

---

---

# ◆ THE DERBY CITY NSCIA NEWSLETTER ◆

---

NOVEMBER 2004

---

*The Derby City Chapter of the National Spinal Cord Injury Association Network- Serving Kentuckiana.*

---

## Message From the President

Dear Members & Friends-

*For this moth's meeting we hope to have a speaker, but if not, we will watch a video and have pizza and soft drinks. Please come out and join us for what should be an informative evening.*

*December's meeting is our annual Christmas Party. See calendar for details.*

- David Allgood



.....

## FUNDRAISING EVENT FOR OUR CHAPTER

**ST. GABRIEL FALL CRAFT SHOW  
NOVEMBER 20, 2004  
9 A.M.—3 P.M.  
ST. GABRIEL CHURCH  
5505 BARDSTOWN ROAD  
LOUISVILLE, KY 40291**

**THE DERBY CITY CHAPTER WILL HAVE A FUNDRAISING BOOTH WITH QUALITY CRAFTS. FOR MORE INFORMATION, OR TO DONATE A CRAFT, CALL BETTY PERRY @ 502-647-0368 OR EMAIL [Fundraising@derbycityspinalcord.org](mailto:Fundraising@derbycityspinalcord.org)**

**ALL DONATED ITEMS MUST BE HANDCRAFTED**



*The following article is from ADA Pipeline, Volume 13, No. 3, 2004. -ed*

## **SERVICE ANIMALS AND THE ADA** By Mary Morder

**Service Animals and the Law:** Sally Conway of the U.S. Department of Justice (DOJ) acknowledges that, although the ADA was enacted 14 years ago, persons with disabilities still have difficulty obtaining equal access to public and private facilities and services when they have a service animal. In most instances, qualified persons with disabilities who use service animals have the right of equal access to any place of business, state or government facility or program, as persons without disabilities. According to Ms. Conway, the rights of persons with disabilities who use service animals “remains a very significant problem throughout the country in all sectors of business and governmental entities.” People who use service animals still have problems obtaining equal access under the law.

**The Definition of a Service Animal Under the ADA:** According to DOJ regulations, a service animal is any guide dog, signal dog or other animal individually trained to work or perform tasks for the benefit of an individual with a disability, including but not limited to: guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds,  
**(Continued On Page Two)**



## Table of Contents

President's Message.....	1
Service Animals and the ADA.....	1
Calendar.....	3
For Sale.....	5

**Derby City Area Chapter**  
*of the*  
**National Spinal Cord Injury**  
**Association**

**ABOUT THE ORGANIZATION**

The Derby City Area Chapter of the N.S.C.I.A. is a membership organization for individuals with spinal cord injuries, their families, and health professionals. Founded in 1984 as a Charter Member of the N.S.C.I.A., it was incorporated under IRS Section 501 (c) 3 as a not for profit organization. The Board of Directors consists of the Officers, Past President and the Board Members At Large.

\*\*\*

**OFFICERS**

**PRESIDENT**

David Allgood - (502) 589-6620

**VICE PRESIDENT**

Adam Ford - (502) 425-2206

**TREASURER**

Tom Stokes- (502) 957-5865

**LIAISON TO FRAZIER INSTITUTE**

Dr. Bill Kraft – (502) 582-5865

**FUNDRAISING CHAIR**

Betty Perry—(502) 647-0368

**CORRESPONDING SECRETARY/WEB MASTER**

Michael Feger- (502) 647-0368

**PAST PRESIDENT**

Adam Ford- (502) 425-2206

**BOARD MEMBERS AT LARGE-**

Mike Perry  
Kelly Young

**NSCIA**  
**DERBY CITY CHAPTER**  
**NEWSLETTER**

Editor- Barbara Davis

Contributor- David Allgood

**SERVICE ANIMALS (Continued From Page One)**

providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Conway points out that this regulatory definition emphasizes several important points. First, the animal is individually trained. Second, the animal is trained to perform a specific task or works. Third, the work or tasks that the animal is trained to perform are for the benefit of the individual with a disability. Each of these points is important. The service animal is not a pet. Many kinds of animals—not only dogs—can be service animals if they meet these three conditions. Service animals have included dogs, monkeys, horses, pigs, and cats.

Conway states, under this definition, an animal's innate ability to provide or do something or an innate attribute...does not constitute individually trained. A service animal has been individually trained to perform a specific work or task for—or on behalf of—an individual with a disability. For example, if a person with a hearing impairment has a dog that barks when the doorbell rings, that dog is not a service animal because many dogs bark when the doorbell rings. However, if that dog hears the bell and then opens the door or finds the person with a disability and alerts them in some way that the bell is ringing, then that dog is performing a service or task that benefits the person with a disability. This dog would be considered a service animal under the ADA.

Another important point is that the animal must perform a service task that relates directly to the specific disability of the person. For example, a person with a mobility impairment could not claim that their service animal was a hearing assistance animal if the person did not have a hearing impairment.

