

ARTICLE 1. GENERAL PROVISIONS

§ 2250. Location of Office.

The principal office of the California State Board of Guide Dogs for the Blind is located at 1625 N. Market Blvd., Suite S-202, Sacramento, California, 95834.

Note: Authority cited: Section 7208(a), Business and Professions Code. Reference: Section 7208, Business and Professions Code.

HISTORY

1. New Sections 2250 to 2284, inclusive, filed 2-9-48 as an emergency (Register 11, No. 6).
2. Amendment filed 8-10-79; effective thirtieth day thereafter (Register 79, No. 32).
3. Amendment filed 8-23-96; operative 9-22-96 (Register 96, No. 34).
4. Amendment filed 8-27-2008; operative 9-26-2008 (Register 2008, No. 35).
16 CCR § 2250, 16 CA ADC § 2250

§ 2251. Gender.

For purposes of this chapter, the masculine gender includes the feminine.

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

HISTORY

1. Amendment filed 11-12-82; effective thirtieth day thereafter (Register 82, No. 46).
16 CCR § 2251, 16 CA ADC § 2251

§ 2252. Definitions.

For purposes of this chapter,

- (a) The term "Board" means California State Board of Guide Dogs for the Blind;
- (b) The term "Code" means, unless otherwise designated, Business and Professions Code.
- (c) The term "guide dog" means a dog being trained or that has completed training to provide mobility assistance to a blind person.
- (d) The term "client" means a student who is receiving instruction, a blind person who has completed instruction, or a graduate who has completed instruction from a guide dog school or instructor licensed by the Board.
- (e) The term "guide dog team" is the man-dog unit or person-dog unit as discussed in the Code.
- (f) The term "apprentice" means anyone that works for a licensed guide dog school that meets the standards as set forth by sections 2260 and 2266.
- (g) The term "instruction" means to instruct a blind person in the use of a guide dog. Instruction includes follow-up instruction with a client.

Note: Authority cited: Section 7208, Business and Professions Code. Reference: Sections 7208, 7209 and 7215.5, Business and Professions Code.

HISTORY

1. Amendment filed 11-12-82; effective thirtieth day thereafter (Register 82, No. 46).

2. Amendment of section and Note filed 4-16-2012; operative 5-16-2012 (Register 2012, No. 16).

§ 2253. Delegation of Certain Functions.

The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearings, statements to respondent and statements of issue; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of the Government Code are hereby delegated to and conferred upon the secretary.

Note: Authority cited: Section 7208, Business and Professions Code. Reference: Sections 7204 and 7208, Business and Professions Code; and Sections 11500-11528, Government Code.

HISTORY

1. New NOTE filed 5-22-85; effective thirtieth day thereafter (Register 85, No. 21).

§ 2254. Filing of Addresses.

Each person holding a license or other authority issued by the Board shall file his mailing address with the Board, at its office in Sacramento, and shall notify the Board at its said principal office of any changes of mailing address within thirty (30) days of any such change.

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

HISTORY

1. Amendment filed 8-10-79; effective thirtieth day thereafter (Register 79, No. 32).

2. Amendment filed 11-12-82; effective thirtieth day thereafter (Register 82, No. 46).

ARTICLE 2. LICENSES

§ 2259. Applications.

(a) An application for a license shall be submitted on an application form prescribed and provided by the Board, accompanied by such evidence, statement, or documents as therein required, and filed with the Board at its office in Sacramento.

(b) Whenever an applicant for a license refuses or fails to provide the board with the information requested thereon by the Board within six (6) months from the date of notice that such application is incomplete, the application shall be deemed abandoned. An application so abandoned may not be reinstated; however, the applicant may file a new application accompanied by the required fee and documents.

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

HISTORY

1. Amendment filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50).

2. Amendment of Article 2 heading and subsection (b) filed 11-12-82; effective thirtieth day thereafter (Register 82, No. 46).

§ 2260. Completion of Requirements for License as Instructor.

(a) If an applicant for an instructor's license verifies training 22 guide dog teams but does not have the required three years actual experience as an instructor, any experience as an apprentice may be credited towards the required three years actual experience as an instructor. The experience as an apprentice must be under the supervision of a licensed instructor or instructor that meets standards equivalent to an instructor licensed by the Board, as determined by the Board. Such experience as an apprentice shall include training dogs in all aspects required by sections 2266 and 2282.

(b) Any experience as an instructor or apprentice that is being used to fulfill the required three years actual experience as an instructor, must be full-time experience. "Full time" means an average of 32 hours per week.

(c) The applicant must submit verification to the Board that his experience meets the requirements of this section. The verification must come from an individual in a supervisory position from the guide dog school where the experience was obtained. The verification must state that the applicant has met the requirements as specified in this section.

Note: Authority cited: Sections 7208 and 7209, Business and Professions Code. Reference: Sections 7208 and 7209, Business and Professions Code.

