

Service Animal: Nursing Home Did Not Discriminate.

A hospital social worker was trying to discharge a forty-five year-old disabled individual from the hospital's emergency department to a nursing facility.

The man's medical problems included frontal lobe damage, severe depression, anxiety attacks, grandiose delusions, obesity, high blood pressure, hypertension, lung disease, sleep apnea, coronary artery disease and difficulty walking for which he normally used a wheelchair.

The social worker believed it was better to send him to a supportive care-giving milieu rather than back to his home environment which he said had been stressing him out.

A few years earlier a mental health therapist had got him a dog from an agency which raises and trains service animals for the disabled. This particular animal had been rejected by the service-animal agency as not suited for the job of service animal, was not helping him as a service animal would and was basically just a pet he was keeping for emotional comfort.

Admission to Nursing Facility Denied Pending Dog's Clean Bill of Health

When the individual arrived to check in at the nursing facility he was told he could not check in with his dog until the dog's vaccination records were supplied by the veterinarian. He went home.

Later he filed a civil rights complaint alleging disability discrimination.

The Court of Appeals of Ohio stated that, as a general rule, it is disability discrimination for a nursing home to deny a disabled person the right to bring in his or her service animal.

This nursing home allowed pets who were not service animals, and the facility would have committed discrimination by not following its own policy.

However, whether or not an animal actually is a service animal for the disabled, a nursing facility's responsibility for the health and safety of its residents permits the facility to insist on a clean bill of health and vaccination records from a veterinarian before allowing an animal to move in, the court ruled. **Ohio Civil Rights Commission v. Mellon Ridge, 2009 WL 3634200 (Ohio App., November 2, 2009).**