**Are the Person with the Disability and the Business or Governmental Entity Both Covered by the ADA?:** Several key components must be examined whenever you are trying to understand and resolve an ADA issue. As with any discussion about the rights and responsibilities under the ADA, the situation must be looked at on an individual, case-by-case basis.

Under the ADA, privately owned businesses that serve the public, such as restaurants, hotels, retail stores, taxicabs, theaters, concert halls, and sports facilities, are prohibited from discriminating against

**(Continued On Page Four)**

# Refrigerator Calendar

## \*2004

### NOVEMBER

- 1st - Elderly & Disabled Advisory Council Meeting  
Mon 1:00-2:30 p.m.; TARC; 1000 W. Broadway; Board Room.
- 15th - NSCIA Derby City Area Chapter meeting, 6:30 p.m., Frazier Rehab.  
Mon 4th floor dining hall; speaker to be announced.
- 20th - Metro disAbility Coalition Meeting; 1 p.m. – 3 p.m.; PVA Office on Goss Avenue.  
Sat Speaker to be announced; if questions, contact Terri Leasor at 589-6620 or at mdclouky.org
- 20th - St. Gabriel Fall Craft Show; 9 a.m.—3 p.m.; St. Gabriel Church  
5505 Bardstown Rd; Louisville. Fundraising booth for Derby City Chapter.
- 16th - Louisville Metro Sweep for Access  
Tues Crescent Hill Library; 2762 Frankfort Avenue

### DECEMBER

- 6th - Elderly & Disabled Advisory Council Meeting  
Mon 1:00-2:30 p.m.; TARC; 1000 W. Broadway; Board Room.
- 20th - NSCIA Derby City Area Chapter Annual Christmas Dinner; 6:00 p.m.  
Mon Ivan Court Apartments; 1720 Richmond Drive; Louisville, KY
- 18th - Metro disAbility Coalition Meeting; 1 p.m. – 3 p.m.; PVA Office on Goss Avenue.  
Sat Speaker to be announced; if questions contact Terri Leasor at 589-6620 or mdclouky.org
- 21st - Louisville Metro Sweep for Access  
Tues Crescent Hill Library; 2762 Frankfort Avenue

For More Information Call  
David Allgood, 502-589-6620

---

## SERVICE ANIMALS (CONTINUED)

individuals with disabilities. The ADA requires these businesses to allow people with disabilities to bring their service animals onto business premises in whatever areas customers are generally allowed. The ADA also requires employers who are covered by the ADA (employers with 15 or more employees) to allow an employee who uses a service animal to bring the animal to work. State and local government facilities must allow persons with disabilities to bring their service animals to any facility or program where they generally allow persons without disabilities.

**Is the Person Using the Service Animal a “Qualified” Individual with a Disability Under the ADA?** The ADA defines disability as an “impairment that substantially limits a major life activity; a record of such impairment; or being regarded as having such an impairment.” Sometimes, it is obvious that the person with a service animal has a “qualifying” disability, such as a person who is blind who is accompanied by a guide dog. At other times, the disability is not obvious. The ADA generally prohibits covered entities from directly asking a person if they have a disability. In most situations involving service animals, it is not necessary to know any details about the nature of the particular disability. The individual may provide this information voluntarily, if he/she feels it is necessary.

**When May Service Animals Be Prohibited?** In general, for both businesses and government entities, service animals can be barred from entry in very limited circumstances—when the animal poses a “direct threat” to the health and safety of others. Moreover, says Conway, the threat must be “based on current, objective information, the probability that harm will occur, not the mere possibility, and it can’t be based on stereotypes or assumptions. These decisions cannot be based on a blanket policy; the must be made on a case-by-case basis. Businesses, government entities, and employers should modify their policies and procedures to allow service animals to perform in all the places where a person without a disability is allowed to go. Segregation or exclusion (of the person or animal) cannot occur simply because the person uses a service animal except under very narrow circumstances. By their very nature, service animals are well trained and are rarely disruptive.

Examples of places where service animals may lawfully be excluded include: the operating theater in a hospital (the sterile environment could be threatened) and some areas of the zoo (the presence of another animal could excite or disturb zoo animals,

causing dangerous reactions and behavior.

A service animal may also be excluded when the presence of the animal fundamentally alters the nature of the business or service being provided. For example, if a service animal barks repeatedly during a movie or a theater performance, it could fundamentally alter the quality of the performance. In this case, if the dog cannot be controlled, it can be removed. The person with a disability must be allowed to return without the animal, if she/he chooses to do so.

**Must a Person with a Service Animal Have Proof That the Animal is Certified or Trained?** The person with a disability is not required to provide proof or documentation that the animal is a service animal. Many owners do carry ADA documentation with them to educate employers, business owners, or groups that may try to deny them equal access. The ADA does not address specific training requirements or qualifications for service animals. Some states have passed laws and regulations regarding service animal issues, including certification. The law that provides the broadest protection or coverage for the person with the disability is the one that applies. Contact your state’s ADA Coordinator for more information or clarification. More information about state laws pertaining to service animals can be found at <http://sdog.danawheels.net/laws/statelaws.shtml>.

