



APPROVED MINUTES

Of the Board Meeting of Monday, February 23, 2009
Guide Dogs of America
13445 Glenoaks Boulevard
Sylmar, CA 91342
(818) 362-5834

Board Members

Jeff Neidich, President
Tom Scott, Vice-President
Tony Candela, Secretary
Belinda Barragan
Eric Holm
Amy Lyons
Lindsay Schnaidt

Executive Officer
Antonette Sorrick

Board Staff
Susan Cox

Legal Counsel
Albert Balingit

Guests

Chuck Jordan, Guide Dogs of America
Linda Haas, Guide Dogs of America
David Ponce, Guide Dogs of America
Pam Metz, GDUC
Ken Metz, GDUC/CCB
Tanela Bryant, SOLID
Kristine Grangaard, SOLID
Andi Krusoe, Guide Dogs of America
Gil De Luna, DCA
Shayne Wilson, DCA
Lori Bernson, Guide Dogs of America

AGENDA

Open Session:

1. Call to Order/Roll Call (J. Neidich/T. Candela)
President Neidich called the meeting to order at 9:04 AM. Secretary Candela took the roll. Six Board Members were initially present and a quorum was established.
2. President's Welcome (J. Neidich)
President Neidich welcomed the audience.

President Neidich stated that he will no longer be serving on the Legislative Committee. These newly assigned Board Members will serve on the following standing committees:

1. Legislative Committee: Vice-President Scott, as Chair, Board Member Barragan, and Board Member Holm.
2. The Outreach and Education Committee: Secretary Candela as Chair, President Neidich and Board Member Schnaidt.
3. The Budget Committee (Formerly, Statutory and Regulatory Subcommittee): Board Member Barragan and Secretary Candela, as Co-Chairs.

The Practice Task Force members will be composed of Amy Lyons, Kathy Kelly of Guide Dogs for the Blind (GDB), Chuck Jordan of Guide Dogs of America (GDA) and Bob Wendler of Guide Dogs of the Desert (GDD). (At 10:45 AM, Board Secretary Candela noted that Board Member Barragan was in attendance for the official minutes.)

3. Strategic Planning (T. Bryant/K. Grangaard)

See attached.

4. Approval of Board Meeting Minutes November 18, 2008 (J. Neidich)

The motion was made by Board Vice President Scott to approve the minutes as written. Board Member Schnaidt seconded the motion. Board Member Candela amended the motion to include his request of legal counsel to ask if the Board could legally go forward and assist with the situation presented to us regarding the Eye Dog Foundation (EDF). Additionally, Executive Officer Sorrick requested the spelling of Board Member Schnaidt's name be corrected on page two of the minutes. Board Vice President Scott withdrew his motion. With the two amendments, Board Vice President Scott motioned to approve the minutes. Board Member Holms seconded the motion. Motion passed.

5. Committee Reports

a. Legislative Committee Report (T. Scott, J. Neidich)

H.R. 734 (formerly H.R. 5734 (Rep. Towns, Edolphus – NY-10))

Board Vice President Scott asked for a motion to support H.R. 734. Board Member Holm made a motion to support the bill and Board President Neidich seconded the motion. Vote: Motion passed.

Board Vice President Scott made a motion to delegate authority to the Legislative Committee to use its authority under the Board Committee Guidelines. Board Member Holm seconded the motion. Vote: Motion passed.

b. Outreach and Education Committee Report (J. Neidich, T. Candela)

Executive Officer Sorrick presented data on the Board Web site. In June, 2008, the Board had the following number of hits: 11,158, in July: 11,366 in August, 9,361 hit in September; 9,550 hits in October; 11,468 hits, in November; 12,283 and 14,581 hits. December. Six new features were added to the Board Web site:

1. 2008 year-end review

2. License lookup database (gives consumers and schools the opportunity to check the status of a school or instructor license).
3. Proof of Continuing Education form (instructors can print and use as evidence for license renewals).
4. Five Steps to Licensing (a step-by-step guide to guide dog instructor licensure).
5. Pictures from Ethel Phillips presentation and Guide Dog Day 2008

