Access Act of (1986). In 2021, the U.S. Department of Transportation revised the Air Carrier Access Act of 1986 to no longer include Emotional Support Animals. (Stewart et al 2021)

- **How:** The only legitimate form of documentation for ESA designations is a formal letter, on professional letterhead, from a licensed or appropriately credentialed healthcare or human service professional. The letter must state that the animal’s presence is necessary for the amelioration of a person’s specific disability (American Veterinary Medical Association, 2017; Chandler, 2019; Stewart et al 2021; U.S. Department of Justice, 2015)
Psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience.

In those emerging areas in which generally recognized standards for preparatory training do not yet exist, psychologists nevertheless take reasonable steps to ensure the competence of their work and to protect clients/patients … from harm. This requires consultation and training in animal behavior, animal training, forensic psychology and a comprehensive understanding of local, state and federal laws.
“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…”
### EMOTIONAL SUPPORT ANIMALS - RISKS

#### Risks to Client
- Injury, zoonotic disease, failure to engage in evidence based tx for diagnosis, legal & fraud concerns if animal is misrepresented, personal injury, property damage, financial burdens, rupture to therapeutic relationship

#### Risks to Animal: Prior to endorsing the benefits of an Emotional Support Animal, reasonable efforts should be made to ensure that the client can provide adequate food, water, housing, and veterinary care, not impinged by their disability.
- Additional risks include:
  - Illness, undue stress, or injury from interactions with the public or ill-behaved animals handled by others in public
  - Undue stress from potential extended exposure to unfamiliar or stressful environments
  - Neglect or other abuse; poor mental health in owner/handler may limit, impair, or prevent adequate animal care
  - Undue stress from being handled by a person or persons without specialized training in animal welfare

#### Risks to Professional
- Liability for injury, illness and adverse outcomes, possible need to defend disability determination in court, rupture to therapeutic relationship, dual role liability, liability for practicing outside scope of competence, erosion of trust in the profession

#### Risks to Public
- Unsocialized animals can cause physical injury and illness, emotional distress, increased skepticism and confusion regarding service animal training
THERAPY ANIMALS
Animals on campus include other ways for students to interact

- Faculty can bring their own dogs (NMU, UNF - Scholars with Collars)
- Dog-handler teams visit for student events (exam weeks, de-stress events)
- Advisers / faculty with dogs / animals
- Animal assisted education (ISU)
Considerations and questions

- Animal welfare considerations
- Animal preparation, evaluation and registration
- Handler qualifications / education
- Getting approval from campus administration / minimize risk
- Insurance / liability minimums
THERAPY ANIMALS ON CAMPUS

THE CANINE-CAMPUS CONNECTION
ROLES FOR DOGS IN THE LIVES OF COLLEGE STUDENTS
Edited by Mary Renck Jalongo
Literature Related to the Welfare of Therapy Animals and AAIs


RECAP - DECISION TREE

What type of animal?

Is the animal a dog or horse

- TRAINED to perform a task
  - SERVICE ANIMAL
- UNTRAINED
  - EMOTIONAL SUPPORT ANIMAL

Other

- Paperwork from Licensed MH Worker
- No Paperwork from Licensed MH Worker
  - PET
### TAKEAWAY RESOURCES: COLLABORATORS

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<thead>
<tr>
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• APA code of ethics
• U.S. Department of Justice (2015). Frequently asked questions about service animals and the ADA. Civil Rights Division, Disability Rights Section