

# Position Statement for ESAs

HUMAN-ANIMAL INTERACTIONS IN COUNSELING · WEDNESDAY, MARCH 20, 2019

Below is the position statement on ESAs for professional counselors as written and endorsed by the steering committee members of the Human-Animal Interactions in Counseling Interest Network.

## **Emotional Support Animals**

### **Steering Committee Members' of the *Human-Animal Interactions in Counseling Interest Network***

#### ***Position Statement***

## **POSITION**

Given increased public and professional interest in Emotional Support Animals and recent problematic instances involving ESAs in the news media, the Human-Animal Interactions in Counseling (herein referred to as HAIC) has created a formal position statement regarding ESAs. It is the recommendation of the HAIC that professional counselors do not engage in the practice of writing letters for their clients, unless the counselor has specialized training and experience in working with human-animal bond in counseling such as would be outlined in the ACA AAT-C Competencies due to the potential risks involved for clients, the public, the counselor, and the animal. The ACA Code of Ethics C.2.a Boundaries of Competence states that counselors only work within their boundaries of competence based on education, training, supervision, experience and credentials. As Licensed Professional Counselors, the assessment of DSM 5 diagnoses for human clients is within the scope of practice; however, the added practices of animal behavior, animal behavior assessment, or Human-Animal Interventions and Interactions are (most often) not. Emotional Support Animals may, in some specific circumstances, provide benefits to humans to ameliorate identified symptoms often associated with a DSM 5 diagnoses; however, because of the potential risks and unanticipated outcomes, the HAIC strongly suggests that counselors abstain from writing letters for persons seeking counseling or assessment for the sole purpose of obtaining an ESA recommendation letter.

In the event that a counselor has an otherwise existing therapeutic relationship with a client and is still considering writing a letter recommending an Emotional Support Animal (ESA) for a client, the counselor must have a thorough knowledge of the local, state, and federal laws and policies surrounding ESAs and appropriate knowledge, skills and attitudes with the subject of therapeutic human-animal interactions before writing such a letter. The ACA's Code of Ethics C.2.e Consultations on Ethical Obligations includes "taking reasonable steps with other counselors, the ACA Ethics and Professional Standards Department, or related professionals when they have questions regarding their ethical obligations or professional practice." This may include working with animal trainers, behaviorists, or veterinary behaviorists to ensure that the clinician remains within their scope of practice. Since there is no overarching licensing or accrediting body for this matter, nor are there federal or state mandates at this time, the onus is on the clinician to ensure ethical practice. As such, this document will define an ESA and provide current policies and protocols surrounding the inclusion of ESAs. This document is not an exhaustive list, but will provide the minimum information required to make a decision to write a letter.

## **RISKS**

When considering writing a letter for an ESA, the counselor must be aware of inherent risks to the clinician, animal and client, as well as the public who will encounter such animals. All Service, Emotional Support, and Therapy animals must meet current state, local, and federal laws and policies regarding vaccinations and county licensing/registration, as would any other companion animal. Expenses and other considerations associated with such compliance are the responsibility of the animal's owner/handler, and financial or other access barriers do not exempt the owner from this legal responsibility. Specific potential risks to animals, clients, the public and counselors are identified below.

### **Risks to Animals**

- Neglect or other abuse; poor mental health may prevent adequate animal care

- Undue stress from consistent work during accompaniment, including stressful environments
- Undue stress from being handled by a person without specialized training
- Illness, undue stress, or injury from public interactions

### **Risks to Clients**

- Inadequate treatment of a mental health disorder
- Injury or property damage from an inadequately trained or socialized animal
- Zoonotic infection or disease
- Animal allergies
- Potential fraud/legal concerns if ESA is misrepresented as a service animal
- Financial and emotional burdens due to potential behavior problems associated with inadequately trained and socialized companion animals
- Misconception that a relationship with an ESA replaces or substitutes for professional mental health care or human relationships

### **Risks to the Public**

- Injury or emotional damage from inadequately trained animal
- Untrained or unsocialized animals may be more likely to be stressed or aggressive in public
- Unsociated animals may be disruptive and interfere with normal activities
- Maladaptive interactions with other animals (especially toward service animals)
- Zoonotic infection or disease from animal
- Animal allergies and phobias
- Contributes to public skepticism, which hurts those with valid helper animals

- The more unsuitable the animal, the greater the risk (i.e. exotic pet, undomesticated/wild animal)
- When more fraudulent animals have greater public access, more public risk is incurred

### **Risks to the Counselor**

- Liability for adverse client outcomes due to inadequate treatment
- Potential provider role conflicts: Forensic vs Counseling
- Potential liability for injury/illness caused by animal to client or others
- Potential fraud if inadequate evaluation done to demonstrate need for animal
- Ethical considerations for inadequate education about ESAs and their role in comprehensive treatment
- Potential to be called to testify if the ESA is challenged or if an incident occurs

### **DEFINITIONS**

It is vital to know the differences between a service animal, therapy animal and emotional support animal. HAIC follows the definitions and Summary of Legal Rights of Access for Assistance Animals as published and endorsed by the American Veterinary Medical Association (2017).

**NOTE:** It is worthwhile to note that any helper animal described above may be legally and permissibly asked to leave any premises if the animal is not vaccinated or licensed through the county, behaves aggressively/disruptively/inappropriately, urinates or defecates inappropriately, or is unhygienic (including strong offensive odors).

### **ABOUT ESAs**

#### **HOW DOES AN ANIMAL BECOME AN ESA**

At this time, the **ONLY** way for an animal to be appropriately documented as an ESA is a letter from a licensed healthcare or human service provider stating that the animal is necessary for the individual's treatment. Because ESAs are not intended to have public access or accompany individuals in public contexts, no additional training or suitability

screening is required. While this lack of preparation and evaluation is appropriate for individuals living with ESAs in their homes, it can become problematic when unprepared animals and handlers engage in the highly stressful, cramped, and unpredictable contexts associated with airline travel.

## **FRAUDULENT ESA DOCUMENTATION**

- As described above, the **ONLY** way to document an ESA as such is through the healthcare or human service provider's letter
- The ADA and DOJ do not currently recognize **any** form of certificate, identification card, vest, or tag as proof of an animal's designation as a service animal OR and emotional support animal. **ALL** of these items may be considered fraudulent, regardless of the claims asserted on the 'documentation' items.
- For purchase online "registration" and "certification" documentation is fraudulent and does not constitute appropriate documentation of any type of helper animal
- Vests, identification tags, and identification cards **are not** required of service animals, although some handlers choose to use a vest to discourage others from approaching or distracting the service dog

## **POLICIES SPECIFIC TO ESAs**

Individuals with disabilities may request reasonable accommodations for an ESA under the following Acts.

### **FAIR HOUSING ACT**

[Fair Housing Act, Section 504](#)[1]

### **AMERICANS WITH DISABILITIES ACT**

[Americans with Disabilities Act](#)[2]

### **AIRLINE CARRIER ACT**

[The Air Carrier Access Act \(ACAA\)](#)

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*This document is the official Position paper of the Steering Committee Members of the Human Animal Interventions in Counseling Interest Network for the American Counseling Association. It does not necessarily reflect the official position of the American Counseling Association. Position statements will expire after five years (March 2024) unless revised or reaffirmed prior to that time.*