HISTORY

1. Amendment filed 8-10-79; effective thirtieth day thereafter (Register 79, No. 32).

2. Repealer of Section 2260 and renumbering of Section 2265.2 to Section 2260 filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50).

3. Order of Repeal of subsection (a) filed 6-3-85 by OAL pursuant to Government Code Section 11349.7; designated effective 11-30-85 (Register 85, No. 26).

4. Editorial correction (Register 88, No. 12).

5. New subsection (a) filed 5-19-88; operative 6-18-88 (Register 88, No. 22).

6. Amendment of subsections (a) and (b), new subsection (c) and amendment of Note filed 3-17-2011; operative 4-16-2011 (Register 2011, No. 11).

§ 2261. Examinations.

(a) Examinations for a license to operate a school or to instruct blind persons in the use of guide dogs and to train guide dogs shall be written, oral and practical.

(b) The board may appoint a committee of its own members, or other persons, for the purpose of conducting the whole or part of any examination. The committee shall make recommendations to the board as to the qualifications of the examinee. Any person dissatisfied with the board's decision may file a request for reconsideration with the board within 30 days after such decision was mailed.

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

HISTORY

1. Amendment filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).

2. Renumbering of Section 2261 to Section 2263 and new Section 2261 filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50).

3. Order of Repeal of Subsection (a) filed 6-3-85 by OAL pursuant to Government Code Section 11349.7; designated effective 11-30-85 (Register 85, No. 26).

4. Editorial correction (Register 88, No. 12).

5. New subsection (a) filed 5-19-88; operative 6-18-88 (Register 88, No. 22).

6. Amendment of subsection (a) filed 8-23-96; operative 9-22-96 (Register 96, No. 34).

§ 2262. License Period.

(a) A school license expires on April 30th of each calendar year, and unless renewed by the date of expiration shall be automatically forfeited and may be reinstated or renewed only after payment of the renewal fee.

(b) An instructor's license shall remain in effect for one year after the date of issuance, and unless renewed at the termination of the year, shall be automatically forfeited and may be reinstated or renewed only after compliance with the requirements of the Board.

Note: Authority cited: Sections 7200.5 and 7208, Business and Professions Code. Reference: Sections 7200.7, 7211, 7211.1 and 7217, Business and Professions Code.

HISTORY

1. Repealer of Section 2262 and renumbering of Section 2263 to Section 2262 filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50). For history of former Section 2262, see Register 77, No. 41).

2. Amendment of section and Note filed 2-22-2010 as an emergency; operative 2-22-2010 (Register 2010, No. 9). A Certificate of Compliance must be transmitted to OAL by 8-23-2010 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 2-22-2010 order transmitted to OAL 6-24-2010 and filed 7-21-2010; operative 8-20-2010 (Register 2010, No. 30).

4. Editorial correction of History 3 (Register 2010, No. 31).

§ 2262.1. Annual School Renewal Payment.

(a) On or before April 30, 2010, the rate for calculating the annual school renewal fee pursuant to Section 7200.7 is 0.004 of all school expenses incurred in the most recently concluded school calendar year, as determined by the immediately preceding fiscal year audit required annually by section 7217 of the Code.

(b) After April 30, 2010, the rate for calculating the annual school renewal fee pursuant to Section 7200.7 is 0.00425 of all school expenses incurred in the most recently concluded school calendar year, as determined by the immediately preceding fiscal year audit required annually by section 7217 of the Code.

(c) The renewal fee shall be paid no later than April 30th of each calendar year.

Note: Authority cited: Sections 7200.7 and 7208, Business and Professions Code. Reference: Sections 7200.7 and 7217, Business and Professions Code.

HISTORY

1. New section filed 2-22-2010 as an emergency; operative 2-22-2010 (Register 2010, No. 9). A Certificate of Compliance must be transmitted to OAL by 8-23-2010 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 2-22-2010 order transmitted to OAL 6-24-2010 and filed 7-21-2010; operative 8-20-2010 (Register 2010, No. 30).

3. Editorial correction of History 2 (Register 2010, No. 31).

§ 2263. License Not Transferable.

A license shall not be transferable.

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

HISTORY

1. Renumbering of Section 2263 to Section 2262 and renumbering of Section 2261 to Section 2263 filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50). For history of former Section 2263, see Register 77, No. 41.

§ 2264. Reinstatement of License.

(a) A school license which is suspended pursuant to Section 7214 of the Code, for failure to have a licensed instructor in charge of training and instruction, may be reinstated without fee upon filing of a reinstatement application.

(b) A license may be renewed while under suspension upon filing a renewal application accompanied by the required renewal fee.

Note: Authority cited: Section 7208, Business and Professions Code. Reference: Sections 7208, 7211 and 7214, Business and Professions Code.

