



APPROVED MINUTES

Tuesday, February 22, 2011

1:00 – 5:00 p.m.

Department of Consumer Affairs

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

Sacramento, CA 95834

Phone Conference

Board Members Present

Eric Holm, President

Tom Scott, Vice-President

Larry Grable

Jeff Neidich

Frank Welte

Executive Officer

Antonette Sorrick

Board Staff

Cenne Jackson

Legal Counsel

Michael Santiago

Guests

Sherrill Neidich

Brian Stiger, Director, Department of Consumer Affairs (DCA)

Marc Mason (DCA)

Brian Skewis (DCA)

Kim Kirchmeyer (DCA)

Paul Mundell, Canine Companions for Independence

AGENDA

Open Session:

1. Swearing in of new Board Members (E. Holm)

Director Brian Stiger gave the Oath of Office to Board Members Larry Grable and Frank Welte.

2. Call to Order/ Roll Call(E. Holm)

Board President Eric Holm called the meeting to order at 1:05 p.m. Executive Officer Sorrick took roll. Five Board Members were recorded as present and a quorum was established.

3. President's Welcome (E. Holm)

President Holm thanked everyone in attendance and welcomed the new Board Members.

4. Approval of Board Meeting Minutes October 25, 2010 (E. Holm)

President Holm asked for a motion to approve the October 25, 2010 meeting minutes unless amendments were needed.

Board Member Neidich motioned to accept the meeting minutes of October 25, 2010 as written. Board Member Welte seconded the motion.

Board Vote: Motion passed.

5. Approval of Board Meeting Minutes December 9, 2010 (E. Holm)

President Holm asked for a motion to approve the December 9, 2010 meeting minutes unless amendments were needed.

Vice President Scott motioned to accept the meeting minutes of December 9, 2010 as written. Board Member Neidich seconded the motion.

Board Vote: Motion passed.

6. Committee Reports

a. Legislative Committee Update (A. Sorrick)

Executive Officer Sorrick reported that the Legislative Committee meeting would be on March 22, 2011.

b. Outreach and Education Committee Update (A. Sorrick)

Web site Update

Executive Officer Sorrick reported the following:

Total Web hits

September – 36,461

October – 44,842

November – 48,079

December – 44,389

January – 43,250

Top Five Pages

September

1. Home page – 6,890

2. Laws and Regulations - 530

3. Licensees – 491

4. Apprentices - 475

5. Consumers - 468

October

1. Home page – 6,990
2. Licensees – 585
3. Laws and Regulations – 577
4. Resources - 531
5. Consumers – 525

November

1. Home page – 6,170
2. Laws and Regulations – 699
3. Licensees – 689
4. Consumers - 663
5. Resources – 661

December

1. Home page – 5,805
2. Laws and Regulations – 644
3. Licensees – 615
4. Apprentices - 575
5. Consumers - 571

January

1. Home page – 6,145
2. Laws and Regulations – 628
3. Licensees – 622
4. Apprentices – 581
5. Consumers - 576

Total Visits and Pages per Visit by Country/Region/City (Top Ten)
September 1, 2010 – January 31, 2011

Country/Region/City	Visits	P/Visit
1. United States- Sacramento 385815 -1214943	4626	11.7
2. United States-New York 407142 - 740059	2612	1.74
3. United States-San Antonio 294241 -984936	1691	1.05
4. United States-Fresno 367477 - 1197723	1666	55.43
5. Russian Federation- Moscow 557557 376176	1544	2.27

6. United States-Quincy 472342 - 1198525	1285	2.2
7. United States-San Marcos 298832 - 979413	1225	1.02
8. United States-Mountain View 373860 -1220838	1140	1.36
9. United States-Redmond 476739 - 1221215	565	1.35
10. United States-Kissimmee 282919 - 814075	323	1.01

Executive Officer Sorrick reported that she would include items that she posted to see if there was any correlation with the spikes in page views.

Communication Plan

Executive Officer Sorrick reported that the Outreach & Education Committee had approved a Draft Communications Plan for the Board's approval. Draft communications Plan reads as follows:

State Board of Guide Dogs for the Blind Draft Communications Plan

Background

Goal 1.2 Strategic Plan – Increase outreach and education. Tactic one: develop a communications plan. The goal of the Board's Communications Plan is to use a wide array of communications tools to provide outreach and education to the Board's stakeholders. This will be accomplished by utilizing the most economically sound, efficient, and effective methods.

