



## APPROVED MINUTES

Thursday, December 9, 2010

10:00 a.m. – Noon

Or until completion of business

Department of Consumer Affairs

1625 N. Market Blvd., Sacramento Room (Third Floor)

Sacramento, CA 95834

### Teleconference

#### Board Members

Eric Holm, President

Tom Scott, Vice-President

Joe Xavier, Secretary

Belinda Barragan

Jeff Neidich

#### Executive Officer

Antonette Sorrick

#### Board Staff

Cenne Jackson

#### Legal Counsel

Michael Santiago

#### Guests

Rod Haneline, Leader Dogs for the Blind

Avis Walsh, Department of Consumer Affairs  
(DCA)

Adrian Witherspoon, Department of  
Rehabilitation

Shannon Dillon, California Association of Guide  
Dog Users (CAGDU)

Laurie Mehta, Guide Dog Users Inc. (GDUI)

Tina Thomas, CAGDU

Frank Welte, California Council of the Blind  
(CCB)

John Perry, DCA legislative Review Unit

### AGENDA

#### Open Session:

##### 1. Call to Order/ Roll Call (E. Holm/J. Xavier)

President Holm called the meeting to order at 10:07 a.m. Secretary Xavier took roll. Five Board Members were recorded as present and a quorum was established.

##### 2. President's Welcome (E. Holm)

President Holm thanked everyone for being in attendance. President Holm appointed Board Member Neidich to the Outreach and Education Committee.

### 3. Review and Possible Approval of the Board's Response to Written Comments (A. Sorrick)

The California Council of the Blind (CCB) and the Guide Dog Users of California (GDUC) provided written comment to the State Board of Guide Dogs for the Blind (Board) on Monday, October 25, 2010 at 7:20 p.m. While some of the comments were supportive of Notice File Number Z-2010-0831-08, the comments below were provided to the Board.

#### SUMMARY OF ADVERSE COMMENTS/RESPONSES

- Section 2266 (Apprentice Standards; Minimum Instruction)

Comment: All dogs should be tested by an instructor who is blindfolded, or by a person who is blind or visually impaired that works for the school. (Guide Dog Users of California).

Response: Section 2266 (Apprentice Standards; Minimum Instruction) – The Board rejects the comment for this section. First, the proposed change to 2282.1 adds a requirement that guide dogs shall be tested by a qualified handler under blindfold. The school may use a blind individual or a licensed instructor for this task. Regardless, the Board feels that adding this requirement to 2282.1 addresses the concern from GDUC. Second, 2266 is not the appropriate section to address said concern. Section 2260 (Completion of Requirements for License as Instructor) references experience as provided in section 2282 – with reference to blindfold test.

#### Section 2282 (Preliminary Training of Dogs)

Comment: The elimination of the 90 day minimum training period will result in the delivery of less mature dogs to handlers. (California Council of the Blind)

Response: Section 2282 (Preliminary Training of Dogs) – The Board rejects the comment for this section. Currently, guide dogs are required to receive 90 days of training six months prior to being paired with a client (guide dog user). The proposed language would require guide dogs to meet a longer list of competencies (as proposed in section 2282.1), be tested under blindfold, and complete all testing for competencies 60 days prior to being paired with a client. Having a competency based standard allows for individualized training based upon each dog's needs and the licensed instructor's assessment of said dog for maintaining a high standard of training.

Comment: There is a concern that immature guide dogs will, in spite of the mastery of skills, be more prone to making errors in judgment while working with their handlers, and that it will take longer for these immature dogs to develop the rapport with their handlers that found in mature guide dog teams. [Note: Both the California Council of the Blind and the Guide Dog Users of California made the same comment]

Response: Currently, there is no requirement for the age of the guide dog prior to being paired with a client. The current best practice is for guide dogs to spend 12 to 18 months with a puppy raiser, receive a minimum of 90 days of training from a school. This best practice model leads to guide dogs being paired between ages two and three.

The proposed change to 2282 will not affect the current best practice. Additionally, schools spend a minimum of 10 weeks providing formal training to guide dogs, so the 90 days will be closely met by best practice.

Frank Welte disputed the age in which a dog is given to a handler. He recently had been to GDB's Oregon campus and received a dog that was only 19 months old at the time of graduation. Executive Officer Sorrick reported that the information obtained for her responses was provided by the schools. Welte explained that while CCB did not wish to hold up the regulatory process, he expressed that serious consideration be taken regarding younger dogs being released and the need of additional training as a result. Legal Counsel Santiago reiterated that the focus of the regulation was not the age of the dog, but whether the dog met the prescribed competencies. Laurie Mehta (GDUI) expressed that while she too shared Welte's concerns, she understood the Board's position that arbitrary age requirements would not suffice because all dogs are individuals. Mehta suggested that the Board and the school monitor this situation closely to determine whether or not these less mature dogs are as successful in the real world setting as they are in the school setting. Executive Officer suggested that if the regulations were approved that the Boards Outreach and Education Committee could survey the consumers six months to a year after the regulations have been in place. Mehta agreed with Executive Officer Sorrick and stated that she had made this recommendation to the Guide Dogs for the Blind.

