

**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 22. CALIFORNIA GUIDE DOG BOARD**

NOTICE OF PROPOSED CHANGES

NOTICE IS HEREBY GIVEN that the California Guide Dog Board (“Board”) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than 5:00 p.m. on February 22, 2016**, or must be received by the Board at the hearing.

AVAILABILITY OF MODIFICATIONS

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person, and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 7208 of the Business and Professions Code (BPC), and to implement, interpret, or make specific sections 7209 and 7211 of the BPC, the Board is considering changes to sections 2259, 2261, 2261.1, 2261.2, and 2261.3, Article 2 of Division 22 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

In accordance with the provisions of the Administrative Procedures Act, BPC §7208 authorizes the Board to adopt, amend, or repeal rules and regulations that are reasonably necessary to carry into effect the procedures of the Board.

BPC §7209 specifies the requirements that a person desiring an Instructor’s license must possess prior to examination.

BPC §7211 specifies the application process for an Instructor's license including an application fee and the satisfactory completion of an examination prescribed by the Board.

This proposal would amend and add regulations to govern the examination process for an Instructor's license.

Specifically, the Board is proposing the following:

- Amend Section 2259 of Article 2 Division 22 of Title 16 of the CCR (Applications)
The proposed language would define an expired application and make technical, non-substantive changes to remove duplicative language and more clearly depict the code.
- Amend Section 2261 of Article 2 Division 22 of Title 16 of the California Code of Regulations (Examinations)
The proposed language specifies that the examination process applies only to applicants for a Guide Dog Instructor license and amends who the Board shall delegate to administer the exam. The proposed language authorizes the Executive Officer to form an Examination Committee of three licensed Guide Dog Instructors with representation from at least two licensed guide dog schools at each examination. Any applicant dissatisfied with the results of their exam must submit a request for explanation or reconsideration in writing.
- Adopt Section 2261.1 of Article 2 Division 22 of Title 16 of the California Code of Regulations (Written Examination)
The proposed language outlines the type of exam, the duration, policies in effect during the exam, and the notification process following completion of the exam.

The exam was developed by Subject Matter Experts (SMEs) and staff members from the Office of Professional Exam Services (OPES) based on knowledge statements identified in an occupational audit of guide dog instructors published in 2011. Eighty-five knowledge statements were identified in the occupational audit and some are repeated over various tasks. 100 questions were developed by SMEs and OPES staff during the examination writing process. A general rule of one minute per questions was utilized, but since licensure examinations are not speed tests, these rules are usually rounded up to the nearest 30 minute increment. Based on these assumptions, a two hour exam was deemed sufficient during the exam writing process.

In order to ensure that examination security is not breached, applicants cannot take any materials from the room, nor can they leave the room during the examination, or utilize cell phones or other personal items.

Applicants will be notified immediately after completing the examination because the written examination is only one component of the examination process and the final component usually takes place the next day. There is no time to formally mail the applicant their results so they will be given their results in person after the examination is completed and graded.

Applicants must successfully complete the written examination before taking the oral

examination. If an applicant fails the written examination, they may retake it again in six months for a fee of \$50. Six months is generally the amount of time between each examination offered by the Board and also gives an applicant time to study the knowledge statements in the occupational audit and prepare to take the examination again.

- Adopt Section 2261.2 of Article 2 Division 22 of Title 16 of the California Code of Regulations (Practical Examination)

The proposed language outlines the criteria, content, and competencies to be included or demonstrated in the exam. The proposed language specifies the medium with which the exam shall be submitted to the Board, and identifies that the exam shall not identify the school with which the applicant is affiliated.

Applicants must make and submit to the Board a video recording of their interaction with a guide dog team in training for review by the Examination Committee. The video recording is used as an aide by the applicant during the oral examination. In order to certify that the recording criteria were met, the applicant must sign a copy of the "Practical Examination Video Recording Guidelines" and submit it with the video recording.

The applicant must submit the video recording a minimum of 30 days before the examination so that it may be reviewed for compliance with the guidelines and to ensure accessibility with the equipment to be used during the oral examination.

The video recording must be submitted in a digital format to ensure compatibility with the equipment to be used on examination day.

When developing the practical examination guidelines, OPES staff and SMEs determined that the video should:

- take place in a typical community setting and incorporate at least two intersection crossings so as to relate to real life travel
- between 15 and 30 minutes which closely relates to typical instructional routes
- record clear audio and video to allow the examination raters to accurately review the techniques utilized
- be unedited raw footage containing the date and time of filming to ensure that techniques were not practiced and reworked without being recorded
- not state the name of the school with which the applicant is affiliated to ensure impartial examination rating
- include head to toe footage of the apprentice and the guide dog team to allow the examination raters to accurately review the techniques utilized
- include four tasks identified by the SMEs and OPES staff to allow the examination raters to accurately review the techniques utilized and ensure the safety of the guide dog team.

