

**Frequently Asked Questions
Service Animals on VA Property
August 2015**

These Frequently Asked Questions (FAQs) are intended to provide guidance to the general public regarding [VA regulation \(38 CFR 1.218\(a\)\(11\)\)](#) and VHA policy (VHA Directive 1188) on access of service animals to VA property, and to answer questions related to:

- (1) How to know if an animal is a service animal that may access VA property;
- (2) Where a service animal can go on VA property; and
- (3) What behavior on the part of a service animal warrants its removal from VA property.

I. HOW TO KNOW IF AN ANIMAL IS A SERVICE ANIMAL THAT MAY ACCESS VA PROPERTY.

Under VA regulation and VHA policy, a service animal can only be a dog that is individually trained to do work or perform tasks to assist a person with a disability. The following FAQs provide additional guidance.

Q: To what property does the VA regulation and VHA policy apply?

A: The VA regulation and VHA policy applies to any property owned or leased by VA and under the charge and control of VA. For VHA purposes, this includes VA Medical Centers, VA Community-Based Outpatient Clinics (CBOCs), Vet Centers, and any office space for VHA staff that is provided by VA.

Q: Can an animal that is not a dog be considered a service animal?

A: No, only a dog that is trained to do work or perform tasks for a person with a disability is considered a service animal.

Q: How do you know if a dog is a service animal that is trained to do work or perform tasks for a person with a disability?

A: Sometimes it is obvious that the dog is a service animal, such as with a guide dog (also known as a seeing-eye dog). Other times, a person with the dog can be asked the following two questions to determine whether the dog is a service animal:

1. Is your dog a service animal required because of a disability?
2. What work or tasks has your dog been trained to perform?

The following information is relevant to the determination of whether a dog is a service animal:

- Dogs whose sole function is to provide emotional support, well-being, comfort, or companionship are not service animals.
- A person cannot be asked what their disability is, cannot be asked for medical documentation of the disability, and cannot be required to show a special identification card or training documentation for the dog.

- The work or task that the dog has been trained to do or perform must be directly related to the person's disability. Examples of such work or tasks include but are not limited to:
 - Guiding people who are blind or have low vision.
 - Alerting people who are deaf or hard of hearing.
 - Alerting and protecting someone who is having a seizure.
 - Reminding a person with a mental illness to take prescribed medications.
 - Calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack.
 - Retrieving items for a person who uses a wheelchair.
 - Providing physical support and assistance with balance and stability to a person with mobility disabilities.
- The person cannot be asked to command the dog to demonstrate its ability to perform the work or task.

Q: Doesn't VA have to follow the Americans with Disabilities Act (ADA)?

A: As a Federal executive agency, VA is not subject to the ADA; however, VA regulation and VHA policy generally model the same criteria that are in the regulations that implement the ADA in terms of service animal access. These ADA regulations do not permit emotional support animals or comfort animals to access public property.

Q: Are dogs that are trained to assist an individual with PTSD (PTSD dogs) allowed to access VA property?

A: Yes, service dogs trained to assist someone disabled by PTSD are considered service animals and are permitted to access VA property. However, PTSD dogs are not eligible under VA regulation for VHA service dog benefits.

Q: Doesn't 38 U.S.C. 901 (Public Law 112-154) limit service animal access in VA to only those dogs whose trainings is "accredited?"

A: Under Public Law 112-154, VA shall not prohibit the use of a service dog on VA property if that dog is trained by an "accredited" organization. However, this law does not prevent VA from allowing access to a broader group of service animals. VA interprets Public Law 112-154 in VA regulation (38 CFR 1.218(a) (11)) to allow access for any service animal regardless of where, how, or by whom the animal was trained. A person cannot be asked to show proof of a dog's training as a service animal.

Q: If a person without being asked presents proof of a dog's "accredited" training, can the dog automatically gain access under Public Law 112-154?

A: No. When it is not obvious that a dog is a service animal, the way VA determines whether the dog is a service animal is to ask a person the two questions discussed above (1. Is your dog a service animal required because of a disability?; and 2. What work or tasks has your dog been trained to perform?). Whether the dog is a service animal will be determined based on the answers to these questions. Thus, the presentation of proof of a dog's "accredited" training by a person is not an automatic way to gain access. Also, as explained above, a dog need not be trained by an "accredited" organization in order to be a service dog that may access VA property.

II. WHERE A SERVICE ANIMAL CAN GO ON VA PROPERTY

Under VA regulation and VHA policy, a service animal can accompany the person with a disability to access VA property that the general public can access, subject to the same terms and conditions as the general public, and where the presence of a service animal would not compromise patient care, patient safety, or infection prevention and control standards. There are certain areas on VA property, however, that a service animal may not access. The following FAQs provide additional guidance.