Committee Chair Candela summarized the Outreach and Education Committee report and reported that on February 11, 2009, Board President Neidich and Executive Officer Sorrick had a phone meeting with California Council of the Blind (CCB) representative Elena Thompson regarding the Board's upcoming strategic planning session. She was asked to provide input and feedback from the current draft plan. On February 13, 2009, Executive Officer Sorrick and Committee Chair Candela had a phone meeting with Mary Willows, President of National Federation of the Blind, California regarding the Board's upcoming strategic plan; the Board's funding legislation and the continued viability of the Board. CCB representative Ken Metz announced the upcoming CCB Spring Convention. Guide Dog Users of California (GDUC) planned to meet on Saturday, April 4, 2009. The convention was scheduled for April 2-5 at the Arden West Hilton Hotel, Sacramento. Ken Metz announced that he was President of the Los Angeles County, Guide Dog for the Blind, Alumni Association Chapter. The Chapter is planning to have Guide Dog Days promoted in malls to educate the public on the use of guide dogs and demonstrate training at the malls.

- c. Statutory and Regulatory Subcommittee Report (T. Candela, B. Barragan)
Fee Proposal

The Statutory and Regulatory Subcommittee met to discuss the proposed annual school renewal fee. After Executive Officer Sorrick and Secretary Candela presented the legislation language to Senator Alex Padilla's staff member Khaim Morton. Senator Padilla agreed to carry the bill as written. In the interim, Executive Officer Sorrick reported that the statutory language had been submitted to Legislative Counsel as "unbacked" until an Author was secured. Board President Neidich made a motion to delegate the authority of the Committee Guidelines for the Budget Committee (formerly the Statutory and Regulatory Subcommittee). Board Member Lyons seconded the motion. Vote: Motion passed.

- d. Practice Task Force (A. Lyons, A. Sorrick)
16 CCR, Section 2286 – Continuing Education
16 CCR, Section 2276, - Instruction
Business and Professions Code Section 7210.78 – In-Home Training

Task Force Chair Lyons reported that on Tuesday, January 27, 2009, the Practice Task Force held a meeting via teleconference. She then asked for Executive Officer Sorrick to report on the action items from the meeting. Executive Officer Sorrick read current and proposed language for 16 CCR Section 2286 (Continuing Education). The proposed language from the Task Force is:

(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) attendance in a board approved course or seminar, regarding blindness mobility, health issues related to blindness, instructing blind persons, and care and training of dogs; *and*

(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) (2))

(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, in 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.

This proposed language had been approved by the Board at its November 18, 2008 meeting.

Executive Officer Sorrick read current and proposed Practice Task Force recommended language for 16 CCR, Section 2276 Instruction Period. Currently, a school providing instruction:

shall provide a minimum of 80 hours of instruction over a period of four weeks, except that with respect to a person who has previously completed such minimum instruction in a school satisfactory to the Board, a school may provide a minimum of 40 hours of instruction over a period of two weeks. A school may, when in its judgment it is necessary for proper instruction in a particular case, require instruction in excess of the minimums prescribed in this section. In no case shall

less than 15 hours nor more than 25 hours of instruction be given in any one week.

The Practice Task Force recommends the language be amended to read:

Clients training with their first guide dogs must receive a minimum of 30 hours practical in-harness instruction spread over a two to four week period under the supervision of a licensed instructor.

Clients training with successor guide dogs may be trained in a shorter period but this shall not be less than 20 hours of in-harness instruction under the supervision of a licensed instructor.

The training must be individualized and there is no maximum training time within which the team must achieve safe and effective guide dog mobility.

Instruction must be conducted in the most appropriate venue(s) depending on client need and may be in-residence, in-home or a combination of both.

Task Force Member Jordan explained that the rationale in the proposed language was to look at the flexibility of training venues. Ken Metz expressed a concern that there was no theoretical instruction required by the proposed language. While this may not be an issue now, new schools may feel that because there is no requirement for theory to be taught, they will not provide it.

President Neidich made a motion to ask the Practical Task Force to add minimum theoretical instruction to the regulatory language. Secretary Candela seconded. Vote: motion passed.

Executive Officer Sorrick read current language for the Business and Professions Code Section 7210.7 In-Home Training.