Vice President Scott motioned to approve the responses as written by staff. Secretary Xavier seconded the motion.

Board Vote: Motion passed.

Executive Officer Sorrick requested a motion to approve the originally proposed language of sections 2282 and 2282.1, as presented on June 23, 2010. Sorrick reported that there weren't any modified changes to the proposed text to these sections. The proposed text as ratified on June 23, 2010 was to renumber section 2282 to 2282.1 and amend 2282.1 of division 22 of title 16 of the California Code of Regulations to read as follows:

§ 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.

§ 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 sidewalkless 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 upcurb 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 alone 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.

Secretary Xavier motioned to approve the language as written. Board Member Barragan seconded the motion.

Board Vote: Motion passed.

Executive Officer Sorrick requested a motion to approve the modified language for section 2260 and 2266 that was presented at the October 25, 2010 Board Meeting. The proposed modified text as ratified at the October 25, 2010 Board Meeting 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 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 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.

§ 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.

Board Member Barragan motioned to approve the modified text as ratified on October 25, 2010. Secretary Xavier seconded the motion.

Rod Haneline, Leader Dogs for the Blind questioned how the changes to the apprenticeship requirements pertained to his out of state school. Executive Officer Sorrick explained that the apprentice standards covered by this section only applied to California schools.

Board Vote: motion passed.

Legal Counsel Santiago briefed the Board Members and the attendees on the regulatory process. Santiago explained that Executive Officer Sorrick and Board Staff would prepare the Regulatory Package. The package would then need to be approved by DCA prior to it being submitted to the State and Consumer Services Agency, and then to the Office of Administrative Law. Santiago estimated that the process would take six months to a year.

4. Business and Professions Code Section 7215 (A. Sorrick)  
Recommended Modified Text for Legislation

Section 7215 (Requirements of a Guide Dog) currently reads:

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.

Executive Officer Sorrick reported that the Board ratified the following language at the October 25, 2010 Board meeting:

Section 7215 (Requirements of a Guide Dog)

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.

Executive Officer reported that she had met with DCA's Division of Legislative & Regulatory Review and they had a concern with changing the language to "delivery of the dog" to "successful completion of instruction". The Division felt that the amendment could be interpreted as a substantive change to the statutory language, thus taking it out of consideration by the Business and Professions Committee as part of an Omnibus Bill. Afterwards Sorrick spoke with Legal Counsel Santiago and presented the following recommendation:

Section 7215 (Requirements of a Guide Dog)

*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 the dog is assigned to a client.*

Vice President Scott motioned to approve staff recommendation as written. Board Member Barragan seconded the motion.

Board Vote: Motion passed.

5. SB 1491 - Venue for Out-of-State Guide Dog Schools to Provide In-Home Instruction in California (M. Santiago)

Legal counsel Santiago reported that SB 1491 signed by the Governor in 2010 and would become effective January 1, 2011. The section will be changed to read as follows:

Section 7210.7

Schools and Instructors licensed by the Board may provide home training 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 name and addresses of those persons 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.

Santiago reported that at the October 25, 2010 there was a question regarding how the law would affect out of state schools. Santiago explained that this did not affect out of state schools it only pertains to those who are licensed by the Board and practicing guide dog instruction in California. Executive officer Sorrick reported that the question that was raised to Secretary Xavier while attending the CAGDU Convention was for the Board to look in to a venue for out of state instructors to provide instruction California. She reiterated that SB 1491 is the venue by which out of state instructors can provide in-home instruction – by becoming licensed.

Shannon Dillon, CAGDU, asked for clarification; it was to her understanding that out of state instructors cannot instruct students in California unless they are licensed by the Board. Legal Counsel Santiago affirmed her understanding.

Tina Thomas questioned what the process would be provided a consumer chose to get their guide dog from out of state. Executive Officer Sorrick explained that if a individual went out of state the Board would have no jurisdiction over that instruction, but if an out of school was coming in to the State and instructed an individual, the law required the instructor be licensed by the Board.

Vice President Scott questioned what could the Board do if they were to receive information that someone was instructing without a license. Executive Officer Sorrick explained that it is a violation of the Board's Business and Professions Code and is a misdemeanor that can be prosecuted. Once the information is received by the Board the Board would then forward the information to DCA's Division on Investigation (DOI). If the violation was established by the DOI, a misdemeanor charge would be pursued through the Attorney General's Office or a local District Attorney. Legal Counsel Santiago explained that this would be the process since the Board at that time did not have citation and fine regulation in place that would address unlicensed activity.

6. Public Comment on Items Not on the Agenda

Board Member Neidich commended the newly appointed President Holm on a job well done for his first meeting.

7. Adjournment

Board Member Barragan motioned to adjourn. The meeting adjourned at 11:07 a.m.