Communications Vehicles

Web site (text, video content)

E-mail

Physical Mail

Social Media – Facebook, YouTube, Twitter, Forum, and a Blog

News Releases/Press Advisories/Opinion Editorials/Letters to the Editor

Periodic Print Publications (Year-End Review)

Meeting and Event Materials

Legislative and Regulatory Documents

Surveys

Reports (Department of Consumer Affairs/Legislative)

Audience (Stakeholders)

Direct Stakeholders

Guide Dog Users
Licensees (Guide Dog Instructors/Guide Dog Schools)
Donors to Guide Dog Schools

Indirect Stakeholders

Policy Makers (local, State and Federal Government)
Law Enforcement
Parallel Industries (Service Animal Organizations)
Business Community
Media
General Public

Information

Meeting Information (Board, Committee, Task Force Meetings)
Regulatory Hearing Information
Publications (e.g. Consumer Brochure, Year-End Reviews)
Changes to statutes/regulations (Advisories)
Annual Reports to the Legislature
Department of Consumer Affairs Reports (Licensing, Enforcement, Performance Measures)
Campaign Information (e.g. Dog Attacks on Guide Dogs)

What the Board Wants to Accomplish via a New Communications Plan (Objectives and Tactics)

1. Provide Excellent Customer Service to Stakeholders
 - Provide information to guide dog users upon request
 - Respond appropriately to guide dog user complaints (both jurisdictional and non-jurisdictional)
 - Provide clear and timely information to licensees (guide dog instructors and guide dog schools)
2. Recognition as a Valued Resource
 - Information provided by the Board is not only useful, but timely and useful to stakeholders
3. Provide Transparent and Easy-to-Access Information
 - Through all communications mediums, especially the Board's Web site, provide information to targeted stakeholder groups
4. Visibility for the Board and the Industry it represents
 - Increasing the output of information from the Board by leveraging partnerships; therefore, providing recognition to the guide dog community
5. Influence Government, Media, Guide Dog Users, and Other Audiences
 - Provide information regarding issues such as dog attacks on guide dogs, access issues, etc. to bring about awareness in the community-at-large and public policy.

Target Audiences for Board Communications

Direct Stakeholders

Guide Dog Users
Licensees (Guide Dog Instructors/Guide Dog Schools)
Donors to Guide Dog Schools

Indirect Stakeholders

Policy Makers (Local, State and Federal Government)
Law Enforcement
Parallel Industries (Service Animal Organizations)
Business Community
Media
General Public

Tools and Timetable to Meet Each Objective

1. Provide Excellent Customer Service to Stakeholders
 - Meeting Information (Board, Committee, Task Force Meetings) – As Needed Basis
 - Regulatory Hearing Information – As Needed Basis
 - Publications (e.g. Consumer Brochure, Year-End Reviews) – As Needed Basis/Annually
 - Changes to statutes/regulations (Advisories) – As Needed
2. Recognition as a Valued Resource
 - Posting of local, State and Federal law changes, proposed legislation and regulations – As Needed
3. Provide Transparent and Easy to Access Information
 - Annual Reports to the Legislature – Annually
 - Department of Consumer Affairs Reports (Licensing, Enforcement, Performance Measures) - Monthly
4. Visibility for the Board and the Industry and it represents
 - Campaign Information (e.g. Dog Attacks on Guide Dogs) – As Needed
5. Influence Government, Media, Guide Dog Users, and Other Audiences
 - Campaign Information (e.g. Dog Attacks on Guide Dogs) – As Needed
 - Legislation/Regulation – As Needed

How Will the Board Measure the Results of the Communications Plan? (Evaluation)

- Status updates by Executive Officer (web hits, ListServ membership, participation at designated events, readership for publications)
- Year-End Summary

Board Member Grable motioned to approve the Communications Plan as written. Vice President Scott seconded the motion.

Board Vote: Motion passed.

Dog Attacks on Guide Dogs Campaign

Executive Officer Sorrick reported that through the Committee's outreach efforts they have been able to reach over 70,000 individuals in law enforcement, dispatch, first responders, and veterinarian fields. Sorrick announced that the Tip Card for consumers had been posted on the Web site and was available in multiple formats including Spanish and Braille upon request. The Card was also posted on the Lighthouse for the Blind blog. Committee Chair Xavier asked Committee Member Grable if he knew of any other entities outside of the ones the Committee had explored that could benefit from the Committee's outreach efforts. Grable questioned if there have been any efforts on a local level. Executive Officer Sorrick reported that the Committee had only reached out on a state level due to budgetary constraints. Committee Member Grable stated that he would make some calls to some of his contacts. In an attempt to increase the Boards' outreach efforts on the local level.