The Practice Task Force recommended the language be amended to read:

The board authorizes schools licensed by the board or instructors employed by those schools to provide home training in the use of guide dogs.

Schools 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 subsequent to the last report filed with the board.

Board Member Lyons read the Board recommended language regarding in-home training. Board Vice President Scott motioned to accept the Practice Task Force

recommendation. Board Member Barragan seconded the motion. Legal Counsel Balingit recommended that the language needed to clarify whether or not an instructor needed to be connected to a licensed school to have the authority to provide in-home instruction. Board Vice President Scott withdrew the initial motion. Board Member Barragan seconded the withdrawal. Board President Neidich recommended the Task Force to re-address and reconcile inconsistencies in the regulatory language pertaining to out-of-state instructors and in-home training.

6. Inquire Before You Hire (G. DeLuna)

Gil De Luna of Department of Consumer Affairs (DCA) summarized the Unlicensed Activity Program. The program prosecutes unlicensed people doing business in California and protects both consumers and licensees by enforcing the laws and regulations of more than 40 boards, bureaus, programs and commissions. The program Web site is: www.inquirebeforeyouhire.ca.gov. The DCA program will launch a Consumer Empowerment Campaign on May 4, 2009, that will teach consumers to, "Be Smart, Be Safe, and Be Heard," at the Evan's Community Vocational School. Gil De Luna announced that March 1-7 would be National Consumer Protection week. The schedule is posted in the DCA Web site.

7. Draft Legislative Committee Report (A. Sorrick)

Executive Officer Sorrick presented the Board with draft legislative guidelines for consideration. The options were as follows:

Option A: The Board may delegate to the Executive Officer and a Committee Chair, the authority to take action on legislation that would have an impact on the Board's statutes or regulations. Prior to taking a position on legislation, the Executive Officer shall consult with the Board President. The Board shall be notified of such action as soon as possible.

Option B: The Board committees are advisory and may only recommend actions to the Board. Recommendations and reports of the Committee shall be submitted to the full Board for consideration and approval.

Option C: The Board committees are advisory and may recommend actions to the Board. Recommendations and reports of Committees shall be submitted to the full Board for consideration and approval. However, the Board may delegate to the Executive Officer and the Committee Chair, the authority to take action – only in the event that time constraints preclude Board action - on legislation that changes the Guide Dog Law, impacts a previously established Board policy, or affects the public's health, safety, or welfare. Before taking a position on legislation, the Executive Officer or Committee chair shall consult with the Board President. The Board shall be notified of such action as soon as possible.

Board Vice President Scott motioned to adopt option "A" due to tight deadlines the legislative calendar presents. Board Member Holm expressed an understanding of the time constraints, however, he expressed that the Board may not be able to provide valuable input. Legal Counsel Balingit advised that Option "A" covers consultation

with the Board President, Option "B" gives no time limitation, no restrictions and Option "C" has a time restriction and a subject matter restriction. Board Vice President withdrew his motion to support Option A and moved to support Option C. Board Member Schnaidt seconded the motion. Board Secretary Candela recommended amending the motion to add "as pertains to the mission of the Board" to the end of the second sentence. Board Member Lyons seconded the motion as amended. Motion to amend passed. Board Vote: motion to adopt C as amended passed.

8. Service Dog Day (A. Sorrick)

Executive Officer Sorrick opened discussion on the letter from the Assistance Dogs International, Inc. from Corey Hudson which suggested that there be an Assistance Dog Day in Sacramento. President Neidich recommended organizing the Assistance Dog Day as a collaborative effort. Executive Office Sorrick recommended that the Outreach and Education Committee coordinate with Corey Hudson and work on ideas to present to the Board. Chuck Jordan suggested that Service Dogs be referred to as Assistance Dogs. The Board concurred.

9. Eye Dog Foundation – Board's Jurisdiction (A. Balingit)

Legal Council Balingit discussed the legal issues of unlicensed instruction activity in California. Executive Officer Sorrick stated that the Board has asked the investigator from the Attorney General's Office to let the Board know if they have discovered any unlicensed practice, under the Board's jurisdiction, in regards to the Eye Dog Foundation. The Board currently has enforcement jurisdiction through the Attorney General's Office, to enforce violations on selling, furnishing, providing guide dogs, or providing guide dog instruction without a California license.

