

**STATE BOARD OF GUIDE DOGS FOR THE BLIND**  
**INITIAL STATEMENT OF REASONS**

Hearing Date: **January 13, 2014**

Subject Matter of Proposed Regulations: Standards of Conduct

Section Affected: 2285

Specific Purpose

Amend Section 2285

Existing regulation provides guidelines for licensees providing instruction to persons who are blind or visually impaired. Such guidelines are general in nature and only relate to the release of personal information, equitable training standards for guide dog instructors and guide dog schools, and prohibition of intimidation or coercion of students.

- This proposed regulation would change the title of the section from “Standards of Conduct” to “Ethical Standards of Practice for a Guide Dog Instructor or Guide Dog School.”
  
- The proposed language would
  - Clearly prescribe violation of such standards constituting grounds for disciplinary action.
  - Allow for release of personal information of a client, by a guide dog school or instructor, if local, state or federal law requires such release.
  - Require written permission be obtained by a licensee before a client is photographed or tape-recorded.
  - Require that licensees abide by the Guide Dog Act, the Code of Regulations, and all other local, state and federal laws.
  - Require guide dog instructors not use coercion, or violence and abide by non-discrimination laws.
  - Prohibit guide dog instructors from engaging in relationships or activities that would impair objective guide dog instruction.
  - Require guide dog instructors collaborate with clients on training goals and objectives as well as decisions regarding continued guide dog usage.
  - Require guide dog instructors inform client of nature, risks and potential outcomes of guide dog usage.
  - Require guide dog instructors 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.
  - Require a guide dog school obtain written permission from clients involved in fundraising, outreach, or fundraising activities and retain such permission in the client’s record.

## Factual Basis/Rationale

In 2001, the Joint Legislative Sunset Review Committee (JLSRC) issued a recommendation that the Board define professional competence, negligence, or appropriate professional conduct for its licensees. In the Board's 2012 report to the Senate Business, Professions and Economic Development and Assembly Business, Professions, and Consumer Protection Committees, it committed to completing a Practitioner Code of Ethics by 2014. The amended language for section 2285 meets the stated objective as prescribed by the legislature – a more clearly defined framework in which to practice guide dog instruction and provide guide dog services in a more ethical, transparent way.

The Board has determined that this regulatory proposal will benefit the licensed guide dog schools and guide dog instructors by providing clear guidelines for professional conduct while also protecting clients from unethical, unscrupulous and fraudulent business practices. The Practice Task Force comprised of three licensed guide dog instructors and one Board Member (guide dog user) met on two occasions (4/15/13 and 5/20/13) to discuss and finalize recommended language to the full Board. On June 24, 2013, the Board voted to support language as presented in this proposal.

## Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any): Practice Task Force Meeting Minutes 4/15/13 (Approved Minutes) and 5/20/13 (Draft Minutes) attached.

## Economic Impact Assessment

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following:

- The proposal only makes technical and procedural changes to the ethical standards of practice for Board licensees.

As part of its Economic Impact Analysis, the Board has determined that its proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services, and that it will not create or eliminate jobs or occupations. This proposal does not impact multiple industries.

### Creation or Elimination of Jobs Within California

The Board has determined the proposed regulatory action will not create or eliminate jobs within California for reasonable compliance with the proposed action. The proposed regulatory action expands, defines, and clarifies standards and principles held by the profession in the delivery of guide dog instruction services to the public and does not have a direct correlation on creation or elimination of jobs for reasonable compliance.

### Creation of New Business or Elimination of Existing Business Within California

The Board has determined the proposed regulatory action will not create new business or eliminate existing business within California for reasonable compliance with the proposed action. The Board does not anticipate that any guide dog school or guide dog instructor seeking to establish a business in California, or that currently does business in California, would decline opening a business or close an existing business based on implementation of professional standards that were developed collaboratively with the affected parties.

### Expansion of Business Within California

The Board has determined the proposed regulatory action will not expand business within California. The proposed regulatory action merely expands, defines, and clarifies standards and principles for the delivery of guide dog instructional services to California consumer and does not contain any inducement for expansion of business.

### Benefit of Regulations

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents who seek the services of the Board's licensees. Health and welfare is increased by clarifying the ethical standards of conduct for Boards licensees. The proposed regulations were collaboratively arrived at with input from both the industry affected and consumers.

The proposal will have no effect on worker safety or the State's environment.

### Specific Technologies or Equipment

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

### Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

If the Board were to ignore the requests from state legislature, it could give cause for concern during the next sunset review.