



**California State Board of Guide Dogs for the Blind
Board Meeting Minutes**

Monday, October 26, 2015
1:07 p.m. – 3:05 p.m.

Department of Consumer Affairs – San Francisco Room
1625 N. Market Blvd N-318
Sacramento, CA 95834

Board Members

Eric Holm, President
Carmen Delgado, Vice President
Rosa Gomez
Gwen Marelli
Joan Patche

Executive Officer (EO)

Brian Skewis

Legal Counsel

Ravinder Kapoor

AGENDA

1. Call to Order/Roll Call/Establishment of a Quorum
President Holm called the meeting to order at 1:07pm. EO Skewis took role. 5 members were recorded as present and a quorum was established.
2. President's Welcome
President Holm welcomed everyone to the Board's quarterly meeting and explained the ground rules for the meeting including a 2 minute time limit for each public comment.
3. Approval of the July 20, 2015 Board Meeting Minutes
Member Patche motioned to approve the July 20, 2015 Board Meeting Minutes as presented to the Board.

Vice President Delgado seconded the motion.

Motion Passed: 4 ayes, 0 no's, 1 abstention (Marelli)

4. Executive Officer's Report
 - a. Budget Report
EO Skewis reported that as of month 3 of fiscal year 2015/16, the Board has expended \$38K of its \$204K budget. With the cost savings plan fully implemented, the Board's fund is projected to remain solvent for the foreseeable future. This early into a fiscal year it's a little premature to do a formal expenditure projection, but it's safe to say that there have been significant savings generated by the program



restructure. EO Skewis will provide a thorough expenditure and revenue presentation at the next meeting.

b. Examination Update

EO Skewis reported that 7 applicants took and passed the Instructor exam in late July: Jamie Viezbicke (Guide Dogs of America), Katy Anderson, Kelsey Matheron, and Adam Silverman (Guide Dogs for the Blind), and Megan Crowley, Julie Angle, and Andrea Martine (Guiding Eyes for the Blind).

The next exam will be held January 11-12, 2016 and there are currently 4 applicants scheduled.

Member Delgado asked about the notification process for applicants that have passed the exam. EO Skewis explained that upon successful completion of the examination, new licensees are sent a letter explaining their status and the maintenance of their license as well as a certificate and an identification card that they can carry when working in public.

c. Regulations Update

EO Skewis reported that the Board's examination regulation is being reviewed and will be noticed for public comment in the coming weeks.

In regards to the cleanup language that was approved earlier this year, the majority of the language is very similar to the language in AB 181 (Bonilla) which was signed by the Governor on October 2, 2015. When this bill goes into effect, the Board will have the ability to make the majority of the regulatory changes to the cleanup language through a Control Section 100 regulation change instead of going through the entire regulation process. Control Section 100 changes are for technical and non-substantive changes. Because these changes were made in statute, most of the regulation changes would be considered non-substantive, technical changes.

d. Outreach Update

EO Skewis reported that Board Staff attended the State Board of Equalization, Disability Advisory Committee's annual faire on October 7th to kick off Disability Awareness Month. Additionally, a letter has been drafted and will be sent to service dog schools regarding the formation of a public education committee as discussed at the July meeting. Finally, Board Staff has begun working with Department of Consumer Affairs' Publications Office to update some of the Board's outreach materials as well as beginning an overhaul of the website.

Member Delgado asked if EO Skewis was working with the Outreach and Education Committee on the new publications and website. EO Skewis stated that he was working on draft materials prior to bringing the Committee together for approval of the materials and development of a dissemination strategy.

5. Discussion and possible action regarding the adoption of the Board's 2015 Strategic Plan.

EO Skewis explained the strategic planning process and that the draft Strategic Plan was sent to Board Members for review several weeks ago. He was able to incorporate the majority of the comments and suggestions he received but there were a few last minute suggestions that needed to be discussed. The Board discussed the technical and clarifying changes as well as a scope of 4 years for the new Strategic Plan.

Member Patche motioned to approve the Strategic Plan as discussed and amended.

