



United States Attorney's Office  
Eastern District of Michigan

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January 5, 2022

Emily M. Petroski  
Jackson Lewis, PC  
2000 Town Center, Ste. 1650  
Southfield, MI 48075

RE: ADA Investigation of Ascension Providence Hospital  
DJ # 202-37-313 and 314

Ms. Petroski:

This letter is in reference to the investigations initiated by the United States Attorney's Office for the Eastern District of Michigan ("USAO") into Ascension Providence Hospital ("APH" or "the Hospital") and Ascension Medical Group – Washington Primary Care, regarding compliance with Title III of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §12181-12189, and its implementing regulation, 28 C.F.R., Part 36. As you know, this matter began with a complaint filed against Ascension Providence Hospital ("APH") alleging a violation of Title III of the Americans with Disabilities Act ("ADA"). Specifically, the Complaint alleged that an individual with a disability who uses a service dog, presented at APH in October of 2019 for a surgical procedure, and that APH refused to allow her to have her service dog in the preoperative and postoperative areas of APH. APH timely responded to the Complaint on June 15, 2020, and denied any allegation that it violated the ADA.

Another complaint was subsequently filed against Ascension Medical Group - Washington Primary Care alleging that in April of 2021, a patient with a disability who uses a service animal arrived to an appointment at Washington Primary Care and was told by the receptionist that she needed to put her dog back into her car because the examination rooms were too small to accommodate the dog. The patient claims she did so, but further claims that one of the doctors at Washington Primary made a number of alleged statements to her including a demand to see "paperwork" for the animal, and indicated that if the patient insisted on bringing her service animal, the doctor did not want to continue treating her.

The Department of Justice, of which the USAO is a component, is responsible for the enforcement and implementation of Titles II and III of the ADA, and decided to investigate these matters. Under 28 C.F.R. §36.506, the Department of Justice, when it deems appropriate, has the authority to seek to resolve investigations through informal resolution.

The USAO and APH and Washington Primary Care have decided that it is in their interest, and the USAO has deemed it to be in the public interest, to resolve these matters amicably. In consideration of the agreement by APH to undertake the actions set forth below, the United States will close its investigation of these matters.

APH agrees to the following actions:

1. APH immediately will revise its Service Animal Policy, as attached hereto.
2. APH immediately will revise its Nondiscrimination and Accessibility Notice, as attached hereto.
3. APH will train all its Unit and Department leadership and Regulatory Compliance personnel, as well as all Washington Primary Care personnel who have patient contact including the doctor identified in the most recent complaint, on its revised Service animal policy and revised Nondiscrimination and Accessibility Notice, which shall include information regarding conducting an individualized assessment before any service animal is excluded or prohibited from any area of an APH or Washington Primary Care facility. APH and Washington Primary will make reasonable efforts to complete the training within 60 days, but shall complete the training no later than 120 days from the date of execution of the letter of resolution.
4. APH will provide confirmation of its completion of the above actions, including the names and titles of the employees who were trained and the date(s) the training occurred, within 14 days of completion.

This agreement does not constitute a finding by the United States that APH is in full compliance with the ADA, nor an admission by APH and/or Washington Primary Care of fault or noncompliance with the ADA.

The decision to close our file in this matter does not affect the rights of any private individual or of the complainant to enforce their rights under the ADA against APH and/or Washington Primary Care.

Please countersign and return a copy of this letter to us, indicating your agreement with the representations and terms set forth herein. We will take no further action on these matters unless we become aware of new information suggesting that APH and/or Washington Primary Care is not complying with its obligations under the ADA or this agreement.

We appreciate your cooperation. If you have questions or concerns regarding this agreement, please do not hesitate to contact us.

Very truly yours,

DAWN N. ISON  
United States Attorney



SUSAN K. DeCLERCQ  
Assistant U.S. Attorney


Enclosure

Agreed to this 25th day of January, 2022.

On behalf of Ascension Providence Hospital

  
[Signature]

Ascension Michidan Chief Operating Officer

  
Emily M. Petroski  
Attorney for Ascension Providence Hospital