



APPROVED MINUTES

Practice Task Force
Monday, October 18, 2010
1625 N. Market Blvd., Trinity Room (S-307)
Sacramento, CA 95834

Teleconference

Task Force Members

Kathy Kelly, Chair (GDB)
Chuck Jordan (GDA)
Bob Wendler (GDD)
Jeff Neidich, Board Member

Executive Officer

Antonette Sorrick

Board Staff

Cenne Jackson

Guests

Mary Beth Randall, Guide Dog Users of California (GDUC)
Frank Welte, California Council of the Blind (CCB)
Ann Byington, Guide Dog Users Inc. (GDUI)
Jon Mehta
Luis Portillo, DCA Legislative and Policy Review Unit
Erica Eisenlauer, DCA Legislative and Policy Review Unit

Legal Counsel

Michael Santiago

AGENDA

1. Welcome and Roll Call - (K. Kelly)

Task Force Chair Kelly welcomed all participants to the meeting and called the meeting to order at 10:01 a.m. All four Task Force Members were present and a quorum was established

2. Approval of Practice Task Force Minutes May 20, 2010

Task Force Member Wendler motioned to approve the May 20, 2010 minutes as written. Task Force Member Jordan seconded the motion. Task Force Member Neidich abstained since he was not a Task Force Member at the last meeting.

Task Force Vote: Motion passed.

3. Overview of Statutory and Regulatory Process (DCA Legislative and Policy Review Unit)

Please see attachment.

4. Regulatory Discussion to Develop Recommendations for Board Action

a. Section 2252 (Definitions) – (All) Section 2252 currently reads:

§ 2275. Definitions.

For purposes of this chapter, the term "Board" means the California State Board of Guide Dogs for the Blind; and the term "Code" means the Business and Professions Code.

Staff recommendation reads as follows;

§ 2275. 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 trained 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 "instructor" means anyone that instructs persons who are blind in the use of guide dogs, or who trains guide dogs for the blind.

(g) The term "apprentice" means anyone that works for a licensed guide dog school that meets the standards as set forth by section 2266.

(h) The term "instruction" means to instruct a blind person in the use of a guide dog. Instruction includes follow-up instruction with a client.

Legal Counsel Santiago expressed concerns that the definition of guide dog and apprentice recommended by staff may limit the Board. The Practice Task Force recommended amending the language as follows:

§ 2275. Definitions.

For purposes of this chapter,

(a) The term "Board" means ~~the~~ 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 "instructor" means anyone that instructs persons who are blind in the use of guide dogs, or who trains guide dogs for the blind.

(g) 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.

(h) The term "instruction" means to instruct a blind person in the use of a guide dog. Instruction includes follow-up instruction with a client

Task Force Member Jordan motioned to approve the staff recommendation as amended by the Task Force. Task Force Member Neidich seconded the motion. Frank Welte addressed concern about the definition of apprentice limiting out of state instructors to be an apprentice in California. Executive Officer Sorrick advised him that the Board did not have jurisdiction over apprentice programs in other states.

Task Force Vote: Motion passed.

b. Section 2260 (Completion of Requirements for License as Instructor) – (All)
Section 2260 currently reads:

§ 2260. Completion of Requirements for License as Instructor.

(a) If an applicant for an instructor's license verifies training of 22 person-dog units but cannot show the required three years' experience, additional experience in kennel work or dog training only may be credited, provided it is as an apprentice in a guide dog school under a qualified instructor meeting standards equivalent to schools and instructors licensed by the board.

(b) If license as an instructor is issued under the "equivalent" provision of Section 7209, the licensee will be required to make up the lacking experience factor within one year, and thus meet the specified

requirement for both years of experience and handling person/dog units. Otherwise, the license will be revoked.

Proposed Regulatory Package language currently reads as follows:

§ 2260. Completion of Requirements for License as Instructor.

a) An applicant for an instructor's license must have had three years of full time experience, including training at least 22 guide dog teams that have successfully completed instruction.

b) The experience shall be obtained while under the supervision of an instructor that meets standards equivalent to those licensed by the Board, as determined by the Board.

c) The experience shall include training dogs in all aspects required by Sections 2266 and 2282.1.

d) "Full time" means an average of 32 hours per week.

e) 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 subsection (a).

Staff recommended modified text reads as follows:

§ 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 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 an 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.

Task Force Member Jordan motioned to accept the modified text for 2260 as recommended by staff. Task Force member Wendler seconded the motion.

Task Force Vote: Motion passed

c. Section 2266 (Apprentice Standards; Minimum Instruction) – (All) Section 2266 currently reads as:

§ 2266. Apprentice Standards; Minimum Instruction.

(a) A school shall not employ or retain in its employ an apprentice who:

(1) Is not suited temperamentally and otherwise to work with blind persons in the use of guide dogs.

