

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:

January 13, 2014 – 3:00 p.m.
State Capitol
Room 4203
Sacramento, CA 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 **on or before 5:00 p.m., January 13, 2014, 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 section 7208 of the Business and Professions Code, and to implement, interpret or make specific sections 7208 and 7211.9 of said Code, the Board is considering changes to Division 22 of Title 16 of the California Code of Regulations as follows:

A. 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.

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.

B. POLICY STATEMENT OVERVIEW/ANTICIPATED BENEFITS OF PROPOSAL

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 in a more ethical, transparent way with the objective in protecting consumers.

C. Consistency and Compatibility with Existing State Regulations

After conducting a review for any regulations that would relate to or affect this area, the 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 of the standards is established via the normal complaint process

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 is not aware of any costs 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 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.

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, would be as

effective as 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 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:

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Website Access:

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