

# A PSYCHOLOGIST'S ROLE IN PROVIDING LETTERS FOR EMOTIONAL SUPPORT ANIMALS

Psychologists may receive requests from patients and others for a letter stating they would benefit from having an emotional support animal. This article covers some practical issues for you to consider before agreeing to provide this type of letter.

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Some of your patients may want an emotional support animal (ESA) to accompany them on a plane or live in their apartment to help them cope with a health condition. Your patient may require a letter from you to support their request for this type of animal to live or travel with them. Before writing the letter, it's important to understand the distinction between an ESA and a service animal (SA).

A service animal is defined under the Americans with Disabilities Act (ADA) as a dog that has been individually trained to do work or perform tasks for someone with a disability, and that the work performed must be directly related to the disability. Federal laws define a person with a disability as "Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment."<sup>1</sup> For example, a service dog may be trained to guide a person who is blind, or alert a person with diabetes when his or her blood sugar is too low. Certain mental health disorders may also justify considering a dog as an SA, instead of an ESA. For example, a service dog may be individually trained to remind a person to take medication because a mental health disorder makes it difficult for the person to remember medications. SAs and the people they serve enjoy protections under the ADA, which allows SAs access to public places that otherwise restrict pets. The ADA also prohibits people from asking a person with a service animal probing questions about their disability. They may only ask two questions if it is not obvious what service the dog provides:

(1) Is the animal required because of a disability; and (2) What work has it been trained to perform? No further proof is required.

Any animal, not just dogs, can be an ESA. ESAs do not require individual training. Because ESAs are not recognized by the ADA, they can be excluded from most public places. (Note that there may be state laws that allow ESAs in public places, so it is important to check your state law.) ESAs are, however, recognized under the Fair Housing Act and the Air Carrier Access Act. Those laws recognize ESAs as a "reasonable accommodation" for a person with a disability. Because of this reasonable accommodation exception, landlords and airlines generally allow ESAs in housing and on airplanes without charge. Landlords and airlines can impose certain restrictions, however, including requirements that the owner have the means to adequately care for the animal(s). Airlines may require the ESA owner to give notice before bringing their animal onto a flight.

## Therapeutic and ethical considerations

Given the positive impact on your patient, what would be the problem with writing the letter to his landlord or airline supporting the ESA request? If you are asked to do so, there are clinical and ethical questions to consider.

**Does your statement/letter meet APA Ethics Code Standard 9.01, Basis for Assessments?** Your examination of the person should adequately support your conclusion that an ESA is warranted. Do you have sufficient information about the patient, through direct observation or assessments,

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<sup>1</sup> 2 U.S. Code § 12102



to substantiate your findings? Would your letter be based on information and techniques sufficient to substantiate your findings? Does your examination of the person adequately support your conclusion?

For example, a self-report from the patient may not be enough for you to justify a decision for writing such a letter. You should also consider your clinical impressions and whether there is research to support the notion that an ESA will assist the patient in dealing with an issue. For example, you may know from your treatment and the patient's self-reporting that a patient has anxiety due to fear of flying and that traveling with his dog alleviates panic attacks. Or, your patient suffers from depression, and you believe that having the dog in his apartment will comfort him and lessen the severity of his depression.

Remember, your letter is stating that the patient's diagnosis substantially impacts a life activity. Can you honestly and objectively make that determination? Does an ESA truly minimize the impact of the patient's problem, or is this just a way of allowing a beloved pet to be able to live with your patient, or allow the patient to avoid paying airline pet transport fees? If you have reservations about any of these issues, you probably shouldn't write the letter.

**Is your role changing from therapist to evaluator?** The APA Ethics Code Standard 3.05 cautions psychologists about multiple roles:

*A multiple relationship occurs when a psychologist is in a professional role with a person and (1) at the same time is in another role with the same person; (2) at the same time is in a relationship with a person closely associated with or related to the person with whom the psychologist has the professional relationship; or (3) promises to enter into another relationship in the future with the person or a person closely associated with or related to the person.*

It further states, "A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence, or effectiveness in performing his or her functions as a psychologist, or otherwise risks exploitation or harm to the person with whom the professional relationship exists."

