

STATE BOARD OF GUIDE DOGS FOR THE BLIND

INITIAL STATEMENT OF REASONS

Hearing Date: **February 8, 2010 at 9:00 AM.**

Subject Matter of Proposed Regulations: Instruction Period, Annual School Renewal Payment

Sections Affected: 2262.1, 2276

Specific Purpose of each adoption, amendment, or repeal:

Adopt Section 2262.1 – To set the annual school renewal payment amount at 0.00425 of a school's total annual expenses, the amount that will be required for the board to maintain fiscal solvency.

Amendment of Section 2276 – First, this regulation will divide the type of training into two categories, in-harness and theory, and prescribe the number of required hours in each category to better educate the student. Second, the minimum number of training hours would be reduced and the time frames within which to give the training hours would be reduced. Reduction in training timeframes will allow the training to be more individualized and eliminate the maximum timeframe during which the training must be completed. Third, it will require individualized training be provided to the client and describe when training may cease. Without a prescribed maximum training time, clients are assured their training is complete once safe guide dog mobility is achieved. Fourth, instruction may be conducted in the most appropriate venue which may either be in-residence (at the school), at home, or a combination of both. Providing alternatives in training venue will make instruction more desirable for those unable to leave home for long periods of time, or for those wishing to receive both in-residence and in-home training. These changes will bring the board's regulations in line with international standards.

Factual Basis/Rationale

2262.1

On March 21, 2008, the Board acted on the counsel of a legal opinion which required the deduction of all direct expenses from the Oregon campus of the Guide Dogs for the Blind, Inc. to determine the school's annual renewal payment (effective FY 2009 – 10). This decision reduced the Board's revenue by \$30,000. Deleting this figure from the Board's annual fund will most likely create a budget deficit FY 2012 -13. In this legislative session, the Board sponsored SB 475 (Padilla) which increased the Board's

authority to prescribe a renewal fee at a ceiling of 0.005 and set the exact fee through regulation. Effective January 1, 2010, Business and Professions Code section 7200.7 will be amended to read:

A fee equal to no more than 0.005 of all school expenses incurred in the most recently concluded school calendar year, as specified in the audit required under Section 7217, shall be paid no later than April 30 of each year for renewal of a school's license pursuant to Section 7200.5. The board shall, by regulation, define the exact amount of the fee. All fees collected pursuant to this section shall be deposited into the Guide Dogs for the Blind Fund, which is hereby created.

Section 2262.1 will need to be added to Title 16 to set the annual school renewal payment amount. The proposed regulation will set the fee at 0.00425 of all school expenses incurred in the most recently concluded school calendar year, as specified in the annually required audit (per Business and Professions Code section 7217) to be paid annually for the renewal of a school's license. See attached fund condition report from the Department of Consumer Affairs' fiscal office reflecting the current fee, the recommended fee, 0.0045, 0.00475, and 0.005 of a school's total annual expenses. The 0.00425 figure will keep the Board's reserves within three to six months that is recommended by the Department of Consumer Affairs.

2276

Business and Professions Code section 7208 specifies that the Board may govern the operation of schools which furnish guide dogs and train blind persons to use guide dogs.

Existing regulations specify that each school provide a minimum of 80 hours of instruction over a four week period except for those persons who have previously received such instruction, who are only required to receive a minimum of 40 hours over a two-week period. The current regulation also prescribes a maximum number of hours of training during each time frame. The proposed regulations would amend section 2276 so that it is more consistent with international training standards. Current International Guide Dog Federation (IGDF) "programme duration" language reads:

Clients training with their first guide dogs must receive a minimum of 30 hours practical in harness instruction spread over a 2 to 4 week period under the supervision of a qualified GDMI.

Clients training with successor guide dogs may be trained in a shorter period but this shall not be less than 20 hours of in-harness instruction under the supervision of a qualified GDMI.

The training must be individualised and there is no maximum training time within which the team must achieve safe and effective guide dog mobility.

The IGDF is an international, member-based organization for guide dog schools. Members pay annual dues and are inspected for performance in order to maintain membership status.

The proposed regulations would accomplish four things: one, divide the type of training into two categories, in-harness and theory; two, the minimum number of training hours would be reduced and the time frames—within which to give the training hours—would be reduced; three, individualized training provided to the client and when training may cease; four, instruction may be conducted in the most appropriate venue which may either be in-residence (at the school), at home, or a combination of both.

Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

- 1) Analysis of Fund Condition report prepared 9-14-09
- 2) International Guide Dog Federation Standards.

Business Impact

Section 2262.1 will increase the amount of fees the guide dog schools pay the Board for services.

Section 2276 will have no adverse financial effect on business because the affected guide dog schools are non-profit organizations.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.