

**State of California
Office of Administrative Law**

In re:
Board of Guide Dogs for the Blind

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Regulatory Action:

Government Code Section 11349.3

Title 16, California Code of Regulations

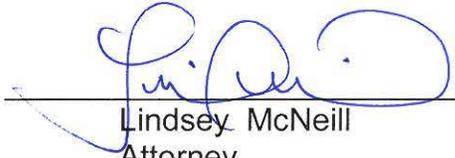
OAL File No. 2014-0731-01 S

Adopt sections:
Amend sections: 2285
Repeal sections:

This rulemaking action by the Board of Guide Dogs for the Blind (BGDB) amends section 2285 in title 16 of the California Code of Regulations. This rulemaking action defines a framework of the ethical standards of practice for guide dog instructors and guide dog schools and clarifies that violation of these ethical standards constitutes grounds for disciplinary action.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2015.

Date: 9/10/2014



Lindsey McNeill
Attorney

For: DEBRA M. CORNEZ
Director

Original: Brian Skewis
Copy: Brian Skewis

STD. 400 (REV. 01-2013)

OAL FILE NUMBER	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-2013-1107-01	2014-0731-015	

For use by Office of Administrative Law (OAL) only

ENDORSED FILED IN THE OFFICE OF

2014 SEP 10 PM 2:01

RECEIVED FOR FILING PUBLICATION DATE

NOV 07 '13 NOV 29 '13

Office of Administrative Law

NOTICE

2014 JUL 31 PM 1:46

OFFICE OF ADMINISTRATIVE LAW

REGULATIONS

Denise D. Brown
OFFICE OF DENISE BROWN
SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY

State Board of Guide Dogs for the Blind

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Standards of Conduct		TITLE(S) 16	FIRST SECTION AFFECTED 2285	2. REQUESTED PUBLICATION DATE 11-29-13
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Rosemary Robinson		TELEPHONE NUMBER (916) 574-7826
FAX NUMBER (Optional) (916) 574-7829		NOTICE REGISTER NUMBER 2013, 482		PUBLICATION DATE 11/29/2013

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Standards of Conduct	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)	
ACTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 2285
TITLE(S) 16	REPEAL

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
n/a

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM 56660) <i>per agency request 9/9/14</i>	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input checked="" type="checkbox"/> Other (Specify) <i>Denise D. Brown, Director, Dept. of Consumer Affairs</i>		

7. CONTACT PERSON Brian Skewis	TELEPHONE NUMBER (916) 574-7825	FAX NUMBER (Optional) (916) 574-7829	E-MAIL ADDRESS (Optional) brian.skewis@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Brian Skewis</i>	DATE 7/31/14
TYPED NAME AND TITLE OF SIGNATORY BRIAN SKEWIS, Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

SEP 10 2014

Office of Administrative Law

STATE BOARD OF GUIDE DOGS FOR THE BLIND

Order of Adoption

Amend Section 2285 of Division 22 of Title 16 of the California Code of Regulations to read as follows:

§ 2285. Ethical Standards of Conduct Practice for a Guide Dog Instructor or Guide Dog School.

A violation of any ethical standard of practice constitutes grounds for disciplinary action. Every person or entity that holds a license issued by the Board shall comply with the following ethical standards of practice:

(a) A licensee may not release any personal or identifying information regarding a student/client to any person, other than the Board or its staff, without the student's/client's written permission, unless otherwise allowed by local, state, or federal regulations. A licensee shall obtain written permission from the client before the client is photographed or tape-recorded for examination or other purposes.

~~(b) A licensee shall provide each student with all services generally associated with or offered by the school and with those services required by the Code or regulations.~~

(b) A licensee shall comply with the Guide Dog Act, the California Code of Regulations, and all other related local, state, and federal laws.

(c) A guide dog instructor licensee shall not engage in undue intimidation or coercion of students or graduates/clients, or physical violence or threat thereof to such persons, in a manner contrary to the best interests of guide dog usage.

(d) A guide dog instructor shall provide each client with all services generally associated with or offered by the school and with those services required by the Code or regulations.

(e) A guide dog instructor shall comply with state and federal laws pertaining to non-discrimination.

(f) A guide dog instructor shall take reasonable precautions to avoid imposing or inflicting harm upon the client or to his or her property.

(1) A guide dog instructor shall not exploit clients in any manner.

(2) A guide dog instructor shall avoid relationships or activities that interfere with professional judgment and objectivity.

(g) A guide dog instructor shall collaborate with clients in setting goals and expectations throughout the training process. Decisions regarding continuing or discontinuing instruction will be made with the client and will be based upon evaluation of the client's needs, abilities, and skills.

(h) A guide dog instructor shall fully inform the client of the nature, risks, and potential outcomes of the training and use of a guide dog.

(1) A guide dog instructor shall not make any false, fraudulent, or deceptive statements or claims.

(2) A guide dog instructor shall provide information or materials regarding the training and use of guide dogs in large print, braille, or electronic format as deemed accessible by the client.

(i) A guide dog school shall obtain written permission from clients involved in outreach, education, or fundraising activities and shall retain such permission in the client's record. A guide dog school shall respect the client's right to refuse involvement in outreach, education, or fundraising activities.

Note: Authority cited: Section 7208, Business and Professions Code. Reference: Sections 7208 and 7211.9, Business and Professions Code.