HISTORY

1. Renumbering of Section 2265.1 to Section 2264 filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50).

2. Amendment filed 11-12-82; effective thirtieth day thereafter (Register 82, No. 46).

16 CCR § 2264, 16 CA ADC § 2264

§ 2265. Temporary Instructor's Permit.

Upon a showing satisfactory to the Board that an emergency exists, the Board may issue a temporary instructor's permit to a qualified apprentice instructor at a school which, for any reason whatsoever, ceases to have a licensed instructor in charge of its training and instruction programs provided, however:

(a) The school will immediately notify the board of the existence of the emergency, show necessity for relief, and request that a qualified apprentice be granted a temporary trainer's permit.

(b) The apprentice named will file his application within such time that the board may arrange for his examination within ten (10) days of the incidence of the emergency.

(c) To qualify for a temporary permit the apprentice shall have had at least eighteen (18) months' experience as an instructor and have handled eleven (11) person/dog units, or its equivalent as an apprentice under a qualified instructor as determined by the Board.

(d) Upon satisfactory completion of the examination, which will be the same as that for a license as instructor the Board may issue a temporary instructor's permit for such period as it may determine to be essential and advisable but in no event to exceed sixty (60) days.

(e) An emergency, for the purposes of this section, is not deemed to exist where merely preliminary training of dogs is involved.

Note: Authority cited: Sections 7208 and 7214, Business and Professions Code. Reference: Section 7214, Business and Professions Code.

HISTORY

1. Renumbering of Section 2267 to Section 2265 filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50).

§ 2266. Apprentice Standards; Minimum Instruction.

(a) A school shall not employ or retain in its employ an apprentice who is not suited temperamentally and otherwise to work with blind persons in the use of guide dogs.

(b) Each guide dog school licensed by the board shall require every apprentice to undergo a systematic organized program of instruction which has been approved by the board. Such organized program of instruction shall be under a licensed instructor and shall include the following subjects:

- (1) Care and selection of dogs;
- (2) Obedience training of dogs;
- (3) Training of dogs preparatory to becoming guides for blind people;
- (4) Required reading on blindness and its effects;
- (5) Course of instruction in the California Guide Dogs for the Blind Act and the regulations of the board;
- (6) Basic principles of travel and mobility training for blind people.

(c) No apprentice shall be permitted to instruct any guide dog team except under the supervision of a licensed instructor.

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

HISTORY

1. Repealer and new section filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50).

2. Amendment of subsection (a) repealer of subsections (a)(1)-(2) and amendment of subsection (c) filed 3-17-2011; operative 4-16-2011 (Register 2011, No. 11).

16 CCR § 2266, 16 CA ADC § 2266

§ 2267. Names of Apprentices.

Each school shall provide the board with the name of each person employed or classified as an apprentice within thirty (30) days after such person is so employed or classified and shall certify the date of hire or classification as an apprentice and that the apprentice meets the requirements of Section 2266.

Note: Authority cited: Section 7208, Business and Professions Code. Reference: Sections 7208 and 7209, Business and Professions Code.

HISTORY

1. Renumbering of Section 2267 to Section 2265 and renumbering and amendment of Section 2281 to Section 2267 filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50). For history of former Section 2267, see Register 79, No. 32, 62, No. 11 and 21, No.1.

2. Amendment filed 11-12-82; effective thirtieth day thereafter (Register 82, No. 46).

§ 2268. License to Solicit Funds.

(a) A license to solicit funds for the establishment of a guide dog school may be issued, upon payment of a fifty dollars (\$50) fee, to a person whose plan of operation has been approved by the Board and whom the Board has determined to be of sufficient financial responsibility. For purposes of this Section

“sufficient financial responsibility” means net worth in an amount not less than \$25,000. At the discretion of the Board, an applicant may demonstrate a net worth by posting a bond in the amount of \$25,000 or supply such other similar means of proof of sufficient financial responsibility as the board deems appropriate.

Note: Authority cited: Sections 7208 and 7210.6, Business and Professions Code. Reference: Section 7210.6, Business and Professions Code.

HISTORY

1. Repealer of Section 2268 and renumbering of Section 2269 to Section 2268 filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50). For history of former Section 2268, see Registers 77, No. 41 and 62, No. 11.
2. Order of Repeal filed 6-3-85 by OAL pursuant to Government Code Section 11349.7; designated effective 11-30-85 (Register 85, No. 26).
3. Editorial correction (Register 88, No. 12).
4. New section filed 5-19-88; operative 6-18-88 (Register 88, No. 22).
5. Amendment of subsection (a) filed 8-23-96; operative 9-22-96 (Register 96, No. 34).

§ 2268.1. License Period.

- (a) A license to solicit funds shall remain in effect for one year after the date of issuance and is not renewable or transferable. However, the Board may, in its discretion, extend a license for an additional one year period if the licensee applies to the Board and makes a showing of good cause therefor.
- (b) A person who is licensed to solicit funds shall apply for a school license prior to the expiration of the license to solicit funds.