Member Marelli seconded the motion

Motion Passed: 5 ayes, 0 no's, 0 abstentions

6. Consideration and possible action on the Consumer Advisory Task Force (CATF) recommendation to amend definitions in California Code of Regulations Title 16, Division 22, Section 2252.

EO Skewis stated that on September 29, the CATF met to discuss Board definitions relating to services provided after a team graduates from a guide dog program. The goal was to have a public discussion regarding these services involving the true stakeholders. The Task Force is comprised solely of California based guide dog users from various consumer organizations. He then introduced the Chair of the CATF, Michael Hingson who will present the CATF's recommendation.

Michael Hingson thanked the Board for the opportunity to take part in the meeting. He explained that the CATF discussed the issue of at hand and determined that the best solution would be to amend the term "instruction" in the Board's regulations. He stated that the CATF voted unanimously to recommend that the Board adopt the following definition of the term "instruction":

"Instruction means to demonstrate or explain the techniques used to train or handle a guide dog prior to the completion of an initial training period of the guide dog team. Services provided after an initial training period are not considered instruction."

President Holm asked Mr. Hingson if the language would ultimately mean that once a team graduates from a school that the Board has no jurisdiction.

Michael Hingson stated that any work done by a school after a team graduates is consultative in nature and not considered instruction.

Vice President Delgado asked how it can be determined that instruction is never provided after graduation.



Michael Hingson stated that the consensus of the CATF was that any request made after graduation for services would be for advice or consultation.

Member Marelli asked what happens if it is determined that instruction needs to take place once an instructor is already on-site.

Michael Hingson stated that if true instruction is needed, then it is something that should be handled in a controlled environment like at the school.

Margie Donovan commented that upon graduation, the team is fully trained and capable of handling what comes their way. There are situations that arise where consultation is needed to handle particular situations, but it is up to the handler to take that advice or leave it.

Carla Campbell stated that the difference between instruction and consultative services is that instruction takes place while forming the team whereas consultative services are provided to a formed team.

Member Gomez commented that anything that follows graduation will never be instruction.

Michael Hingson stated that unless the team, or part of the team, returns to the supervision of an instructor or school, then it is not instruction.

Member Patche commented that she doesn't think the definition is clear enough.

EO Skewis stated that the part of the definition that reads "Services provided after an initial training period are not considered instruction" means that there is no such thing as instruction after graduation. That directly conflicts with Business and Professions Code Section 7200.5 which states that "the board shall have exclusive authority in this state to issue licenses for the instruction of blind persons in the use of guide dogs and for the training of guide dogs for use by blind persons." He further stated that if this is the case, the Board would have no reason to license instructors because the regulation of the schools could cover all instruction.

Michael Hingson commented that the Board would still be providing standards for instruction.

Margie Donovan commented that instruction still needs to be licensed because schools still do in-home placements.

Vice President Delgado commented that 4 members on the Board are guide dog users and that the Board is fortunate to have that experience. She feels that



changing the definition of instruction is like trying to fit a square peg in a round hole. If schools are sending Instructors into California to provide consultative services, why not get licensed and have the credential that validates the activity?

Michael Hingson stated that the square peg in a round hole applies to when the Board changed the definition of instruction to include follow-up instruction. The majority of schools and consumers agree that instruction takes place prior to graduation and not after.

Member Gomez wondered if the term “development of the team” could be implemented to clarify the definition because there are times when instruction is needed in the home environment. She stated that the development of the team should be what differentiates what is instruction and what isn't.

President Holm stated that the way this definition is written, it creates an illusion that training isn't taking place while removing the Board's jurisdiction which is in violation of the Board's mandate; even if the Board wanted to approve this language, they wouldn't be able to.

Michael Hingson stated that after graduation, it is the handler's decision whether to take the advice of an instructor or not.

President Holm stated that the Board has a mandate to ensure that the individuals coming into a person's home are qualified and safe which is why the Board has examination processes, fingerprint process, etc in place to keep consumers safe.

Tina Thomas stated that after graduation, services are sought to enhance the use of the dog, not to instruct.

EO Skewis stated that whether you call it instruction or consultation, you are seeking the input of a professional and it is your intent to utilize that input.