Q&A Event – Service Animal Definition

Executive Officer Sorrick reported that the Board would be hosting a Q&A Event on the changing definition of a service animal on February 23, 2011 in Sacramento.

Consumer Surveys

Executive Sorrick recommended creating consumer surveys in response to statutory and regulatory changes that have been made throughout the years. The goal of the surveys is to see what impact the changes have made on the Board's consumers. Committee Chair Xavier motioned to move this item to the full Board. Committee Member Holm seconded the motion. Sorrick asked for a motion to approve moving forward with the Outreach and Education Committee's efforts to draft consumer surveys.

Vice President Scott motioned to approve the Committee's efforts to draft Consumer Surveys. Board Member Welte seconded the motion. Board member Neidich and Welte expressed concerns about accessibility and the need for a test run prior to the launch. Neidich stated that he felt that it should not only be limited to those who went to California schools.

Board Vote: Motion passed.

Executive Officer Sorrick announced that at the next Outreach and Education meeting the Committee would do an update on the Dog Attacks on Guide Dogs Campaign and work on the Consumer Surveys. Sorrick reported that during the last Outreach and Education Meeting that they had received public comment from Rod Haneline, Leader Dogs for the Blind indicating that his school is continuing to pursue licensure of their instructors. He believes the Boards standards, knowledge sets, and competencies are perfect for the industry and announced that eventually instructors from Michigan would come to California to get their license.

c. Practice Task Force – Discussion and Possible Action to Initiate a Rulemaking to Amend Sections of Title 16, Division 22 of the California Code of Regulations related to (A. Sorrick)

Section 2252 (Definitions)

2252 Current Language

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.

2252 Ratified Language

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.

Executive Officer Sorrick reported that the Board ratified the recommendation on October 25, 2010.

Sections 2260, 2266, 2282, 2282.1 (Completion of Requirements for License as Instructor, Apprentice Standards; Minimum Instruction, Preliminary Training of Dogs, Required Training)

Executive Officer Sorrick reported that the package was submitted to the Department of Consumer Affairs (DCA) on January 7, 2011 for review. Sorrick explained the review process and advised the Task Force that it would take 6-8 months to complete.

Section 2275 (Sterilization of Dogs) currently reads:

§ 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.

Section 2275 ratified language:

§ 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.

Executive Officer Sorrick reported that she had updated the Task Force of the Board's ratification of the recommended language on October 25, 2010.

Section 2284 (Instructor – When License Required) currently reads:

§ 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.

Section 2284 (Instructor – When License Required)) ratified language:

§ 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.

Executive Officer Sorrick reported that she had updated the Task Force of the Board's ratification of the recommended language on October 25, 2010. Sorrick also updated the Task Force on the Board's ratification of the following section as a result of concerns brought forth by DCA's Legislative and Regulatory Review Unit.

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.

Section 7215 (Requirements of a Guide Dog) recommended language:

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.

Section 7215 (Requirements of a Guide Dog) ratified language:

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.

Draft Compliance inspection Proposal/ Draft Survey

Initial Draft Compliance Inspection Proposal

Background

Historically, the Board inspection of guide dog schools has consisted of campus tours, questionnaires, and random audits of student files. Initially, this process was completed by the Board Members and staff, staff, and recently with one Board Member and the Executive Officer.

On February 22, 2010, Board President Jeff Neidich tasked Board Member Eric Holm and Executive Officer Antonette Sorrick the task of reviewing the current inspection process and devising a proposal to improve upon said process.

Purpose

The purpose of reviewing and clarifying the inspection process is to more effectively and efficiently carry out the Board's statutory and regulatory mandate. This mandate is to ensure compliance of the schools to effectively protect guide dog consumers by promoting competent and ethical business practices.

A review of the inspection process also benefits the guide dog schools. Schools will feel the process is more transparent and will be more clearly aware of the Board's expectations for compliance.

