

PATIENT REQUESTS REGARDING EMOTIONAL SUPPORT ANIMALS



Case Study

A 37-year-old female scheduled an appointment with her gynecologist for an annual physical exam and “to discuss my anxiety.” During the office visit, the patient told the physician that she needed her to write a letter stating that she had a medical condition—anxiety in this case—that required her to have an emotional

support dog because she felt better having the dog around. The physician had never received such a request before, felt uncomfortable making a medical diagnosis of an anxiety disorder, and was unsure of how to proceed. She called COPIC and asked one of the physician risk managers how to handle the situation.

This case illustrates several points:

1 A physician should determine his or her scope of practice when asked by a patient to provide a medical service including making a medical diagnosis, prescribing a medication, or performing a procedure.

- ➔ Prior to any medical service, making a diagnosis of and writing a letter regarding the best treatment for a patient’s medical condition, **a bona fide physician-patient relationship should exist**. In this case, that exists since this was the patient’s primary care physician who had seen the patient annually for years.
- ➔ **A medical service that a physician provides should be something the physician is qualified to do and within the scope of his or her practice**. Although making a diagnosis of anxiety disorder could fall within the scope of practice of non-psychiatrists, this physician was not comfortable making that diagnosis or any treatment recommendation. She is under no obligation to follow a patient’s request for medical service that falls outside the scope of her practice. In this case, an appropriate response to the patient might be: “I am sorry, but it is outside of my scope of practice to make a diagnosis that you have a mental health condition. Here is a list of some psychiatrists in the area with expertise in mental health diagnosis and treatment. They may or may not recommend an emotional support animal.”

- ➔ The Americans with Disabilities Act (ADA) defines/protects one’s rights with regards to **service animals**. An **emotional support animal** does typically not fit the ADA’s definition of a service animal and does not receive the same protections. An emotional support animal is protected under the Fair Housing Act and the Air Carrier Access Act.
- ➔ If, in contrast to this case, a physician does want to write a letter diagnosing a patient with a mental condition and recommend an emotional support animal for comfort, then the following conditions should be present:
 - ✓ A bona fide physician-patient relationship.
 - ✓ The physician should be qualified to make the diagnosis and reasonably expect an emotional support animal might comfort the patient.
 - ✓ Appropriate follow up to evaluate the status of the underlying medical condition.

2 There are significant differences between emotional support animals and ADA service animals. The ADA makes the following distinction on its website:

Are emotional support, therapy, comfort, or companion animals considered service animals under the ADA?

No. These terms are used to describe animals that provide comfort just by being with a person. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA. However, some state or local governments have laws that allow people to take emotional support animals into public places. You may check with your state and local government agencies to find out about these laws.

COPIC TIP: EMOTIONAL SUPPORT ANIMALS

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

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.



The American Veterinary Medical Association has more information about emotional support animals: www.avma.org/KB/Resources/Reference/AnimalWelfare/Pages/Service-Emotional-Support-Therapy-Animals.aspx

ADA has FAQs regarding the difference between service animals and emotional support animals: www.ada.gov/regs2010/service_animal_qa.html