



## TEMPORARY FOLLOW-UP INSTRUCTION PERMIT DRAFT LANGUAGE

### BUSINESS AND PROFESSIONS CODE AMENDMENTS AND ADOPTIONS

7200.5. The board shall have exclusive authority in this state to issue licenses and temporary follow-up permits for the instruction of persons who are blind or visually impaired in the use of guide dogs and for the training of guide dogs for use by persons who are blind or visually impaired. It shall also have exclusive authority in this state to issue licenses to operate schools for the training of guide dogs and the instruction of persons who are blind or visually impaired in the use of guide dogs.

7209. A person to be eligible for examination as an instructor must (a) have a knowledge of the special problems of persons who are blind or visually impaired and how to teach them, (b) be able to demonstrate by actual blindfold test under traffic conditions his or her ability to train guide dogs with whom persons who are blind or visually impaired would be safe, (c) be suited temperamentally and otherwise to instruct persons who are blind or visually impaired in the use of guide dogs, and (d) have had at least three years' actual experience, comprising such number of hours as the board may require, as an instructor, and have handled 22 person-dog units; or its equivalent, as determined by the board, as an apprentice under a licensed instructor or under an instructor in a school satisfactory to the board.

7209.5 A person to be eligible for a Temporary Follow-up Permit must (a) [PTF to set experience requirement]

7210. It shall be unlawful for any person to sell, offer for sale, give, hire or furnish under any other arrangement, any guide dog or to engage in the business or occupation of training a guide dog unless he or she holds a valid and unimpaired license or temporary follow-up permit issued pursuant to this chapter.

7210.7. Schools and instructors licensed by the board may provide home training and follow-up instruction in the use of guide dogs.

Schools and instructors providing home training in the use of guide dogs shall, annually, provide the board with the names and addresses of those persons who are receiving home training and shall include those persons who have received home training from the school or instructor subsequent to the last report filed with the board.

7211. (a) Each applicant for an instructor's license shall file an application with the board at least 10 days before the date fixed for examination, and shall pay to the board at the time of filing an application the sum of two hundred fifty dollars (\$250). No license shall be granted until the applicant has satisfactorily completed the examination prescribed by the board and has shown that he or she is equipped by a school or by equivalent facilities satisfactory to the board. An annual fee of one hundred dollars (\$100) shall be required for the renewal of a license.



(b) Each applicant for a temporary follow-up permit shall file an application with the board at least 10 days before the date services shall be provided, and shall pay to the board at the time of filing an application a sum of twenty five dollars (\$25).

(bc) All fees received under this chapter shall be deposited in the Guide Dogs for the Blind Fund.

7211.2. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. The board may order the license or temporary follow-up permit suspended or revoked, or may decline to issue a license or temporary follow-up permit, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

7211.9. The board may suspend or revoke a license or temporary permit issued under this chapter if it determines that the licensee or its manager or responsible directing officer has:

(a) Made any false statements or given any false information in connection with an application for a license or a renewal or reinstatement thereof.

(b) Violated any provision of this chapter.

(c) Violated any rule of the board adopted pursuant to the authority contained in this chapter.

(d) Been convicted of a felony or of any crime involving moral turpitude, or has been convicted of any offense involving cruelty to animals. The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction.

(e) Committed any act which would be grounds for denial of a license.

7212. The proceedings for the revocation or suspension of a license or temporary follow-up permit shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

7216. The board may refuse to issue a license or temporary follow-up permit to a school or instructor if the applicant, if an individual, or any officer or partner, if the applicant is other than an individual, has committed any act or crime constituting grounds for denial of licensure under Section 480. Proceedings under this section shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all of the powers granted therein.

## CCR AMENDMENTS AND ADOPTIONS FOR TEMPORARY INSTRUCTOR PERMIT

§ 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 demonstrate or explain, in-person, the techniques used to train or handle a guide dog. ~~instruct a blind person in the use of a guide dog. Instruction includes follow-up instruction with a client.~~

(h) the term “follow-up instruction” means in-person training or consultation that takes place between an instructor and a guide dog team after an initial training period has been successfully completed. Follow-up instruction requires either a license or temporary permit from the Board.

16 CCR § 2259. Applications.

(a) An application for a license or temporary follow-up permit 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 or temporary follow-up permit 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.

§ 2260. Completion of Requirements for License as Instructor.

(a) If an applicant for an instructor's license or temporary follow-up permit 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.

[§ 2261. Completion of Requirements for Temporary Follow-up Instructor Permit. \[PTF to set requirements\]](#)

§ 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.

[\(c\) A temporary follow-up permit shall remain in effect for seven \(7\) calendar days and apply only to the instructor and client stated on the application. Temporary follow-up permits are nonrenewable.](#)

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.

§ 2263. License Not Transferable.

A license [or temporary follow-up permit](#) shall not be transferable.

16 CCR § 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.



16 CCR § 2265.1. Temporary Follow-Up Permit.

In instances where a school physically located outside of California needs to provide follow-up instruction to a guide dog team residing in the State, the Board may issue a temporary follow-up permit to an instructor employed by the school to ensure that the team receives the instruction necessary to maintain safe and effective mobility. In order to be eligible for a temporary follow-up permit, the applicant must:

- (1) meet all requirements as specified in section 7209.5 of the Code and section 2261 of this Division.
- (2) be employed by a guide dog school physically located outside the State of California.

§ 2269. Charitable Solicitations.

A licensee or permit holder 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.

§ 2284. Instructor - When License Required.

Anyone instructing a blind person in the use of a guide dog must be licensed or permitted 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.

§ 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 or permit issued by the Board shall comply with the following ethical standards of practice:

- (a) A licensee or permit holder 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 or permit holder 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.

#### § 2290. Substantial Relationship Criteria.

For the purposes of denial, suspension or revocation of a license or permit 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.

#### § 2291. Rehabilitation Criteria.

(a) When considering denial of a license or permit under Section 480 of the Code, the board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license or permit, 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 or permit 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 or permit holder 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 or permit holder.
- (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.

#### § 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 or permit holder 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.

#### § 2295.2. Contested Citations.

- (a) The citation shall inform the licensee or permit holder 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.