

TITLE 16. STATE BOARD OF GUIDE DOGS FOR THE BLIND

NOTICE IS HEREBY GIVEN that the State Board of Guide Dogs for the Blind (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held on **October 25, 2010, at 350 Los Ranchitos Road, San Rafael, CA 94903 at 1:30 p.m.** 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 **on or before** October 25, 2010, or **must be received by the Board at the hearing**. 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 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 Sections 7208 and 7209 of the Business and Professions Code, and to implement, interpret or make specific Sections 7208 and 7209 of said Code, the board is considering changes to Division 22 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 7208, authorizes the Board to govern the admission of applicants for examination for licensure to instruct blind persons in the use of guide dogs or to engage in the business of training, selling, hiring, or being in the business of supplying guide dogs for the blind; govern the operation of schools which furnish guide dogs and train blind persons to use guide dogs. Section 7209 prescribes four requirements be met before exam eligibility. These requirements are:

1. Amend section 2260

Existing regulation allows a person to be eligible for examination for license as a guide dog instructor to verify training of 22 person-dog units, and allows for additional experience in kennel work or dog training only be credited, provided it is an apprentice in a guide dog school under a qualified instructor. Additionally, the guide dog instructor, after becoming licensed, must make up the lacking experience within one year, otherwise, have his or her license revoked.

This proposed regulation would:

- Clarify three (3) years of full time experience required before qualifying an applicant to sit for the license examination.
- Change term "person dog units" to "guide dog teams" (to comply with international training terms).
- Delete reference to requirement for both years of experience and number of

person dog units made up one year after obtaining license, otherwise to be revoked.

- Add a requirement that experience be obtained while under the supervision of an instructor who meets standards equivalent to those licensed by the Board and as determined by the Board.
- Add reference to minimum competency as set forth by sections 2266 and 2282.1.
- Define “full time” as an average of 32 hours per week.
- Add a verification provided to the Board, from an individual in a supervisory position, stating the individual has met the requirements as specified in subsection (a).

2. Amend section 2266

Existing regulation states that a school shall not employ, or keep in its employ an apprentice who is not suited to work with blind persons in the use of guide dogs and who has not had at least one year’s experience working with the training of dogs. Existing regulation also requires that every apprentice at a licensed guide dog school undergo a systematic organized program of instruction which has been approved by the Board meeting five (5) different criteria. In addition, no apprentice shall be permitted to train any guide dog except under the direct and immediate supervision of a licensed instructor until he has completed not less than 20 hours of such instruction a week for a period of not less than one year.

This proposed regulation would:

- Eliminate the requirement that an apprentice have one year’s actual experience working with the training of dogs. Such a requirement may discourage individuals from becoming an apprentice. Previous dog experience is not applicable to the Guide Dog field. Because of the unique aspects of Guide Dog training programs, it is often easier to instruct trainees who do not have prior dog training/handling experience. The Board’s apprentice programs are comprehensive and cover all aspects of dog training required. With more of a focus on client training (training of blind persons), bringing in apprentices with more emphasis on this side is often helpful in giving them experience to draw upon client-related activities. Client training has become more of a focus for apprentices over the years as is indicated in the current Occupational Analysis performed by the Board. Many trainees are entering the field carrying degrees from a client-based background rather than a dog-based background (i.e., Orientation & Mobility (O&M), Psychology, etc.).
- Delete reference to “train” and change to “instruct” any guide dog, adding “team” to be consistent with international training definitions.
- Delete the not less than 20 hours a week for a period of not less than one year instruction requirement, changing the requirement to not less than 20 hours of instruction.

3. Amend section 2282

Existing regulation prescribes that preliminary training of dogs is a minimum of 90 days, six (6) months preceding the assignment of a guide dog to a blind person.

This proposed regulation would:

- Delete reference to “Preliminary Training of Dogs,” and replace with “Assignment of Dogs.”
- Require that instead of six (6) months prior to assignment of a guide dog, there be a 60 day period to verify training.
- Delete reference to the number of days of training required, and rely on minimum competencies met and verified via section 2282.1. In order for an instructor/school to assign a guide dog to a blind person, Section 2282.1 will set minimum guide dog competencies. Basing regulations on outcomes ensures quality of final ‘product’ yet gives schools the opportunity to advance and improve techniques which may allow for more flexible training schedules.

4. Amend section 2282.1

Existing regulation establishes that certain competencies be met for guide dog training.

This proposed regulation would:

- Re-number section 2282.1 to 2282.
- Add requirements that guide dogs meet an additional four (4) competencies through training and testing (§§ 2282(a) (9-12) (b)). Currently, there are eight (8) competency requirements to be expected of a team-ready guide dog. Also, there are no testing requirements for the existing competencies. This section would be amended to be more current with international training terminology and add additional requirements. The best existing practice of schools is to test each guide dog before pairing it with a client. Consumers requested codification into law of this best practice. This requirement would ensure the best practice continue for existing schools and exist for any new guide dog schools. In addition, all competencies will be tested and documented for verification.

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:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Board used a Practice Task Force, primarily represented by all three (3) licensed guide dog schools, recommending final language to the Board to make this determination.

Impact on Jobs/New 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. Because the Board relies on the input from the three (3) licensed schools, the feedback from the schools has not indicated any positive or negative impact on guide dog instructor jobs in the State.

Cost Impact on Representative Private Person or Business:

The Board has determined that there is no cost impact on private persons or places of business. There is no cost to guide dog users and the proposed language does not place any additional burdens on the schools which would result in additional costs. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses because the affected guide dog schools are non-profit organizations.

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 either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

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 of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the State Board of Guide Dogs for the Blind at 1625 N. Market Blvd., Suite S 202, 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

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

Name: Antonette Sorrick, Executive Officer
Address: 1625 N. Market Blvd., Suite S-202
Sacramento, CA 95834
Telephone No.: (916) 574-7825
Fax No.: (916) 574-7829
E-Mail Address: antonette.sorrick@dca.ca.gov

Name: Cenne Jackson, Executive Assistant
Address: 1625 N. Market Blvd., Suite S-202
Sacramento, CA 95834
Telephone No.: (916) 574-7826
Fax No.: (916) 574-7829
E-Mail Address: cenne.jackson@dca.ca.gov

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