

STATE BOARD OF GUIDE DOGS FOR THE BLIND
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY
PROGRAM
As of November 1, 2012

Section 1 – Background and Description of the Board and Regulated Profession

Provide a short explanation of the history and function of the board.¹ Describe the occupations/professions that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

The State Board of Guide Dogs for the Blind (Board) was established effective January 1, 1948 for the specific purpose of enabling blind persons to receive well-trained guide dogs and the training of blind persons as guide dog consumers. A secondary purpose was to assure that donors to guide dog charities might be certain that their donations would be utilized for the intended charitable purpose. These two reforms continue to have a very positive impact on guide dog matters here in California, the only State that has such a regulatory program. Guide dog consumers have no financial interest in the field: guide dogs are quite expensive (from \$40,000 and up to \$60,000 per guide dog team [consumer and guide dog]). All schools are inspected by the Board, new active guide dog instructors take a legally defensible written and practical examination and are required to submit proof of eight hours of continuing education each year to remain licensed.

Who the Board Licenses, Titles, Regulates, Etc. (Practice Acts vs. Title Acts)

The Board licenses: 1) guide dog schools; 2) guide dog instructors; and 3) fundraising programs to open new guide dog schools. (Bus. & Prof. Code §§ 7200.5, 7210.6)

1. Describe the make-up and functions of each of the board's committees (cf., Section 12, Attachment B).

Legislative Committee – The Legislative Committee meets, on average, two times per fiscal year. This Committee reviews state and federal legislation affecting its stakeholders, including guide dog users, guide dog schools, and guide dog instructors. After review, the Committee makes legislative recommendations to the Board.

The Committee Members are as follows:

Chair, Tom Scott

Belinda Barragan, Board Member

Outreach and Education Committee – The Outreach and Education Committee meets two times per fiscal year on average. The Committee evaluates topics such as access rights, dog attacks on guide dogs, and changes to the Americans with Disabilities Act, and it leverages partnerships with stakeholders and media to educate members of the public, government officials, law enforcement, and the business community.

The Committee Members are as follows:

¹ The term "board" in this document refers to a board, bureau, commission, committee, department, division, program or agency, as applicable. Please change the term "board" throughout this document to appropriately refer to the entity being reviewed.

Chair, Joe Xavier
 Eric Holm, Board Member
 Larry Grable, Board Member

Practice Task Force – the Practice Task Force is comprised of three licensed guide dog instructors and one Board Member. The Task Force reviews statutes and regulations and makes recommendations to the Board to update, clarify, and add language that is reflective of the current practice of guide dog instruction. As there are no licensee members on the Board, this task force ensures there is input from the regulated profession.

The Task Force Members are as follows:

Chair, Kathy Kelly, Guide Dog Instructor (Guide Dogs for the Blind, Inc.)
 Chuck Jordan, Guide Dog Instructor (Guide Dogs of America)
 Bob Wendler, Guide Dog Instructor (Guide Dogs of the Desert)
 Jeff Neidich, Board Member

Table 1a. Attendance			
Eric P. Holm , Board President			
Date Appointed:	October 29, 2008, (Reappointed) July 2012		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/18/2008	Los Angeles, CA	Yes
Board Meeting	02/23/2009	Sylmar, CA	Yes
Board Meeting	07/30-31/2009	Sacramento, CA	Yes
Strategic Planning Session/Board Meeting	09/25-26/2008	San Rafael, CA	Yes
Board Meeting	11/23/2009	Sacramento, CA	Yes
Board Meeting	01/14/2010	Phone Conference	Yes
Legislative Committee Meeting	01/25/2010	Phone Conference	Yes
Board Meeting	02/22/2010	Whitewater, CA	Yes
Legislative Committee Meeting	04/23/2010	Phone Conference	Yes
Board Meeting	06/23/2010	Sacramento, CA	Yes
Legislative Committee Meeting	08/10/2010	Phone Conference	Yes
Outreach and Education Committee Meeting	09/23/2010	Phone Conference	Yes
Board Meeting	10/25/2010	San Rafael, CA	Yes
Board Meeting	12/09/2010	Sacramento, CA	Yes
Outreach and Education Committee Meeting	02/09/2011	Phone Conference	Yes
Board Meeting	02/22/2011	Sacramento, CA	Yes
Board Meeting	05/23/2011	Sacramento	No
Board Meeting	06/28/2011	Phone Conference	Yes
Board Meeting	05/14/2012	Sylmar, CA	Yes

