

## INTERPRETIVE MEMO

3SVT Rule Interpretation

Procedural Instruction

This memo remains effective statewide until it is specifically superseded – either by a subsequent memo or by a contradictory rule with a later date.

Please file in your manual facing the page indicated below.

Facing page 273.9(d)(3)(vii) Date of this memo December 5, 2014 Pages 1 of 2

This memo:  is new  Replaces one dated \_\_\_\_\_

### Policy - Treatment of Expenses for Service Animals

Federal Regulations at 7 CFR 273.9(d)(3)(vii) state that allowable medical costs that may be deducted from an applicant's income include, "securing and maintaining a seeing eye or hearing dog including the cost of dog food and veterinary bills." However, the Food and Nutrition Service (FNS) expanded the scope of this rule in FNS Policy Memo 90-20 to include the "**costs associated with any animal specially trained to serve the needs of disabled Program participants.**" Under this expanded policy, the animal need only be "specially trained" to serve the needs of a program participant who meets the definition of disabled under program regulations at 7 CFR 271.2.

**Question:** What does "special training" mean?

**Answer:** FNS has never been specific on the meaning of "special training." At the very least, the animal should be trained to be able to perform some function that the client cannot readily perform, or be trained to help the client compensate for his or her disability. If the animal is not specially trained to provide a specific function or service, the animal is considered a pet for program purposes, and that animal's costs would not be deducted. For example, a client with an anxiety-related disability purchases a dog because the mere presence of the animal in his or her home reduces the anxiety that the individual experiences. Under these circumstances, the costs associated with securing and maintaining the dog would not be able to be deducted, because the dog has not been "specially trained." However, if the dog is trained to lick the client's face during times of increased anxiety, or stand still if the client gets dizzy, the costs may be deducted.

**Question:** What if the service animal has completed obedience training?

**Answer:** Obedience training, by itself, does not constitute special training for purposes of this deduction. The training needs to be related to providing a service connected to the client's disability.

**Question:** What if a service animal is prescribed by a physician, but has not been specially trained?

**Answer:** If an animal, even if prescribed by a physician, has not received training specific to the client's disability, the costs associated with it cannot be deducted.

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**Question:** Can a client train their own dog to perform functions that serve the needs of his or her own disability?

**Answer:** FNS does not require the trainer to have a particular credential or background. Therefore, the client could be the individual who provided the training. The key is that the animal be specially trained. It does not matter who provides the training.

**Question:** Is verification necessary to show that the animal has been “specially trained?”

**Answer:** Verification of training is not needed unless questionable. Information regarding an animal’s training is not questionable as long as the client provides a satisfactory explanation of the training that is consistent with information that the client has provided on the application, has stated during the interview, or is otherwise known to the Department. Any decision to allow or not allow a deduction should be documented in CATN.

**Question:** Is there a limit as to how many specially trained animals a client may own for this deduction?

**Answer:** No. FNS has not prescribed a limit to the number of specially trained animals an individual may claim for this deduction.

**Question:** Can costs to secure and maintain an animal specially trained for a client’s mental disability be deducted?

**Answer:** Yes. Both physical and mental disabilities that meet the program definition of a disabled participant (found at 7 CFR 271.2) qualify as disabilities for which a specially trained animal may be of service in order to qualify for this deduction.

**Question:** Can the cost of special diets and medicines required by the service animal be deducted?

**Answer:** Yes, provided that the service animal meets all other requirements for this deduction, and the medication and/or special dietary requirements have been prescribed by a veterinarian.

### Questions to Ask the Client in Making a Determination

- (1) What service is the animal providing that meets the needs of the disabled individual?
- (2) What is the training the animal received to be able to provide this service?
- (3) Does the client have verification of the costs for the animal?

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RD.