

ANIMALS ON VETERANS HEALTH ADMINISTRATION (VHA) PROPERTY

- 1. REASON FOR ISSUE:** This Veterans Health Administration (VHA) Directive creates uniform policy for the access of animals on VHA property.
- 2. SUMMARY OF CONTENT:** This VHA Directive establishes policy regarding any person who wishes to access VHA property accompanied by an animal.
- 3. RELATED ISSUES:** None.
- 4. RESPONSIBLE OFFICE:** The Office of 10N is responsible for the content of this Directive. Questions may be directed to 202-461-9543.
- 5. RESCISSIONS:** VHA Directive 2011-013, dated March 10, 2011, is rescinded.
- 6. RECERTIFICATION:** This VHA Directive is scheduled for recertification on or before the last working day of August 2020.

David J. Shulkin, M.D.
Under Secretary for Health

DISTRIBUTION: Emailed to the VHA Publications Distribution List on 08/27/2015.

ANIMALS ON VETERANS HEALTH ADMINISTRATION (VHA) PROPERTY

1. PURPOSE: This Veterans Health Administration (VHA) Directive establishes policy regarding any person who wishes to access VHA property accompanied by an animal.

AUTHORITY: 38 U.S.C. 901, 38 CFR 1.218(a)(11).

2. BACKGROUND:

a. On August 17, 2015, the Department of Veterans Affairs (VA) revised its regulation concerning the presence of animals on VA property, 38 Code of Federal Regulations (CFR) 1.218(a)(11) <http://www.gpo.gov/fdsys/pkg/FR-2015-08-17/pdf/2015-20182.pdf>. **NOTE:** *This linked document is outside of VA control and may or may not comply with Section 508 of the Americans with Disabilities Act.* This regulation authorizes the presence of service animals consistent with applicable Federal law (40 United States Code (U.S.C.) 3103) when these animals accompany individuals with disabilities seeking access to property owned or operated by VA.

b. Revised 38 CFR 1.218(a)(11) establishes standardized, nationwide criteria for the access of service animals and non-service animals on VHA property, as well as grounds for removal of such animals from VHA property. This Directive restates the nationwide criteria from 38 CFR 1.218(a)(11), and assigns responsibilities to ensure that VHA facility staffs comply with these criteria.

c. Although the Americans with Disabilities Act (ADA) and its implementing regulations concerning service animals do not apply to VA, 38 CFR 1.218(a)(11) adopts many similar standards as the ADA regulations. For instance, consistent with the ADA regulations, 38 CFR 1.218(a)(11) defines a service animal as only a dog that is individually trained to assist an individual with a physical, sensory, or mental disability, and not any other animal that merely provides emotional support or companionship. See paragraph 7.b. of this Directive for the full definition of "service animal."

3. POLICY: It is VHA policy to permit service animals to accompany individuals with a disability to all areas of a VHA property on the same terms and conditions, and subject to the same regulations, as generally govern the admission of the public, while maintaining a safe environment for patients, employees, visitors, and the service animal. Non-service animals are not permitted to access VHA property unless an exception applies under this Directive. **NOTE:** *This Directive is effective 30 days after August 17, 2015.*

4. RESPONSIBILITIES:

a. **The Chief Officer, Readjustment Counseling Service (RCS).** The Chief Officer, RCS, is responsible for ensuring all RCS Vet Center staff are aware of, and comply with, the criteria in paragraph 5 of this Directive.

b. **Veterans Integrated Service Network Director.** Each Veterans Integrated Service Network (VISN) Director is responsible for ensuring that VISN staff members are aware of and comply with the criteria in paragraph 5 of this Directive.

c. **VA Medical Facility Director.** The VA medical facility Director is responsible for:

(1) Ensuring that facility staff members are aware of and comply with the criteria in paragraph 5 of this Directive.

(2) Ensuring that at least one facility staff member is designated as a facility-level champion for animal access issues.

(3) Identifying and communicating the designated facility-level champion(s) to VA Central Office (10N), through the facility's respective VISN, within 30 days of the publication of this Directive.

d. **Facility-level Champion.** The facility level champion is responsible for liaising with VA Central Office (10N), through the facility's respective VISN, to address and resolve facility-level issues or problems regarding animal access that cannot be resolved at the facility level.

5. ANIMAL ACCESS CRITERIA:

a. **Service Animals.**

(1) **Granting or Denying a Service Animal Access to VHA property.** A service animal is a dog that is trained to do work or perform tasks for the benefit of an individual with a disability, and must be granted access to VHA property when accompanying such an individual with a disability.