Note: Authority cited: Sections 7208 and 7210.6, Business and Professions Code. Reference: Section 7210.6, Business and Professions Code.

HISTORY

1. Repealer of Section 2268.1 and renumbering of Section 2269.1 to Section 2268.1 filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50). For history of former Section 2268.1, see Registers 79, No. 32 and 62, No. 11.

§ 2268.2. Donations; Records.

- (a) All funds raised by a licensee shall be held in trust under the control of the trust department of a bank or trust company located in California.
- (b) The licensee shall advise the Board in writing of the name and street address of the bank or trust company where the funds are located.
- (c) The licensee shall keep a record of the following information for each donation or contribution:
 - (1) the name and address of the donor;
 - (2) the amount of the contribution;
 - (3) the date the contribution was received.
- (d) The licensee shall verify to the Board all requisite forms, reports, and fees required by the State of California, Office of the Attorney General's Registry of Charitable Trusts have been submitted.

Such records shall be furnished to the Board upon demand.

Note: Authority cited: Sections 7208 and 7210.6, Business and Professions Code. Reference: Section 7210.6, Business and Professions Code.

HISTORY

1. Renumbering of Section 2269.2 to Section 2268.2 filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50).
2. Amendment of subsection (c)(3) and new subsection (d) filed 4-22-2013; operative 7-1-2013 (Register 2013, No. 17).

16 CCR § 2268.2, 16 CA ADC § 2268.2

§ 2268.3. Expenditure of Funds.

- (a) Except as provided in subsection (b), no funds raised during the license period or extension thereof shall be expended for any purpose.
- (b) A licensee may expend funds raised during the license period or extension thereof to pay the cost of fund raising and the cost of obtaining an option to buy or lease land for a school site; provided, however, that such costs shall not exceed twenty percent (20%) of the funds raised during the license period or extension thereof.
- (c) In the event a licensee fails to raise at least \$20,000 or fails to apply for a school license from the board, all funds raised shall be distributed as follows:
 - (1) The costs of fund raising and the option to buy or lease land shall be deducted from the total funds raised; provided, however, that the total amount deducted shall under no circumstances exceed twenty percent (20%) of the total funds raised.
 - (2) All funds remaining after the costs of fund raising and the option to buy or lease land have been deducted shall be repaid pro rata to each donor whose total donations exceed ten dollars (\$10).

Note: Authority cited: Sections 7208 and 7210.6, Business and Professions Code. Reference: Section 7210.6, Business and Professions Code.

HISTORY

1. Renumbering of Section 2269.3 to Section 2268.3 filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50).

§ 2269. Charitable Solicitations.

A licensee shall not make any representation or other type of charitable solicitation which misleads, deceives or has a tendency to mislead or deceive the public. Nor may a licensee obtain charitable contributions by fraud or misrepresentation.

Note: Authority cited: Section 7208, Business and Professions Code. Reference: Sections 480, 7208 and 7211.9, Business and Professions Code.

HISTORY

1. Renumbering of Section 2269 to Section 2268 and new Section 2269 filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50).

§ 2271. Living Quarters; Attendants.

(a) Living Quarters. A guide dog training 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 living quarters to be clean and sanitary. The school's facilities, including but not limited to, heating and cooling, ventilation,

lighting, dormitories, class areas, kennels, and campus environment, shall be clean and functional at all times. The school shall maintain on file all valid permits required by any public agency relating to the health and safety of the school's facilities or equipment, and such permits shall be available to the Board upon request.

(b) Attendants for the Blind. Each school shall have available at all times an attendant to render such assistance as may be necessary to blind persons being trained in the use of a guide dog at the school.

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

HISTORY

1. Amendment filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50).
2. Amendment filed 4-22-2013; operative 7-1-2013 (Register 2013, No. 17).

§ 2272. Compliance With Law. [Repealed]

HISTORY

1. Amendment filed 10-8-77; effective thirtieth day thereafter (Register 77, No. 41).
2. Order of Repeal filed 6-3-85 by OAL pursuant to Government Code Section 11349.7; designated effective 11-30-85 (Register 85, No. 26).
3. Editorial correction (Register 88, No. 12).

ARTICLE 3. TRAINING SCHOOLS

§ 2273. Inspection.

Schools for the training of guide dogs and their use and the instruction of blind persons in such use shall be open to inspection at all times by the Board, its representatives, or any person or agency authorized by it.

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

HISTORY

1. Renumbering of Section 2273 to Section 2274 and renumbering of Section 2276 to Section 2273 filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50). For history of former Section 2273, See Register 79, No. 32.)