Member Gomez questioned whether there should be clarification of what follow-up or aftercare services are instead of changing the definition of instruction.

EO Skewis stated that the issue with writing a new definition is that it needs to be incorporated elsewhere to be useful.

Member Gomez stated that there are situations where both instructional and consultative services have been provided. Getting input from an instructor, in person, is much different than talking to them over the phone, or utilizing the input of a spouse or child. The definition that is proposed is making the assumption that there will never be instruction after graduation and that needs to be flushed out.



Member Marelli stated that as the definition is proposed, there would be no oversight of individuals coming into people's homes to provide consultative services.

Michael Hingson stated that oversight would be by the guide dog user.

Member Marelli agreed with Michael Hingson that oversight is by the user, but disagrees that it is up to the user to determine if the services they are receiving are consultative in nature or instruction.

EO Skewis stated that having no oversight is against the Board's public protection mandate.

Margie Donovan asked how the Board has oversight if they don't even know these individual services are being provided.

EO Skewis stated that individuals are qualified to provide instruction because they have passed the examination and they have undergone a background check. The Board has oversight by requiring continuing education be completed, by receiving subsequent arrest warrants if a licensee has trouble with the law, and have enforcement authority if a complaint is received.

Vice President Delgado motioned to reject the recommendation from the CATF because it is too vague and ambiguous.

Member Gomez seconded the motion.

Penny Reeder stated that Guide Dog Users, Inc (GDUI) supports the definition provided by the CATF. She would suggest including the word "support" to clarify what services are not considered instruction. When a school graduates a team, instruction has completed. Finally, GDUI is opposed to leaving California teams without support services from their schools.

Allison stated that upon returning home, there were definitely things that she needed more practice on but going back to school causes financial hardship.

Margie Donovan commented that this has been going on for over a year and that it's appalling to not work up some language. She thinks the Board is negligent in its duty not to ensure that guide dog users get some kind of follow up services. The issue keeps getting postponed and if the Board doesn't take some action, she assures that consumer groups will be looking to legislation to sunset the Board. She believes that there shouldn't be a Board that isn't looking out for all consumers in California.

President Holm stated that he appreciates the fact that Ms. Donovan doesn't like the Board, and that he has read the letters that she has written. He understands that she



is appalled and that she thinks the Board is negligent, but he disagrees with her. He stated that the Board is doing their best with a difficult situation and he would appreciate not be accused of malfeasance in a public hearing. The crux of the issue is a business decision that was made by one school outside of California not to be licensed in the state.

Ken Metz commented that this issue started back in 2009 when a letter was written to schools about instruction in the State. Prior to that, there was 50 years of the Board not having an issue with instructors coming into the State to provide consultative services and there were no safety issues. Why all the sudden is this an issue?

EO Skewis stated that there is no evidence that the Board allowed such activity.

Tina Thomas commented that she is concerned about this because it leaves guide dog users in a quandary. She does not want to have a team injured because a school can't send an instructor into the State.

President Holm stated that the Board is not preventing any schools from applying or obtaining a license. Any school that does not have a licensed instructor has not applied for one.

Charlene Johnson stated that obtaining a license would be financially burdensome to the schools.

Vivian Younger stated that she obtained the adequate skills to work her dog at school prior to graduation. If she requested support services after the fact, it would be considered consultative. It should be up to the graduate to determine if they need consultative assistance, to go back to school, etc. The decision should be up to the guide dog user.

Toni Ames commented that problem solving shouldn't be considered instruction.

Motion Passed: 5 ayes, 0 no's, 0 abstentions

7. Agenda Items for Next Meeting

Michael Hingson requested a review of the way the Board notices meetings and changes to policy.

8. 2016 Meeting Calendar and Locations

EO Skewis outlined the quarterly Board Meeting schedule for 2016 and stated that if any Board Members have conflicts, to please let him know by December 1, 2015 so that it can be determined if the meeting needs to be rescheduled.



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9. Public Comment on Items Not on the Agenda
None given

10. Adjournment
Vice President Delgado Motioned to adjourn

Member Marelli seconded the motion

Motion Passed: 5 ayes, 0 no's, 0 abstentions