(a) If an animal is not a dog, it is not a service animal and must be denied access to VHA property unless an exception applies under paragraph 5.b.(4) of this Directive.

(b) Only dogs that are trained to do work or perform tasks to assist an individual with a disability are service animals. If a dog is not so trained to assist an individual with a disability, it is not a service animal and must be denied access to VHA property unless an exception applies under paragraph 5.b.(4) of this Directive. A service animal in training is not a service animal and must be denied access to VHA property unless an exception applies under paragraph 5.b.(4) of this Directive.

(c) When determining whether a dog is a service animal, VHA staff cannot ask about an individual's disability; cannot require medical documentation; cannot require a special identification card or training documentation for the dog; and cannot ask that the dog demonstrate its ability to perform the work or task. When it is not obvious that a dog is a service animal, VHA staff may only ask the individual with a dog the following two questions to determine if 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?

NOTE: See [Service Animals FAQs](#) for more information regarding these two questions and determining whether a dog is a service animal. This is an internal VA Web site that is not available to the public.

(d) If an animal is denied access to VHA property because it is not a service animal, the individual with the animal must be given the opportunity to obtain VA services without having the animal on VHA property.

(2) Responsibility for the Service Animal while it is on VHA property. VHA staff members are not permitted to care for, supervise, or assume responsibility for a service animal (that is not the staff member's service animal) while the service animal is on VHA property. This includes boarding or kenneling the service animal. The individual with the service animal (the handler) or an alternate handler is responsible for the service animal at all times while on VHA property.

(a) The service animal must be in a harness, on a leash, or tethered and under control of the handler or alternate handler at all times while on VHA property. If the handler or alternate handler is unable because of a disability to use a harness, leash or tether, or the use of a harness, leash, or tether would interfere with the service animal's safe, effective performance of tasks, the handler or alternate handler may use voice control or signals, or other effective means to control the service animal.

(b) Responsibility for the service animal while on VHA property includes providing water, food, and elimination breaks for the service animal as needed. If the service animal eliminates its waste inside a VHA facility, or other area on VHA property that requires the waste to be removed, the handler or alternate handler is responsible for such removal. The VHA facility's Environmental Management Service must also be notified to clean any area inside a VHA facility where waste has been removed, as required by facility policy.

(3) Areas of VHA Property that a Service Animal May and May Not Access.

(a) Except for the specific areas detailed in paragraph 5.a.(3)(b) of this Directive, a service animal can accompany the handler or alternate handler to access VHA property that the general public is permitted to access, subject to the same rules 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.

(b) A service animal is not permitted to access certain areas of VHA property to ensure that patient care, patient safety, and infection prevention and control standards are met. Areas on VHA property that a service animal may not access include but are not limited to:

1. Operating room and surgical suites.
2. Areas where invasive procedures are being performed.

3. Acute inpatient hospital setting when the presence of the service animal is not needed as part of the treatment plan. Permission can be granted for the service dog to access these areas if medically approved as part of a patient's treatment plan, subject to the handler or alternate handler maintaining responsibility for the dog as detailed in paragraph 5.a.(2) of this Directive, and subject to proof of the service animal's good health as required in paragraph 5.a.(3)(c) of this Directive.

4. Decontamination, sterile processing, and sterile storage areas.

5. Consistent with access permitted for the general public, any areas where chemicals are stored or mixed.

6. Food preparation areas (not to include public food service areas).

7. Areas where personal protective clothing must be worn or barrier protective measures must be taken. **NOTE:** *This does not refer to areas where protective equipment (e.g. gloves or masks) might be used to implement standard or universal precautions that are generally used for the care of all patients to protect VHA staff from blood or other fluids. For instance, this does not refer to areas such as a standard exam room. Rather, this refers to areas where personal protective clothing or barrier protection measures must be used to avoid exposure to chemical, blood, or infectious agents, such as dialysis or chemotherapy areas, infusion rooms, or isolation rooms.*

(c) For service animals that accompany an individual while an individual is receiving care in a VA residential setting (e.g. rehabilitation centers, residential rehabilitation treatment programs, community living centers, and domiciliaries), the individual receiving this care must provide documentation that the service animal has a current rabies vaccine and the core canine vaccines required by state or local law.

(4) Removal of a Service Animal from VHA Property. Service animals that are granted access to VHA property must be removed from VHA property if they are not controlled and well-behaved while on VHA property.