§ 2274. Health Certificate. [Repealed]

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

HISTORY

1. Renumbering of Section 2274 to Section 2276 and renumbering of Section 2273 to Section 2274 filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50). For history of former Section 2274, see Registers 79, No. 32 and 53, No. 7.
2. Repealer filed 8-27-2008; operative 9-26-2008 (Register 2008, No. 35).

§ 2275. Sterilization of Dogs.

The school shall give to each blind person who receives a guide dog a certificate from a veterinarian stating that the guide dog has been spayed or neutered. The school shall retain a copy of such document in its records.

Note: Authority cited: Section 7208, Business and Professions Code. Reference: Sections 7208 and 7215, Business and Professions Code.

HISTORY

1. Amendment filed 11-12-82; effective thirtieth day thereafter (Register 82, No. 46).
2. Amendment of section heading and section filed 8-23-96; operative 9-22-96 (Register 96, No. 34).
3. Amendment filed 4-16-2012; operative 5-16-2012 (Register 2012, No. 16).

§ 2276. Client Instruction.

Each school or instructor providing a guide dog to a client shall comply with the following standards:

- (a) Clients training with their first guide dogs must receive instruction consisting of a minimum of 15 hours theory and a minimum 30 hours practical in-harness instruction spread over a two to four week period.
- (b) Clients training with successor dogs must receive instruction consisting of a minimum of 10 hours theory and 20 hours practical in-harness instruction.
- (c) The instruction must be individualized to the client and provided until the team achieves safe and effective guide dog mobility, until the instructor determines the team cannot satisfactorily complete instruction, or until the client discontinues services.
- (d) The instruction may be conducted in any appropriate venue, including, but not limited to, in-residence at the school, in-home, or a combination of both.

Note: Authority cited: Section 7208, Business and Professions Code. Reference: Sections 7208 and 7210.7, Business and Professions Code.

HISTORY

1. Renumbering of Section 2276 to Section 2273 and renumbering of Section 2274 to Section 2276 filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50). For history of former Section 2276, see Register 79, No. 32.
2. Amendment of section heading, section and Note filed 7-21-2010; operative 8-20-2010 (Register 2010, No. 30).

§ 2277. Physical Defects. [Repealed]

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

HISTORY

1. Amendment filed 8-10-79; effective thirtieth day thereafter (Register 79, No. 32).
2. Repealer filed 8-27-2008; operative 9-26-2008 (Register 2008, No. 35).

§ 2278. Names and Addresses of Students.

Schools shall provide the board with a list of all students enrolled, and also with the names and addresses of all students graduated.

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

HISTORY

1. New Sections 2278 and 2279 filed 3-11-48 as an emergency (Register 11, No. 8).
2. Amendment filed 6-8-62; effective thirtieth day thereafter (Register 62, No. 11).
3. New NOTE filed 5-22-85; effective thirtieth day thereafter (Register 85, No. 21).

§ 2279. Certificates.

A school shall provide each graduate with a certificate of satisfactory completion of instruction.

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

HISTORY

1. Amendment filed 6-8-62; effective thirtieth day thereafter (Register 62, No. 11).
2. Amendment filed 8-10-79; effective thirtieth day thereafter (Register 79, No. 32).

§ 2280. Attendance of and Changes in Instructional Personnel.

(a) Each school is required to advise the Board of any change in and significant absence of instructional personnel, both licensed and apprentice.

(b) The Board interprets the provision of Section 7214 of the Code to mean that a licensed instructor must be in attendance at the school or at the place where the instruction is being conducted if away from the school.

Note: Authority cited: Section 7208, Business and Professions Code. Reference: Sections 7208 and 7214, Business and Professions Code.

HISTORY

1. New section filed 10-19-50; effective 30th day thereafter (Register 22, No. 1).
2. Amendment filed 8-10-79; effective thirtieth day thereafter (Register 79, No. 32).
3. Amendment of subsection (b) filed 11-12-82; effective thirtieth day thereafter (Register 82, No. 46).
4. Editorial correction of section heading filed 5-22-85; effective thirtieth day thereafter (Register 85, No. 21).

§ 2281. Names of Apprentices. [Renumbered]

HISTORY

1. New section filed 6-8-62; effective thirtieth day thereafter (Register 62, No. 11).
2. Renumbering and amendment of Section 2281 to Section 2267 filed 12-12-80; effective thirtieth day thereafter (Register 81, No. 50).

3. Editorial correction (Register 81, No. 18).

ARTICLE 4. STANDARDS OF TRAINING AND INSTRUCTION

§ 2282. Required Training.