Multiple relationships are not prohibited by the APA Ethics Code, but you will want to be sure that you are being objective. By writing a letter for an ESA, you are essentially providing an evaluation for a landlord or other party for the purpose of helping him or her make a decision about your patient. Can

you be objective in your assessment as a health care provider, or are you becoming an advocate?

Another consideration is whether writing the letter, or declining to do so, will adversely impact the existing therapeutic relationship you have with your patient. You would want to discuss these issues with your patient to minimize any hard feelings this may cause. You may want to then talk about alternative coping mechanisms he or she can use to deal with symptoms if you cannot justify writing a letter for an ESA.

## Requests from nonpatients

People who wish to bring their animals to live or travel with them, and would otherwise be barred from this, often turn to psychologists for a letter of support even if they have never seen a psychologist for treatment.

If you do not have an existing therapeutic relationship with the person requesting a letter, then you probably don't need to worry about multiple roles in these scenarios where you are acting as an evaluator, rather than a therapist. You would, however, need to be mindful about starting a therapeutic relationship with this person in the future (see APA Ethics Code Standard 3.05). Multiple relationships are not always prohibited, but you will want to be sure there is no impairment to your objectivity, competence or effectiveness in performing your function as a psychologist.

Considering the type of evaluation you would want to do, you will want to be aware of the considerations under APA Ethics Code Standard 9.01, as outlined above. You will have less first-hand clinical knowledge, so will you be able to obtain adequate information to support your conclusion?

There are some issues you'll want to discuss with the person. First, you'll want to make sure the client understands that the evaluation or assessment may result in a diagnosis which could impact him or her in other ways. People don't

always realize that a diagnosis will be part of their health record that may have to be disclosed in certain instances (for example, if applying for a life insurance policy or certain jobs). The person will have to sign an appropriate informed consent form, and understand that if he or she shares the letter with an airline or landlord, they are revealing health information.

If the person's sole reason for a visit to your office is to secure a letter for an ESA, and not to obtain treatment, you will want to take steps to manage the person's expectations. You may want to prepare the person that the results of an evaluation may not render a diagnosis to support their petition for an ESA, which means you will not be able to provide the letter. If the person wishes to proceed, you can conduct the appropriate testing or evaluation to make the diagnosis, if one can be made. If a diagnosis is rendered that you believe requires follow up, you may then want to refer the person to another provider for treatment.

## Risk management considerations


If you are thinking of writing a letter for a patient, you should take steps to mitigate potential risk. Some of these steps include:

1. Limit the letter to fit the exact need. If the patient wants to fly with his dog, for example, state that the purpose of the letter is to allow the patient to fly with the dog for a specified trip.
2. Base the letter on your diagnosis, clinical impressions, the patient's self-report and research to support the efficacy of animal companionship.

3. You may want to indicate any limitations to the evaluation (for example, any test you did not do).

4. Be prepared to defend this position if the patient ends up suing the landlord or airline for not accepting the letter.

If you decide you don't want to offer your patients the service of writing letters like this, you should update your policy and intake forms to reflect this position.

ESAs serve an important role for people who need comfort and companionship. If you have questions or concerns about whether to provide a letter of support, contact Legal and Regulatory Affairs at [praclegal@apa.org](mailto:praclegal@apa.org). 

*Legal issues are complex and highly fact-specific and state-specific. They require legal expertise that cannot be provided in this article. Moreover, APA/PO attorneys do not, and cannot, provide legal advice to our membership or state associations. The information in this article does not constitute and should not be relied upon as legal advice, and should not be used as a substitute for obtaining personal legal advice and consultation prior to making decisions.*