- Adopt Section 2261.3 of Article 2 Division 22 of Title 16 of the California Code of Regulations (Oral Examination)

The proposed language outlines when an applicant is eligible for the oral examination, specifies that an applicant shall utilize the practical examination recording as a visual representation of the tasks that they are expected to address, specifies the competencies that the applicant shall discuss, and outlines the questions that the exam raters may ask during the examination and the criteria they shall use when determining an applicant's suitability for licensure.

The exam was developed by SMEs and staff members from OPES based on knowledge statements identified in an occupational audit of guide dog instructors published in 2011. Eighty-five knowledge statements were identified in the occupational audit and eight were selected by SMEs as relevant to depicting an applicant's ability to problem solve with a guide dog team in training. Applicants are expected to speak to these points during the oral examination while using the video recorded practical exam to enhance their presentation.

In order to keep the examination focused and to ensure the integrity of the examination, the examination raters may:

- not ask any questions unrelated to the listed knowledge statement
- ask an applicant to expand on a knowledge statement
- ask an applicant if there are any safety concerns related to the video content
- consider any or all of the Board's enabling statutes when determining an applicant's suitability for licensure

B. Policy Statement Overview/Anticipated Benefits of Proposal

Policy Statement Overview

The Board is responsible for licensing and regulating guide dog schools and instructors who train guide dogs and people who are blind or visually impaired in the use of guide dogs. The Board is statutorily required to examine applicants for licensure as Guide Dog Instructors. While the statutory authority is broad in nature, the Board has developed the following changes to its regulatory code to specify the process that an applicant must follow in order to ultimately become licensed as an Instructor. Absent regulations that specify this process, the Board would simply be imposing policy on the applicant pool. Memorializing the examination process in the Board's regulations is consistent with other programs within the Department of Consumer Affairs. These changes will implement and make specific the Board's examination authority.

Anticipated Benefits of Proposed Regulatory Action

The proposed regulations provide specificity regarding the examination process to obtain an Instructor's license with the Board. Providing a clear and concise examination process ensures that applicants are aware of the requirements prior to application. Furthermore, it ensures that applicants for an Instructor's license are tested thoroughly before being permitted to perform instruction in the State which increases public protection.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has determined that these are the only regulations that deal with the subject area of the Board's examination program. Additionally, the Board finds that these proposed regulations are consistent and compatible with existing state regulations.

Underlying Data

1. Meeting minutes from January 13, 2015 Practice Task Force Meeting
2. Meeting minutes from January 20, 2015 Board Meeting
3. Occupational Audit of Guide Dog Instructors – Published 2011

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact:

These regulations will not have a significant adverse impact on the three licensed guide dog schools in California or on the approximate 100 licensed Guide Dog Instructors in California. The Board licenses approximately 5-15 new Instructors each year. The requirements in this regulations package are not expected to exceed a one-time cost for the recording of the practical examination, plus the cost of traveling to attend the examination. Although the majority of applicants come from California licensed schools, applicants come from all over the United States to take the examination. The estimated one-time cost for an applicant to undergo the examination process may range from \$50-500.

Cost Impact on Representative Private Person or Business:

These regulations will not have a significant adverse impact on private persons or businesses. The requirements in this regulations package are not expected to exceed a one-time cost of \$50-500 for the recording of the practical examination, plus the cost of traveling to attend the examination.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The

proposed regulations only pertain to applicants for an Instructor's license. In the foreseeable past, all applicants have been employees of Guide Dog Schools either located or operating in California.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by improving the clarity of the examination process for applicants for an Instructor's license.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1625 North Market Blvd., Suite N112, Sacramento, California 95834.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1625 North Market Blvd., Suite N112, Sacramento, California 95834.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written

request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Brian Skewis, Executive Officer
Address: California State Board of Guide Dogs for the Blind
1625 North Market Blvd., Suite N112
Sacramento, California 95834.
Telephone No.: 916-574-7825
Fax No.: 916-574-7829
E-Mail Address: Brian.Skewis@dca.ca.gov

BACKUP PERSON

Name: Katherine Demos, Regulations Coordinator
Address: Department of Consumer Affairs
1625 North Market Blvd., Suite S204
Sacramento, California 95834.
Telephone No.: 916-574-7804
Fax No.: 916-574-8655
E-Mail Address: Katherine.Demos@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.guidedogboard.ca.gov.