

TITLE 16. STATE BOARD OF GUIDE DOGS FOR THE BLIND

NOTICE IS HEREBY GIVEN that the State Board of Guide Dogs for the Blind (herein after "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:

September 17, 2012
10:00 a.m.
State Capitol, Room 125
Sacramento, California, 95814

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 not later than 5:00 p.m. on September 17, 2012 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, 7210.6 and 17510.90 of the Business and Professions Code, and to implement, interpret or make specific Sections 7208, 7210.6, and 17510.90 of that Code; the Board is considering changes to Division 22 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

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 supplying guide dogs for the blind; govern the operation of schools which furnish guide dogs; and train blind persons to use guide dogs.

1. Amend section 2268.2.

Existing regulation requires licensees to keep contribution records from all donors. Records must include the name and address of the donor, the amount of the contribution, the date contributions were received, and the location of the bank or trust where funds are located.

- This proposed regulation would add a requirement that the licensee verify submission of all requisite forms, reports, and fees to the Attorney General's Registry of Charitable Trusts Division.

2. Amend section 2271.

- Existing regulation states that a school shall provide adequate living quarters at the school where the guide dog and the person being taught to use the dog may live together. Such quarters are to be clean and sanitary.
- This proposed regulation would add additional, more specific explanations of clean and sanitary, as follows:
 - Heating, cooling, ventilation, lighting, dormitories, class areas, kennels, and campus environs that are to be maintained and kept functional.
 - Maintaining by the school of all valid permits required by any public agencies relating to the health and safety of the school's facilities or equipment and that these permits be made available to the Board upon request.
 - Deleting the requirement that a school have both a male and female attendant available to render assistance to a client.

B. Policy Statement Overview/Anticipated Benefits of Proposal

- This proposed regulation would increase communication between the Board and Department of Justice to ensure compliance with reporting requirements and submission of fees.
- This proposed regulation clarifies the clean and sanitary conditions of guide dog schools for inspection purposes.
- This proposed regulation would amend the requirement of a male and female attendant to lessen the staffing burden for the guide dog schools.

C. Consistency and Compatibility with Existing State Regulations

This Board has evaluated this regulatory proposal and it is neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: There is no fiscal impact on public agencies unless non-compliance with school's facilities is discovered.

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.

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.

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 and existing businesses or the expansion of the 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, worker safety, and state's environment by maintaining a standard of clean and sanitary conditions for the guide dog schools.

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 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 is 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 Web site listed below.

CONTACT PERSON

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

Name: Antonette Sorrick, Executive Officer
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The backup contact person is:

Name: Jean Kagimoto, Executive Assistant
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Web site Access: Materials regarding this proposal can be found at
www.guidedogboard.ca.gov.