Current inspection process

The current inspection process involves a tour of the campus including dorms, kitchen, and kennel for sanitation and cleanliness (CCR 2271). Additionally, schools are asked to provide the following:

- (1) Conditions to providing guide dogs – B&P section 7215
 - evidence that dog has been immunized against distemper and rabies
 - evidence that dog has been neutered
 - evidence that dog has been examined by a licensed vet and found to be in good health
 - a certificate from a vet certifying to the above information that was delivered to the recipient of the dog at the time of delivery of the dog
- (2) Sterilization of dogs – B&P section 7215/CCR section 2275
 - evidence that dog has been neutered – certificate of sterilization
- (3) Probationary Year – B&P section 7215.5
 - number of dog ownership titles transferred to dog users during the calendar year
 - number, type, and amount of charges assessed for follow up training, instruction, veterinary, or boarding services, which make a distinction between users who have acquired title to their dogs and users who have not acquired title
 - views of the governing entity of the school as to any problems or concerns relative to compliance with the provisions of this section, along with the recommendations for appropriate legislative or administrative changes
- (4) School reports – B&P section 7217/CCR section 2278
 - list of the number of dogs trained
 - staff list by name and function
 - financial statement
- (5) Solicitation documents – CCR section 2269
 - copies of direct mail solicitation letters
- (6) Living Quarters/Attendance – CCR section 2271
 - evidence that training school provides adequate living quarters at the school where the guide dog and the person being taught to use the dog may live together
 - evidence that living quarters are clean and sanitary
- (7) Organization chart and list of names and addresses of school's Board of Directors – CCR section 2273
- (8) Instruction Period – CCR section 2276
 - evidence of minimum number of training hours have been completed
- (9) Certificate of Satisfactory Completion of Instruction – CCR section 2279
- (10) Preliminary Training of Dogs – CCR section 2282

(11) Required Training of Dogs – CCR section 2282.1

Current Statutory Authority

Business and Professions Code Section 7208

Pursuant to the provisions of the Administrative Procedure

Act the board may make such rules and regulations as are reasonably necessary to:

- (a) Govern the procedure of the board.
- (b) Govern the admission of applicants for examination for license to instruct blind persons in the use of guide dogs or to engage in the business of training, selling, hiring, or being in the business of supplying guide dogs for the blind.
- (c) Govern the operation of schools which furnish guide dogs and train blind persons to use guide dogs.
- (d) The reissuance of licenses.
- (e) The reexamination of licensees.

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.

Business and Professions Code Section 7215.5

During the first year following the successful training of each person-dog unit, and release from a guide dog training school of the trained person supplied with a guide dog, the school may retain title to the trained dog. During this probationary year, the school may enter into a contractual agreement with the user of the dog describing the conditions under which the user may maintain the status of legal custodian of the dog. During the probationary year, the school, acting in what it deems to be the best interest of the user, the dog, or the public, may temporarily or permanently resume possession of the dog.

Within 15 days after the end of each calendar year, each licensed school shall report to the board the following:

- (1) The number of dog ownership titles transferred to dog users pursuant to this section during the calendar year.
- (2) The number of title recoveries and repossessions made by the school pursuant to this section during the calendar year.
- (3) The number, type, and amount of charges assessed for follow-up training, instruction, veterinary, or boarding services, pursuant to this section, which make a distinction between users who have acquired title to their dogs and users who have not acquired title.
- (4) The views of the governing entity of the school as to any problems or concerns relative to compliance with the provisions of this section, along with recommendations for appropriate legislative or administrative changes commensurate with the purposes of this section.

Immediately upon completion of the first year following the successful training referred to above, if the training school and the dog user are mutually satisfied with the operation of the

person-dog unit, title to the dog shall be transferred to the blind user if the user so desires. Transfer of title shall be evidenced by a transfer of title agreement executed by both parties thereto. The school may retain an option to recover title and possession to the guide dog subject to conditions described in the transfer of title agreement. These conditions may include, but are not limited to, the following:

(1) If in the school's opinion, the guide dog is being misused or neglected or mistreated by its blind user.

(2) If the blind person to whom the dog was furnished has ceased to use the dog as a guide and the dog is not too old to be retrained as a guide for another blind person.

(3) If, in the school's opinion, the dog is no longer a safe guide and the user refuses to cease using the dog as a guide after being requested by the school to cease this use. The guide dog school shall make no distinction as to the quality or extent of follow-up or supportive services available to its blind graduates based on whether they elect to acquire title to their dogs or allow title to remain with the school after the probationary year. The school may, however, make this distinction when assessing reasonable and appropriate charges for follow-up training, instruction, veterinary, or boarding services.