(a) Guide dogs shall be trained and tested to:

- (1) Acknowledge the beginning and end of a block, regardless of curb type.
- (2) Stop or pause at notable changes of elevation in walking surfaces.
- (3) Respond appropriately to basic directional guide work and obedience commands.
- (4) Work sidewalk less and rounded corner areas and appropriately acknowledge intersecting streets.
- (5) Move the handler away from obstacles or stop when there is insufficient room for clearance.
- (6) Maintain a safe distance or buffer from potentially threatening vehicles. Target the appropriate up curb location.
- (7) Refocus when directed on its working task when distracted by certain stimulants such as persons, animals, or food.
- (8) Under direction of a handler, negotiate public transportation and ride appropriately.
- (9) Work at a consistent steady pace, providing safe, effective and fluid movement appropriate to its handler and travel conditions.
- (10) Behave appropriately in all locations both in and out of harness.
- (11) Effectively work in buildings, find doors on command, and negotiate stairs, ramps, and elevators as needed.
- (12) Display suitable house manners: free of destructive habits, excessive barking and indiscriminate relieving; be handled easily by client for general care and management; demonstrate the ability to behave properly when left along for a reasonable period of time.

(b) Guide dogs shall be tested by a qualified handler under blindfold. A verification of successful completion of the required training and testing shall be retained by the school in its records.

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

HISTORY

1. New section filed 6-8-62; effective thirtieth day thereafter. Former section 2282 renumbered 2282.1 (Register 62, No. 11).
2. New NOTE filed 5-22-85; effective thirtieth day thereafter (Register 85, No. 21).
3. Renumbering of former section 2282 to section 2282.1 and renumbering of former section 2282.1 to section 2282, including amendment of section, filed 3-17-2011; operative 4-16-2011 (Register 2011, No. 11).

§ 2282.1. Assignment of Dogs.

Before a dog may be assigned to a client, within the prior 60-day period, an instructor shall have verified that the dog meets the requirements as set forth by section 2282.

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

HISTORY

1. Formerly Section 2282. Renumbering amendment filed 6-8-62; effective thirtieth day thereafter (Register 62, No. 11).

2. New NOTE filed 5-22-85; effective thirtieth day thereafter (Register 85, No. 21).

3. Renumbering of former section 2282.1 to section 2282 and renumbering of former section 2282 to section 2282.1, including amendment of section heading and section, filed 3-17-2011; operative 4-16-2011 (Register 2011, No. 11).

§ 2283. Attendants for the Blind. [Repealed]

HISTORY

1. Repealer filed 12-12-80; effective thirtieth day thereafter (Register 81, No. 50).

2. Editorial correction (Register 81, No. 18).

§ 2284. Instructor - When License Required.

Anyone instructing a blind person in the use of a guide dog must be licensed by the Board, provided, however, that a school may employ apprentices to assist in such instruction. No apprentice shall act as an instructor except under the supervision of a licensed instructor.

Note: Authority cited: Business and Professions Code, Section 7208. Reference: Business and Professions Code, Sections 7208 and 7210.

HISTORY

1. Amendment filed 6-8-62; effective thirtieth day thereafter (Register 62, No. 11).

2. Amendment filed 8-10-79; effective thirtieth day thereafter (Register 79, No. 32).

3. Amendment filed 4-16-2012; operative 5-16-2012 (Register 2012, No. 16).

§ 2285. Ethical Standards of 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 client to any person, other than the Board or its staff, without the 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 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 shall not engage in intimidation or coercion of clients, or physical violence or threat of violence 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.

HISTORY

1. New section filed 12-12-80; effective thirtieth day thereafter (Register 80, No. 50).

2. Amendment of section heading, section and Note filed 9-10-2014; operative 1-1-2015 (Register 2014, No. 37).

§ 2286. Continuing Education.

(a) As a condition of renewal of an instructor's license which expires on or after June 30, 1996, the instructor shall provide proof to the board of completion of not less than 8 hours of continuing education obtained within 12 months prior to license renewal. Proof of completion of continuing education shall be in form of a written declaration specifically naming the activity, the dates involved, any costs, and the name of the instructor, and institution or sponsoring organization.

(b) An instructor shall provide proof to the board of completion of one or a combination of any of the following totaling 8 hours:

(1) in a board approved course or seminar, regarding blindness mobility, health issues relating to blindness, instructing blind persons, and care and training of dogs.

(2) attendance at meetings of guide dog user organizations or organizations of the blind.

(3) participation in self-study videos or online coursework (per CCR 16 § 2286(b)(1)).

(c) Pre-approval of courses or attendance of meeting or seminars may be obtained by submitting to the board a description of the activity, the number of hours and the subject matter to be covered, name and address of the instructor, and name of the sponsor or organization providing the activity, writing at least 30 days preceding the activity. The board shall inform the applicant of the status of the activity prior to the onset, unless impractical to do so.

(d) Proof of completion of continuing education shall be in the form of a written declaration signed by the licensee containing the following information: name of the activity, date(s) of the activity, cost instruction or activity, name and address of the instructor, and name of the sponsor or the organization providing the activity.

Note: Authority cited: Sections 7208 and 7211.1, Business and Professions Code. Reference: Sections 7208 and 7211.1, Business and Professions Code.