Q: Can a service animal be in the emergency room?

A: Yes, as long as the person with the disability (handler) or an alternate handler is able to control the service animal on a harness, leash, tether, or through the use of voice or other control, and the presence of a service animal would not compromise patient care, patient safety, or infection prevention and control standards.

Q: Can a service animal accompany the handler or alternate handler into examination rooms?

A: Yes, as long as the handler or alternate handler is able to control the service animal on a harness, leash, tether, or through the use of voice or other control, and the presence of a service animal would not compromise patient care, patient safety, or infection prevention and control standards.

Q: What if other individuals in a waiting room or open area are scared of dogs or allergic to dogs, can the service animal stay in these areas anyway?

A: Other people's fear of dogs or allergies to dogs is not a reason for a service animal to leave a part of VA property. When a person who is allergic to dog dander or fearful of dogs and a person who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility. A service animal can be removed from an area if the animal poses a risk to patient safety or health.

Q: Can a service animal stay overnight with the handler in a hospital room?

A: Many VA hospital rooms are considered acute inpatient areas—under VA regulation and VHA policy, the presence of the service animal in such an area, overnight or even for a shorter duration, must be approved by the handler's treating providers and be documented as part of the handler's treatment plan. If this is done, then the service animal may stay with the handler in these areas—however, the handler or alternate handler (e.g. family member) must be responsible for the control of the service animal and care of the service animal at all times, VHA will not be responsible for the service animal.

Q: What if the handler is sharing a hospital room with someone who is scared of dogs or is allergic to dogs; can the dog stay with the handler anyway?

A: Other people's fear of dogs or allergies to dogs is not a reason for a service animal to leave a part of VA property. When a person who is allergic to dog dander or fearful of dogs and a person who uses a service animal must spend time in the same room or

facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility. A service animal can be removed from an area if the animal poses a risk to patient safety or health.

III. REASONS TO HAVE A SERVICE ANIMAL REMOVED FROM VA PROPERTY

Under VA regulation and VHA policy, a service animal must be removed from VA property if it is not under the control of the handler or alternate handler, if it is not housebroken, if it behaves in an aggressive way (e.g. by snapping, biting, growling, baring its teeth, or lunging), or if it exhibits external signs of parasites, disease, or bad health. The following FAQs provide additional guidance.

Q: What happens when a handler that is on VA property with a service animal needs emergency treatment or has to be admitted to a VHA inpatient setting?

A: Under VA regulation and VHA policy, a service animal must be under the control of a handler or alternate handler at all times, and VA is not responsible for the service animal while it is on VA property. Handlers should have an alternate handler's contact information readily available if the handler becomes unable to control the service animal while on VA property.

Q: What if an alternate handler is not able to take control of the service animal from the handler that needs emergency treatment or needs to be admitted? Can VHA staff look after the dog or take it to a kennel or boarding facility in this instance?

A: VHA staff cannot take control of the service animal, cannot take the service animal to a kennel or boarding facility, and cannot attempt to board the service animal themselves on VA property. If an alternate handler is not identified or cannot be reached by the handler, VHA staff may attempt to contact the individual that the handler has identified as their emergency contact to remove the service animal from VA property, or may attempt to contact local emergency veterinarians or animal clinics, and arrangements might be made with those external groups to take the animal.

Q: What if a service animal gets sick on VA property or otherwise needs to be removed from the property, but the handler does not want to miss their appointment and is unable to get an alternate handler to take the service animal? Can VHA staff take control of the animal in this instance?

A: Please reference the answers above related to VHA staff not taking control of the service animal. If a service animal needs to be removed, VA will offer the person the services without the animal being present. It is best that each handler have alternate handler information readily available so that an alternate handler can be contacted to remove the service animal from VA property if needed. VHA staff will attempt to reschedule services for the handler if a service animal needs to be removed.

Q: What happens if a service animal bites or otherwise injures a person or another service animal on VA property?

A: VHA staff who witness or who are otherwise involved with an injury caused by a service animal will follow their facility's emergency and/or incident reporting procedures

to ensure proper notification of and follow up by appropriate facility staff. This would include VHA staff directing the individual that experienced the injury to the VHA emergency room or urgent care location to be seen and treated by a provider (either as care to an eligible patient or under humanitarian authority), and VHA staff contacting the servicing VA Police unit or local law enforcement if needed and as appropriate to the facility. VHA staff will request that the handler provide information related to the service animal's health records (particularly proof of current rabies vaccination) if the service animal causes an injury.

Q: What happens if a service animal displays other aggressive behavior on VA property?

A: VHA staff who witness aggressive behavior by a service animal will follow their facility's emergency reporting procedures to ensure proper notification of and follow up by appropriate facility staff.