Secretary Tony Candela asked if the Board could legally go forward and assist with the situation presented to the Board regarding the Eye Dog Foundation. Secretary Candela admonished the Board over the amount of time this issue had been before the Board and that no action had been taken against the school. Board Member Scott responded that it was not out of a lack of concern, but we were tied to what we could do in our jurisdiction. A discussion ensued regarding taking action versus the Board's lack of jurisdiction. Executive Officer recommended the Board write a follow-up letter to the Attorney General requesting the investigation be prioritized and expedited. President Neidich delegated to Secretary Candela the writing of the draft letter to the Attorney General for his signature.

10. Executive Officer's Report (A. Sorrick)

a. Budget Report

Executive Officer Sorrick briefed the Board on the Synopsis of the Board's Fund Condition from Fiscal Year (FY) 2007/09 – 2013-14. Actual FY 2007/08 expenditures were \$161,000 leaving a balance of \$224,000 with 16 months in reserve. This year, the Board is expected to expend \$168,150 leaving \$229,000 in reserves. After the GDB Oregon campus is deducted, the Board has a projected deficit of \$66,000 (FY 2013-14).

b. Inspection Update

A copy of the inspection report from December 17, 2008, for Guide Dogs of the Desert was included in the board meeting materials. The school passed inspection.

c. Blindfold Instruction – Guide Dogs of America, January 11-15, 2009

Executive Officer Sorrick thanked Chuck Jordan and the entire class of 360 of Guide Dogs of America for making her feel welcomed as she went under blindfold for five days of instruction at the school. See attached.

d. Out-of-State Licensing Letter

Executive Officer Sorrick briefed the Board on the letter she sent to Fidelco Guide Dog Foundation addressing the issue of non-compliance in regards to practicing without a license and information on how to become licensed in California. The Fidelco Guide Dog Foundation contacted its consumers and advised them that the Board was prohibiting their providing instruction in California. Board Secretary Candela motioned to have staff draft a letter to inform out-of-state instructors of the law and the process to become licensed. President Neidich seconded the motion. Vote: Motion passed.

Board Secretary Candela moved to have the Executive Officer work with legal counsel to draft FAQs on Board licensing policy for consumers. Board Member Holm seconded the motion. Vote: Motion passed.

e. Examination Update

Executive Officer Sorrick briefed the Board on the Examination Update in Sacramento at the Office of Professional Examination Services (OPES). Carolyn Hecht (Guide Dogs for the Blind, Oregon) passed the Written and Practical/Oral Exam. Ms. Hecht was welcomed to the Board as a new licensed instructor.

f. 2008 Year-End Review

Executive Officer Sorrick provided a copy of the Board's first Year-End Review. This publication is a first of its kind for summarizing the year of projects and accomplishments of the Board.

f. DCA Report

Executive Officer Sorrick advised the Board that the 2010 PACT summit would be held in either January or February, 2010 and at either in San Diego or San Francisco.

11. Agenda Items for Next Meeting

Do instructors need to be connected to a school?
All Standing Committee Reports

12. Meeting Calendar and Location

The Board is scheduled to meet at Guide Dogs of the Desert in Whitewater, California on May 18, 2009. President Neidich recommended a two-day meeting in order to continue with Strategic Planning.

13. Public Comment on Items Not on the Agenda

Guide Dogs of America representative Lori Bernson announced that Natural Balance is working with PetCo to raise money for guide dog schools. Money raised will be divided among guide dog schools including: Guide Dog Foundation, Guide Dogs of the Desert, Guide Dogs of America, and Guide Dogs of Texas. Guide Dog Month has been officially declared by many states as the month of May, 2009. Ms. Bernson reported that Governor Arnold Schwarzenegger had also declared May as Guide Dog Month. She committed to following information related to this to Board staff.

14. Adjournment

President Neidich made the motion to adjourn the meeting. Board Member Barragan seconded the motion. Meeting adjourned at 6:42 PM.

Respectfully submitted by Antonette Sorrick.