HISTORY

1. New section filed 8-23-96; operative 9-22-96 (Register 96, No. 34).
2. Amendment of subsections (b)-(b)(2), new subsection (b)(3) and amendment of subsection (d) filed 11-30-2009; operative 12-30-2009 (Register 2009, No. 49).

ARTICLE 5. MISCELLANEOUS

§ 2290. Substantial Relationship Criteria.

For the purposes of denial, suspension or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or act shall be considered to be substantially related to the qualifications, functions and duties of a guide dog school operator or instructor of blind persons in use of guide dogs if to a substantial degree it evidences present or potential unfitness of a guide dog school operator or instructor of blind persons in use of guide dogs to perform the functions authorized by his or her license in a manner consistent with the public health, safety or welfare. Such crimes or acts include but are not limited to those involving the following:

- (a) Any violation of any of the provisions of Chapter 9.5, Division 2 of the Code;
- (b) Any act or crime involving cruelty to animals.

Note: Authority cited: Sections 481 and 7208, Business and Professions Code. Reference: Sections 481, 7211.9 and 7216, Business and Professions Code.

HISTORY

1. Amendment filed 8-10-79; effective thirtieth day thereafter (Register 79, No. 32).
2. Amendment filed 11-12-82; effective thirtieth day thereafter (Register 82, No. 46).

§ 2291. Rehabilitation Criteria.

(a) When considering denial of a license under Section 480 of the Code, the board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license, will consider the following criteria:

- (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Code.
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
- (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- (5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of a license on the ground that a guide dog school operator or instructor of blind persons in the use of guide dogs has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his or her eligibility for a license will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering a petition for reinstatement of a license under Section 11522 of the Government Code, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria of rehabilitation specified in subsection (b).

Note: Authority cited: Sections 482 and 7208, Business and Professions Code. Reference: Sections 482, 7211.9 and 7216, Business and Professions Code.

HISTORY

1. New Article 5 (Sections 2290 and 2291) filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
2. Amendment of subsection (b) filed 8-10-79; effective thirtieth day thereafter (Register 79, No. 32).
3. Amendment of subsection (a) filed 11-12-82; effective thirtieth day thereafter (Register 82, No. 46).

§ 2292. Inactive Instructor License.

- (a) The board hereby establishes an inactive category of licensure for instructors who are not actively engaged in the practice of instructing blind persons in the use of guide dogs and who have applied for an inactive license.
- (b) The holder of an inactive license issued pursuant to this section shall not engage in any activity for which a license is required.
- (c) An inactive license issued pursuant to this section shall be renewed during the same time period in which an active license is renewed. The holder of an inactive license need not comply with any continuing education requirement.
- (d) The renewal fee for a license in an inactive status shall be twenty-five dollars (\$25) per year.
- (e) An inactive license issued pursuant to this section may be restored to active status within 3 years following the expiration of the original license provided the holder of an inactive license becomes current for all continuing education as required under the regulations. Becoming current for all continuing education shall mean that the applicant shall complete the requisite hours of education for each year that the license has been inactive. An inactive license may not be restored to active status after 3 years following the expiration of the original license.

Note: Authority cited: Sections 462 and 7208, Business and Professions Code. Reference: Section 462, Business and Professions Code.

HISTORY

1. New section filed 8-23-96; operative 9-22-96 (Register 96, No. 34).

§ 2293. School Requirements Regarding Continued Use of a Guide Dog.

(a) Except for circumstances described in Business and Professions Code section 7215.6(f), whenever a school retains title to a trained guide dog and decides not to permit the continued use of the dog by its user, the school shall do all of the following:

- (1) Issue a written letter of intent to the user that the school intends not to permit continued use of the dog.
- (2) Provide the user a copy of the law and regulations pertaining to the arbitration provisions of Chapter 9.5 of Division 3 of the Code (commencing with section 7215.6).
- (3) Provide the user with a record of the Board's name, physical address, web site address, and telephone number.
- (4) The items described above shall be provided to the user by personal delivery, by first class mail,

postage prepaid, with return receipt requested, or substantially similar means designed to ensure actual notice to the user as determined by the Board in its discretion.

(b) The requirements of subsection (a) shall be performed within 30 calendar days of the school decision not to permit the user's continued use of the dog.

(c) A user may waive his or her rights to notice and arbitration under subsection (a). To be valid, the waiver must be in writing, signed by the user and executed either after the user has been informed of the school's intent not to permit continued use of the dog or after the dog has been out of the user's physical custody for 30 calendar days.

Note: Authority cited: Section 7208, Business and Professions Code. Reference: Sections 7208(c), 7215.5 and 7215.6, Business and Professions Code.

HISTORY

1. New section filed 5-10-2005; operative 6-9-2005 (Register 2005, No. 19).

§ 2294. Arbitration Requirements.