No applicant for admission to a guide dog training school, nor any enrolled student, shall be required by the school prior to completion of his or her training to sign any instrument or to announce his or her intention regarding transfer of title of the dog from the school to himself or herself upon completion of the training and probation period.

Current Regulatory Authority

CCR Section 2269

Title 16. Professional and Vocational Regulations

Division 22. State Board of Guide Dogs for the Blind (Refs & Annos)

Article 2. Licenses

§ 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.

CCR Section 2271

Title 16. Professional and Vocational Regulations

Division 22. State Board of Guide Dogs for the Blind (Refs & Annos)

Article 3. Training Schools

§ 2271. Living Quarters; Attendants.

(a) Living Quarters. Guide dog training schools 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.

(b) Attendants for the Blind. Each school shall have available at all times a female and a male 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.

CCR Section 2273

Title 16. Professional and Vocational Regulations
Division 22. State Board of Guide Dogs for the Blind (Refs & Annos)
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.

CCR Section 2275

Title 16. Professional and Vocational Regulations
Division 22. State Board of Guide Dogs for the Blind (Refs & Annos)
Article 3. Training Schools

§ 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.

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

CCR Section 2276

Title 16. Professional and Vocational Regulations
Division 22. State Board of Guide Dogs for the Blind (Refs & Annos)
Article 3. Training Schools

§ 2276. Instruction Period.

Each school engaged in instruction of blind persons in the use of guide dogs 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.

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

CCR Section 2278

Title 16. Professional and Vocational Regulations
Division 22. State Board of Guide Dogs for the Blind (Refs & Annos)
Article 3. Training Schools

§ 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.

CCR Section 2279

Title 16. Professional and Vocational Regulations
Division 22. State Board of Guide Dogs for the Blind (Refs & Annos)
Article 3. Training Schools

§ 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.

CCR Section 2282

Title 16. Professional and Vocational Regulations
Division 22. State Board of Guide Dogs for the Blind (Refs & Annos)
Article 4. Standards of Training and Instruction

§ 2282. Preliminary Training of Dogs.

Within the six months immediately preceding the assignment of a guide dog to a blind person the dog shall have received a minimum of ninety (90) days of preliminary training satisfactory to the Board.

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

CCR Section 2282.1

Title 16. Professional and Vocational Regulations
Division 22. State Board of Guide Dogs for the Blind (Refs & Annos)
Article 4. Standards of Training and Instruction

§ 2282.1. Required Training.

Guide dogs shall be trained to:
(a) Stop at the end of each block.

- (b) Stop at curbs, doors, stairs, sharp descents or rises, or other obstacles.
- (c) Obey commands.
- (d) Cross streets or alleys straight to the other side.
- (e) Clear all obstacles and persons.
- (f) Stop for approaching vehicles.
- (g) Pass other dogs, cats, or birds without undue distraction, and not be unduly distracted by noises.
- (h) Guide a person to a bus or streetcar and ride with the person.

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

Other Board/Bureau inspection

Title 5. Education

Division 7.5. Private Postsecondary Education

Chapter 3. Institutional Operating Standards

Article 1. Minimum Operating Standards

§ 71735. Facilities and Equipment.

(a) An institution shall have sufficient facilities and necessary equipment to support the achievement of the educational objectives of all of the courses and educational programs in which students are enrolled. If an institution represents that the educational service will fit or prepare a student for employment in a particular occupation or as described in particular job titles, either of the following conditions shall be met:

(1) The equipment used for instruction or provided to the student shall be comparable in model type or features to equipment generally used in those occupations or job titles at the time the instruction is offered.

(2) The institution shall establish that the equipment used for instruction or provided to a student is not obsolete and is sufficient for instructional purposes to reasonably assure that a student acquires the necessary level of education, training, skill, and experience to obtain employment in the field of training and to perform the tasks associated with the occupation or job title to which the educational program was represented to lead.

(b) An institution's facilities, including heating and cooling, ventilation, lighting, classrooms, laboratories, and campus environs, shall be well-maintained. The institution shall maintain all valid permits required by any public agencies relating to the health and safety of the institution's facilities and equipment on file, and such permits shall be available to the Bureau upon request.

Note: Authority cited: Sections 94803, 94877 and 94885, Education Code. Reference: Section 94885, Education Code. Authority cited: Sections 94803, 94877 and 94885, Education Code. Reference: Section 94885, Education Code.