**Are “Support Animals” or “Comfort Animals” covered by the ADA?** The web casts included a discussion about “support animals” or “comfort animals” for persons with mental or physical disabilities. Conway agreed that in some instances an animal may provide a specific service, such as alerting a person who has an anxiety disorder that she /he is about to have a panic attack, so that the person can remove themselves from the stressful situation. However, persons who claim that the mere presence of the animal calms them down or provides comfort may not be covered by the ADA “because that animal hasn’t been trained to perform a specific task or work on behalf of the individual with a disability,” said Conway.

**What Questions May Be Asked of a Person Who Has a Service Animal?** A business, employer, or state or local government entity covered by the ADA may ask the person accompanied by a service animal these questions: “Is that a service animal?” and “Is that animal required because of a disability?” An entity cannot ask what type of disability the person has. An entity cannot ask for proof of training or certification of the animal or proof of the person’s disability. An entity may also ask, “What Tasks Has the Animal Been Trained to Perform?” The web cast participants discussed whether or not this question was intrusive and tended to reveal additional information about the nature of the person’s disability, especially for person’s with hidden conditions.

(Continued On Page Five)

**SERVICE ANIMALS, CONT'D****Other Information About Service Animals:**

- \*A service animal is not a pet.
- \*Businesses and other covered entities cannot charge a separate fee, deposit, or surcharge for a service animal, even if a pet deposit is required.
- \*The owner of the service animal is responsible for its care and supervision, including feeding, grooming, walking, etc. The owner should make arrangements for these responsibilities to be met when the owner cannot perform them, if necessary (e.g., during an extended stay in a hospital or prison environment).
- \*Service animals in training are not covered under the ADA. However, individual states may have laws about service animals in training. Check with your State ADA Coordinator.
- \*Taxicabs must accept service animals. No surcharge or fees are allowed.
- \*Local police have no authority to enforce the ADA.

**RESOURCES****Ada Business Brief: Service Animals**

[Http://www.ada.gov/svcanimb.htm](http://www.ada.gov/svcanimb.htm)

**Commonly Asked Questions About Service Animals in Places of Business**

[Http://www.usdoj.gov/crt/ada/qarsv.htm](http://www.usdoj.gov/crt/ada/qarsv.htm)

**DOJ Technical Assistance Letters**

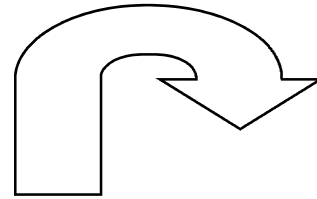
[Http://www.usdoj.gov/crt/foia/tal482.txt](http://www.usdoj.gov/crt/foia/tal482.txt)

[Http://www.usdoj.gov/crt/foia/tal151.txt](http://www.usdoj.gov/crt/foia/tal151.txt)

[Http://www.usdoj.gov/crt/foia/tal302.txt](http://www.usdoj.gov/crt/foia/tal302.txt)

**DO YOU HAVE PAIN?**

The Department of Anesthesia at Brigham and Women's Hospital in Boston, Massachusetts is currently seeking adults 18-70 to participate in a 31-week study to evaluate drugs as a treatment for specific types of pain as a result of SCI. The study involves 5 or 6 hospital visits. Patients will receive up to \$1600 upon completion of the study. For more information, contact Kate Jenkins at 617-525-PAIN (7246), or email [Paintrials@partners.org](mailto:Paintrials@partners.org).

**FOR SALE!!!!\*\***

\***1985 Komfort Koach van**; v-8 engine; power fold-up wheelchair lift; power window and door locks; wheelchair safety strap/hooks; almost new tires; AC/front and rear vents; cruise control; AM/FM radio, tape deck, CB radio; game table and window shades; trailer hitch; \$135,000 mi.; good cond.; \$2750.00 (502) 425-0314.

\***Chair Topper & Hand Control**; price negotiable; Call Greg @ 968-4630.

\***2003 Ford F-250 lift-equipped green/gray van**; leather seats, TV, DVD player. Playstation hookup, am-fm radio. Rick Miller, 937-2245.

**Shower Chair; 2 yrs old, negotiable; 2 RoHo cushions; low profile; \$150 each; Invacare 900 Action Power Chair; 4 yrs. Old; \$600. Call 448-5296.**

\***RoHo High Profile 16x16 cushions; \$160; 589-6620.**

\***Ford 1997 Econoline Van**; 100,140 mi; \$16,000. Hunter Green-gray; new tires & brakes; "loaded"; call 270-786-4547; ask for Dale.

\***Cookbooks for Sale**: Recipes compiled by Chapter members; \$10.00. Call David @ 589-6620.

\***Video tapes for sale**. Various topics related to spinal cord injuries. Call David Allgood or Buddy Lawson.

\*\*\**If assistance is needed to pay for any of the above items, contact Kentucky Assistive Technology Loan Corporation at for information on loans at 5% interest to qualified candidates.*

**HAPPY THANKSGIVING!!**