(a) The following are reasons that a service animal must be removed from VHA property:

1. The service animal is not under the control of the handler or alternate handler. Examples of the service animal not being under control include running in the facility, being unaccompanied by the handler or alternate handler, barking that is not brought under the immediate control of the handler or alternate handler, and jumping on individuals or furniture.

2. The service animal is not house broken. The service animal must be trained to eliminate its waste in an outdoor area.

3. The service animal poses a health or safety risk to patients, visitors, VA staff or other employees, or other service animals. In determining whether an animal poses such risk, VHA staff will make an individualized assessment based on objective

indications to ascertain the severity of the risk. Examples of such indications include but are not limited to external signs of aggression such as snapping, biting, growling, or lunging, or external signs of disease or poor health such as visible parasites, diarrhea, or vomiting.

(b) If the service animal is removed from VHA property the handler must be given the opportunity to obtain VA services without having the service animal on VHA property. **NOTE:** See [Service Animals FAQs](#) for more information regarding procedures to provide services to a handler without having the service animal on VHA property, as well as procedures regarding removal of a service animal from VHA property. This is an internal VA Web site that is not available to the public.

(5) **Use of Service Animals by VHA Staff.** All of the criteria related to service animals in paragraph 5.a. of this Directive apply to VHA staff members who use a service animal while at work. If a VHA staff member requires a service animal while at work, he or she must contact the local Reasonable Accommodation Coordinator in the Office of Human Resources to process the request for the service animal.

b. **Non-service Animals.**

(1) **Granting or Denying Access to Non-service Animals.** Only service animals that accompany individuals with a disability and that are specifically trained to assist that individual have a right to access VHA property. Any other animal may not access VHA property, except the non-service animals described in paragraph 5.b.(4) of this Directive.

(2) **VA Medical Facility Director's Discretion.** Non-service animals that may be granted access in paragraph 5.b.(4) of this Directive may only access VHA property subject to the VA medical facility Director's discretion and the criteria in paragraph 5.b.(4) of this Directive.

(3) **Approval of Non-service Animals.** If the VA medical facility Director approves the presence on VHA property of a non-service animal described in paragraph 5.b.(4) of this Directive, the presence of that non-service animal should be cleared ahead of time with necessary VHA staff (such as VA police officers on VHA property) so that the non-service animal may access and remain on VHA property as needed.

(4) **Only the Following Non-service Animals May be Present on VHA Property:**

(a) Animals for law enforcement purposes.

(b) Animals under the control of VHA Research and Development.

(c) Animals for Animal Assisted Therapy (AAT). AAT is goal directed interaction with animals and should be documented in the Veteran's medical record as part of their treatment regimen. Animals used in AAT must be up to date with all core vaccinations, and documentation of same must be maintained in the location of the activity area.

(d) Animals for Animal Assisted Activity (AAA). AAA is casual interaction with animals for pleasure, education, and recreation, and is not goal directed. Animals used in AAA must be up to date with all core vaccinations, and documentation of same must be maintained in the location of the activity area.

(e) Residential Animals. Animals may reside in a VHA Community Living Center (CLC) or VHA Residential Rehabilitation Treatment Program (RRTP) to create a more home like environment and provide a sense of familiarity and belonging. These animals must be up to date with all core vaccinations, and documentation of same must be maintained in the location of the residential area.

(5) **Removal of a Non-service Animal from VHA Property.** Non-service animals that are granted access to VHA property must be removed from VHA property if they are not controlled and well-behaved while on VHA property, in accordance with the guidelines under paragraph 5.a.(4) of this Directive.

6. REFERENCES:

- a. 40 U.S.C. 3103.
- b. 38 CFR 1.218.

7. DEFINITIONS:

a. **Disability.** A disability is a physical or mental impairment that substantially limits one or more of the major life activities of the individual; a record of such an impairment; or being regarded as having such an impairment.

b. **Service Animal.** A service animal means 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition. The work or tasks performed by the service animal must be directly related to the individual's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. Service dogs in training are not considered service animals. This definition applies regardless of whether VA is providing benefits to support a service dog under 38 CFR 17.148.

NOTE: This definition includes guide dogs and seeing-eye dogs. *This definition does not include emotional support or comfort or companion animals, or pets.*

c. **Handler.** A handler is an individual with a disability whom the service animal is trained to assist.

d. **Alternate Handler.** An alternate handler is an individual who is responsible for the service animal if the handler is unable to be so responsible.

e. **VHA Property.** This refers to any property owned or leased and under the charge and control of VA.