To utilize the arbitration panel provided for in Code section 7215.6, the following requirements must be met:

(a) A school or user requesting arbitration shall submit a written request to the Board at its office, with the requestor's original signature, which contains the following information:

- (1) The name, address, and phone number of the school;
- (2) The name, address, and phone number of the user;
- (3) The name of the dog which is the subject of the dispute; and
- (4) An explanation of the nature of the dispute between the school and user.

(b) The requestor shall simultaneously submit a copy of the request to the other party to the dispute.

(c) A request for arbitration shall be postmarked within 30 calendar days of receipt of the school's letter of intent to not permit continued use of the guide dog by its user. For purposes of this subsection, receipt is the day the letter of intent was actually received by the user or, if actual receipt cannot be determined, 10 calendar days after it was mailed.

Note: Authority cited: Section 7208, Business and Professions Code. Reference: Section 7215.6, Business and Professions Code.

HISTORY

1. New section filed 5-10-2005; operative 6-9-2005 (Register 2005, No. 19).

§ 2295. Issuance of Citations and Fines.

(a) The Executive Officer of the Board or his designee may issue a citation containing an order to pay a fine between \$100 and \$5,000 and an order of abatement against a licensee for any violation of the Guide Dog Act or the California Code of Regulations or any laws governing the guide dog schools or guide dog instructors. A citation may be issued without the assessment of a fine, when determined by the Executive Officer or his designee.

(b) Each citation shall be in writing and shall describe with particularity the nature and facts of each violation specified in the citation, including a reference to the law or regulation alleged to have been violated.

(c) The citation shall be served upon the cited person either personally or by certified United States mail.

Note: Authority cited: Sections 125.9, 148 and 7200.1, Business and Professions Code. Reference: Sections 125.9, 148, 7209.5, 7210, 7210.5 and 7213, Business and Professions Code.

HISTORY

1. New section filed 4-16-2012; operative 5-16-2012 (Register 2012, No. 16).

§ 2295.1. Criteria To Be Considered.

In the issuance of any citation, the following factors shall be considered:

- (a) Nature and severity of the violation.
- (b) Length of time that has passed since the date of the violation.
- (c) Consequences of the violation, including potential or actual consumer harm.
- (d) History of previous violations of the same or similar nature.
- (e) Evidence that the violation was willful.
- (f) Gravity of the violation.
- (g) The extent to which the cited person has remediated any knowledge and/or skill deficiencies which could have injured a consumer.

Note: Authority cited: Sections 125.9 and 148, Business and Professions Code. Reference: Sections 125.9, 148, 7209.5, 7210, 7210.5 and 7213, Business and Professions Code.

HISTORY

1. New section filed 4-16-2012; operative 5-16-2012 (Register 2012, No. 16).

§ 2295.2. Contested Citations.

- (a) The citation shall inform the licensee that if he desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board within 30 calendar days of the date of issuance of the citation. Hearings shall be held pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
- (b) In addition to requesting a hearing provided for in subdivision (a) of this section, the cited person may, within 14 calendar days after service of the citation, submit a written request for an informal conference with the Executive Officer.
- (c) The Executive Officer or his designee shall, within 30 calendar days from receipt of the written request, hold an informal conference with the person cited and/or his legal counsel or authorized representative.
- (d) The Executive Officer or his designee may affirm, modify or dismiss the citation, at the conclusion of the informal conference. A written decision stating the reasons for the decision shall be mailed to the cited person and his legal counsel, if any, within 14 calendar days from the date of the informal conference. This decision shall be deemed to be a final order with regard to the citation issued.
- (e) If the citation is dismissed, the request for a hearing shall be deemed withdrawn. If the citation is affirmed or modified, the cited person may, in his discretion, withdraw the request for a hearing or proceed with the administrative hearing process.

Note: Authority cited: Sections 125.9 and 148, Business and Professions Code. Reference: Sections 125.9, 148, 7209.5, 7210, 7210.5 and 7213, Business and Professions Code.

HISTORY

1. New section filed 4-16-2012; operative 5-16-2012 (Register 2012, No. 16).

§ 2295.3. Citations for Unlicensed Practice.

The Executive Officer may issue a citation, in accordance with Section 148 of the Code, against any unlicensed person who is acting in the capacity of a licensee under the jurisdiction of the board and who is not otherwise exempt from licensure. Each citation may contain an assessment of an administrative fine, or an order of abatement fixing a reasonable period of time for abatement. Administrative fines shall

range from \$250 to \$5,000 for each violation. Any sanction authorized for activity under this section shall be separate from and in addition to any other civil or criminal remedies.

Note: Authority cited: Sections 125.9, 148 and 3622, Business and Professions Code. Reference: Sections 125.9, 148, 7209.5, 7210, 7210.5 and 7213, Business and Professions Code.

HISTORY

1. New section filed 4-16-2012; operative 5-16-2012 (Register 2012, No. 16).