(2) Has not had at least one year's actual experience in working with the training of 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 train any guide dog except under the direct and immediate supervision of a licensed instructor and until he has completed not less than twenty hours of such instruction a week for a period of not less than one year.

Proposed Regulatory Package language currently reads as:

§ 2266. Apprentice Standards; Minimum Instruction.

(a) A school shall not employ or retain in its employ an apprentice who:

(1) 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 direct and immediate supervision of a licensed instructor until he has completed not less than twenty hours of such instruction.

Staff recommended modified text reads as follows

§ 2266. Apprentice Standards; Minimum Instruction.

(a) A school shall not employ or retain in its employ an apprentice who~~s~~ 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.

Task Force Member Jordan commented that the suggested amendment to (c) allows flexibility to maintain supervision at a level that is not constrained to a particular timeframe. Supervision would be based on an assessment of the apprentice. Task Force Member Neidich motioned to approve the modified text as written. Task Force Member Jordan seconded the motion.

Task Force Vote: Motion passed.

d. Section 2275 (Sterilization of Dogs) – (All) Section 2275 currently reads as:

§ 2275. Sterilization of Dogs.

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

Staff recommendation reads as follows:

§ 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.

A discussion ensued regarding whether adding the word spayed was necessary. Mary Beth commented that her certificates for her male and female guide dogs were designated as spay or neuter depending on the gender of the dog. Chair Kelly stated that the industry standard was to use both spay and neuter. Task Force Wendler motioned to approve the staff recommendation for section 2275 as written. Task Force Member Jordan seconded the motion.

Task Force Vote: Motion passed.

e. Section 2284 (Instructor – When License Required) – (All) Section 2284 currently reads as follows:

§ 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 direct and immediate supervision of a licensed instructor.

Staff recommendation reads as follows:

§ 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.

Task Force Member Neidich motioned to approve the staff recommendation for section 2284 as written. Task Force Member Jordan seconded the motion.

Task Force Vote: Motion passed.

5. Statutory Discussion to Develop Recommendations for Board Action

a. Business and Professions Code Section 7209.5 (Definition of "Instructor")

Executive Officer Sorrick reported that per earlier discussion that the task force has decided to change the definitions via the regulatory process.

b. Business and Professions Code Section 7215 (Requirements of a Guide Dog) Section 7215 currently reads as follows:

Business and Professions Code Section 7215

No person shall sell, give, or furnish any guide dog or seeing-eye dog to a blind person unless the following requirements have been met:

(a) The dog has been immunized against distemper and rabies.

(b) The dog has been neutered.

(c) The dog has been examined by a licensed veterinarian and found to be in good health.

A certificate from a veterinarian certifying to the foregoing shall be delivered to the recipient of the dog at the time of delivery of the dog.

Staff recommendation reads as follows:

Business and Professions Code Section 7215

No person shall sell, give, or furnish any guide dog to a blind person unless the following requirements have been met:

(a) The dog has been immunized against distemper and rabies.

(b) The dog has been spayed or neutered.

(c) The dog has been examined by a licensed veterinarian and found to be in good health.

A certificate from a veterinarian certifying to the foregoing shall be delivered to the recipient of the dog at the time of delivery of the dog.

The Task Force amended the staff recommendation to read as follows:

Business and Professions Code Section 7215

No person shall sell, give, or furnish any guide dog to a blind person unless the following requirements have been met:

(a) The dog has been immunized against distemper and rabies.

(b) The dog has been spayed or neutered.

(c) The dog has been examined by a licensed veterinarian and found to be in good health.

A certificate from a veterinarian certifying to the foregoing shall be delivered to the recipient of the dog at the time of successful completion of instruction.

Task Force Member Jordan motioned to accept the staff recommendation as amended. Task Force Wendler seconded the motion. Frank Welte CBB expressed that he felt the real issue was the definition of delivery. In his recent experience he was not given the paperwork until the day prior to graduation.

Task Force Vote: Motion passed.

c. Update on SB 1491 (Senate Business Professions and Economic Development Committee) relating to in-home instruction.

Executive Officer Sorrick reported that SB 1491 was signed by the Governor on September 28, 2010 and would be effective January 1, 2011.

6. Agenda Items for the Next Meeting - (All)

The Task Force did not have any additional items for the next meeting.

7. Public Comment on Items Not on the Agenda

Frank Welte CCB wanted to know how the actions made at this meeting affect the hearing on October 25, 2010. Legal Counsel Santiago advised him that the hearing on October 25, 2010 will be on the language as it was noticed, but the modified text would still be subject to the 15 day waiting period.

8. Adjournment

Task Force Member Neidich motioned to adjourn. Task Force Member Wendler seconded the motion. Task Force Chair Kelly adjourned the meeting at 12:06 p.m.