The Practice Task Force recommended changing the sections below to strengthen the current inspection process.

Current Language

Business and Professions Code Section 7208

Pursuant to the provisions of the Administrative Procedure

Act the board may make such rules and regulations as are reasonably necessary to:

- (a) Govern the procedure of the board.
- (b) Govern the admission of applicants for examination for license to instruct blind persons in the use of guide dogs or to engage in the business of training, selling, hiring, or being in the business of supplying guide dogs for the blind.
- (c) Govern the operation of schools which furnish guide dogs and train blind persons to use guide dogs.
- (d) The reissuance of licenses.
- (e) The reexamination of licensees.

Staff recommendation:

Business and Professions Code Section 7208

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- (b) Govern the admission of applicants for examination for license to instruct blind persons in the use of guide dogs or to engage in the business of training, selling, hiring, or being in the business of supplying guide dogs for the blind.
- (c) Govern the operation of schools which furnish guide dogs and train blind persons to use guide dogs.
- (d) The reissuance of licenses.
- (e) The reexamination of licensees.
- (f) The investigation and/or inspection of any person or facility headquartered, training, and/or doing business in the State of California at all reasonable hours for the purpose of determining if any provisions of the laws governing guide dog instructors and guide dog schools are being violated. The Board, its officers, inspectors, and representatives shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this State, and of all other states relating to guide dog instruction and guide dog schools.

Practice Task Force Recommendation:

Business and Professions Code Section 7208

Pursuant to the provisions of the Administrative Procedure

Act the board may make such rules and regulations as are reasonably necessary to:

- (a) Govern the procedure of the board.
- (b) Govern the admission of applicants for examination for license to instruct blind persons in the use of guide dogs or to engage in the business of training, selling, hiring, or being in the business of supplying guide dogs for the blind.

(c) Govern the operation of schools which furnish guide dogs and train blind persons to use guide dogs.

(d) Reissue licenses.

(e) Reexamine licensees.

(f) Investigate and/or inspect any person or facility headquartered, training, and/or doing business in the State of California at all reasonable hours for the purpose of determining if any provisions of the laws governing guide dog instructors and guide dog schools are being violated. The Board, its officers, inspectors, and representatives shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this State, and of all other states relating to guide dog instruction and guide dog schools.

Current Language

CCR Section 2268.2

Title 16. Professional and Vocational Regulations

Division 22. State Board of Guide Dogs for the Blind (Refs & Annos)

Article 2. Licenses

§ 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.

Such records shall be furnished to the Board upon demand therefor.

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

Staff recommendation:

§ 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 guide dog school shall verify submission to the Board all requisite forms required by the Department of Justice Charitable Trusts Division.

Such records shall be furnished to the Board upon demand therefor.

Executive Officer Sorrick asked for a motion to approve the recommendation as written. Board Member Neidich motioned to approve the language as recommended by the Task Force. Vice President Scott seconded the motion.

Board Member Welte questioned if collecting donor records was a standard practice. Sorrick explained that it was existing law. Welte requested documentation as to why this practice exists and the reasoning behind it. Legal Counsel Santiago clarified the necessity for gathering such records was by request only, not standard procedure.

Board Vote: Motion passed.

Current Language

CCR Section 2271

Title 16. Professional and Vocational Regulations

Division 22. State Board of Guide Dogs for the Blind (Refs & Annos)

Article 3. Training Schools

§ 2271. Living Quarters; Attendants.

(a) Living Quarters. Guide dog training schools 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.

(b) Attendants for the Blind. Each school shall have available at all times a female and a male 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.

Staff recommendation:

§ 2271. Living Quarters; Attendants.

(a) Living Quarters. Guide dog training schools 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. A guide dog school's facilities, including heating and cooling, ventilation, lighting, dormitories, class areas, kennels, and campus environs, shall be well-maintained. The institution shall maintain all valid permits required by any public agencies relating to the health and safety of the institution's facilities and equipment on file, and such permits shall be available to the Board upon request.

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

Practice Task Force recommendation:

§ 2271. Living Quarters; Attendants.

(a) Living Quarters. Guide dog training schools 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. A guide dog school's facilities, including heating and cooling, ventilation, lighting, dormitories, class areas, kennels, and campus environs, shall be well-maintained. The institution shall maintain all valid permits required by any public agencies relating to the health and safety of the institution's facilities and equipment on file, 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

Executive Officer Sorrick asked for a motion to approve the language as recommended by the Task Force. Vice President Scott motioned to approve the language as recommended by the Task Force. Board Member Grable seconded the motion.

Board Vote: Motion passed.

Executive Officer Sorrick asked for a motion to approve the Draft Compliance Inspection Proposal as proposed by the Task Force. Board Member Welte motioned to approve. Board Member Neidich seconded the motion.

Board Vote: Motion passed.

Executive Officer Sorrick reported that the Task Force recommended removing the Draft Compliance Inspection Survey from the proposal. Vice President Scott motioned to approve the recommendation made by the Task Force. Board Member Grable seconded the motion

Board Vote: motion passed.

7. Discussion and Possible Action to Support Legislation amending the following sections:

7204 (Duties of secretary; Recordkeeping)

7211 (Application; Fees)

DCA 2011 LEGISLATIVE PROPOSAL CONCEPT PAPER

PROGRAM

State Board of Guide Dogs for the Blind.

TITLE

Omnibus bill.

SUMMARY

Various changes to sections of the Code needing technical amendments or repeal.

IDENTIFICATION OF PROBLEM

7204

This section refers to the secretary keeping all records of the Board. It is unclear whether secretary refers to an elected office, or staff. Amending this section would provide clarity as to who bears the record keeping responsibilities of the Board.

7211

This section requires applicants for an instructor's license to file an application and fee with the secretary of the board. It is unclear whether this refers to an elected office holder of the Board, or staff. This would clarify that license applications and fees are due to the Board, then to be routed to the appropriate staff person.

7215

Currently, the Code only addresses the reproductive health of a male guide dog. While the best practice is for guide dog schools to spay female dogs, any newly licensed school or instructor would be able to provide an unsterilized female guide dog with the section as written. Additionally, the time of delivery of a guide dog to a client is undefined. This would clarify when the health verification requirements would be expected to be delivered to the consumer (client/guide dog user).

PROPOSED SOLUTION

Each year an Omnibus bill is carried for the purpose of making minor or technical corrections to existing law. The Board requests that the proposed changes be included in the Omnibus bill.

Business and Professions Code section 7204 to:

- Clarify who bears responsibility for keeping all the records of the Board – Executive Officer, not the secretary.

Business and Professions Code section 7211 to:

- Clarify who should receive instructor license applications and fees – Board, not secretary.

Business and Professions Code section 7215 to:

- Repeal reference to seeing-eye dog – keep current international standard verbiage of guide dog.

- Clarify that no person shall sell, give, or furnish any guide dog that is not “spayed or neutered,” not simply “neutered.”
- Amend delivery of verification from veterinarian that the immunizations, sterilization and examination of health from at time of delivery of dog to when the dog is assigned to the client.

JUSTIFICATION

Amendments, repeals need to be made to clean up unclear provision of the Guide Dog Act.

PROGRAM BACKGROUND/LEGISLATIVE HISTORY

This Board was established effective January 1, 1948 for the specific purpose of training blind persons as dog handlers. A secondary purpose was to assure that donors to guide dog charities might be certain that their donations would be utilized for the intended purpose. California is the only State that has such a regulatory program.

The Board developed licensing examinations for guide dog instructors, and criteria for use in determining whether guide dog school license applicants possess the requisite resources and special capacities important to providing guide dogs to blind persons.

ARGUMENTS PRO AND CON

Pro:

- The changes suggested would make clear where instructor license applications, fees and records be kept and maintained. Additionally, changes to 7215 would make clear that both male and female dogs be sterilized.

Con:

- Some may argue that the term “neuter” covers the sterilization of both male and female dogs.

PROBABLE SUPPORT AND OPPOSITION

Probable Support:

California Council of the Blind
 Guide Dog Users of California
 Guide Dogs of America

Probable Opposition:

None

FISCAL IMPACT

There should be no fiscal impact in changing this statute.

ECONOMIC IMPACT

There should be no economic impact in changing this statute.

COMPARISON WITH OTHER STATES

There are no other states which regulate guide dog schools or instructors.

PERFORMANCE INDICATORS

None.

OTHER AFFECTED AGENCIES AND THEIR ROLES/VIEWS

No other agencies would be affected.

APPOINTMENTS

None.

LANGUAGE

7204

The ~~secretary~~ *Executive Officer* shall keep all the records of the board and discharge such other duties as the board shall, from time to time, prescribe.

7211

(a) Each applicant for an instructor's license shall file an application with the ~~secretary of the~~ board at least 10 days before the date fixed for examination, and shall pay to the ~~secretary~~ *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) All fees received under this chapter shall be deposited in the Guide Dogs for the Blind Fund.

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 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~~ is assigned to a client.

Executive Officer Sorrick asked for a motion to approve the Omnibus Bill as presented. Vice President Scott motioned to approve. Board Member Grable seconded the motion.

Board Member Welte questioned what the recourse would be for the Board if the language of the bill varied from what the Board anticipated it to be. Sorrick explained that the Board had already approved the language, but if there were any substantive changes she would bring it to the Board and the Board could vote to change their position on it.

Board Vote: Motion passed.

Executive Sorrick reported that the Board is scheduled to Sunset on January 1, 2012. The Senate Business Professions and Economic Development Committee would be putting in an Omnibus bill to extend the Boards' sunset date to January 1, 2014. Sorrick asked for a motion to grant authority to the Legislative Committee to act on the behalf of the Board on Sunset

Extension. Vice President Scott motioned to approve. Board Member Neidich seconded the motion.

Board Vote: Motion passed.

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

Budget Report (A. Sorrick/B. Skewis)

Executive Officer Sorrick reported that at the end of fiscal year 2010/2011 the Board will have 12.3 months in reserve and by fiscal year 2013/2014 the reserves are projected to decline to decline to 1.8 months. Sorrick advised the Board that once the reserves drop to 3 months a fee increase would be sought.

Vice President Scott questioned why the budget was extremely tight. Executive Sorrick explained that it was due to the cost of the Occupational Analysis. Sorrick explained that the Board had very limited discretionary spending. Consequently, she has asked the Board to forgo per diem and have limited travel. Board Member Neidich expressed his disapproval of having the Board forgo their per diem. Neidich questioned a previous reallocation of funds from per diem. Executive Officer Sorrick explained that the previous reallocation of funds from per diem was caused by the Board being tasked with a five percent salary savings. Sorrick explained that per diem was the only option as the salary of the Board staff is non-negotiable. Budget Analyst for the Board, Brian Skewis, reported that the decision was made based on the amount spent on per diem in the previous years which indicated that the Board had allocated more than enough to cover their actual expenditure for per diem; allowing the Board to be in compliance with the strict guidelines of the directive. Board Member Neidich expressed his dissatisfaction in the presentation of the cost given at the Board Meeting on October 25, 2010. He felt that at the time of the presentation all costs incorporated with the Occupational Analysis should have been presented at the time and not just the cost of the Analysis itself. Sorrick reported that the projected expenditure for Subject Matter Experts (SME's) for the remainder of the fiscal year would be \$7,000 while the projected expenditure for Board business travel would be approximately \$6,000. Board Member Neidich and Vice President Scott stated that they were not aware that the Board paid SMEs per diem as well as travel. Sorrick announced that seeking a fee increase would be the last option. Skewis explained that the Board's budget was affected drastically by not receiving funds from the Oregon campus as well as a decrease in spending by the schools which could not be foreseen as well as the directives that have limited the Boards expenditure authority.

Examination Update

Executive Officer Sorrick reported that the next scheduled exams were to be held on March 7-8, 2011

Director's Report

Kim Kirkmeyer, Deputy Director of Board Relations reported that the BreEze Project was on schedule and would have a vendor in place by April 2011. Kirkmeyer reported that DCA had requested that all Boards decrease their cell phones by 50 percent.

9. Agenda Items for Next Meeting

Sunset Review

Budget

10. Meeting Calendar and Location

Executive Officer Sorrick reported the following:

Legislative Committee Meeting

Tuesday, March 22 (10:00 a.m. – Noon)

1625 North Market Blvd., Trinity Room (third floor)

Sacramento, CA 95834

Teleconference

Board Meeting

Monday, May 23, 2011

1625 North Market Blvd., Sacramento Room (third floor)

Sacramento, CA 95834

Teleconference

Board Meeting

October, 2011

Guide Dogs of the Desert

60740 Dillon Road

Whitewater, CA 92282

11. Public Comment on Items Not on the Agenda

There were no comments.

12. Adjournment

Board Member Grable motioned to adjourn. The meeting adjourned at 3:03 p.m.