Table 1a. Attendance			
Thomas B. Scott , Board Vice President			
Date Appointed:	December 16, 2004; (Reappointed) November 4, 2008		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	03/03/2005	Ontario, CA	Yes
Board Meeting	04/20/2005	Sacramento, CA	Yes

Board Meeting	09/01/2005	San Leandro, CA	Yes
Board Meeting	12/8/05	Sacramento, CA	Yes
Board Meeting	02/15/2006	Sacramento, CA	Yes
Board Meeting	04/06/2006	Sacramento, CA	Yes
Board Meeting	08/21/2006	Van Nuys, CA	Yes
Board Meeting	12/05/2006	Whitewater, CA	Yes
Board Meeting	04/13/2007	Sylmar, CA	Yes
Board Meeting	09/28/2007	San Rafael, CA	Yes
Board Meeting	12/06/2007	Whitewater, CA	Yes
Board Meeting	03/21/2008	Sacramento, CA	Yes
Board Meeting	06/09/2008	Sylmar, CA	Yes
Board Meeting	08/13/2008	Sacramento, CA	Yes
Strategic Planning Session/Board Meeting	09/25-26/2008	San Rafael, CA	Yes
Board Meeting	11/18/2008	Los Angeles, CA	Yes
Board Meeting	02/23/2009	Sylmar, CA	Yes
Legislative Meeting	04/13/2009	Sacramento	Yes
Board Meeting	07/30-31/2009	Sacramento, CA	Yes
Board Meeting	11/23/2009	Sacramento, CA	Yes
Board Meeting	01/14/2010	Phone Conference	Yes
Legislative Meeting	01/25/2010	Sacramento, CA	Yes
Board Meeting	02/22/2010	Whitewater, CA	Yes
Legislative Meeting	04/23/2010	Sacramento, CA	Yes
Board Meeting	06/23/2010	Sacramento, CA	Yes
Legislative Meeting	08/10/2010	Sacramento, CA	Yes
Board Meeting	10/25/2010	San Rafael, CA	Yes
Board Meeting	12/09/2010	Sacramento, CA	Yes
Board Meeting	02/22/2011	Sacramento, CA	Yes
Legislative Meeting	03/22/2011	Phone Conference	Yes
Board Meeting	05/23/2011	Sacramento, CA	Yes
Board Meeting	06/28/2011	Phone Conference	Yes
Board Meeting	05/14/2012	Sylmar, CA	Yes

Table 1a. Attendance			
Belinda Barragan, Board Member			
Date Appointed:	June 16, 2008		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	08/13/2008	Sacramento, CA	Yes
Strategic Planning Session/Board Meeting	09/25-26/2008	San Rafael, CA	Yes
Board Meeting	11/18/2008	Los Angeles, CA	Yes
Board Meeting	02/23/2009	Sylmar, CA	Yes
Legislative Meeting	04/13/2009	Sacramento, CA	No
Board Meeting	07/30-31/09	Sacramento, CA	Yes
Board Meeting	11/23/2009	Sacramento, CA	Yes
Board Meeting	01/14/2010	Phone Conference	Yes

Legislative Meeting	01/25/2010	Sacramento, CA	Yes
Board Meeting	02/22/2010	Whitewater, CA	Yes
Legislative Meeting	04/23/2010	Sacramento, CA	Yes
Board Meeting	06/23/2010	Sacramento, CA	Yes
Legislative Meeting	08/10/2010	Sacramento, CA	Yes
Board Meeting	10/25/2010	San Rafael, CA	Yes
Board Meeting	12/09/2010	Sacramento, CA	Yes
Board Meeting	02/22/2011	Sacramento	No
Legislative Meeting	03/22/2011	Phone Conference	Yes
Board Meeting	05/23/2011	Phone Conference	Yes
Board Meeting	06/28/2011	Phone Conference	No
Board Meeting	05/14/2012	Sylmar, CA	Yes

Table 1a. Attendance			
Jeffrey Neidich, Board Member			
Date Appointed:	December 16, 2004; (Reappointed) October 28, 2008		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	03/03/2005	Ontario, CA	Yes
Board Meeting	04/20/2005	Sacramento, CA	Yes
Board Meeting	09/01/2005	San Leandro, CA	Yes
Board Meeting	12/8/05	Sacramento, CA	Yes
Board Meeting	02/15/2006	Sacramento, CA	No
Board Meeting	04/06/2006	Sacramento, CA	No
Board Meeting	08/21/2006	Van Nuys, CA	Yes
Board Meeting	12/05/2006	Whitewater, CA	Yes
Board Meeting	04/13/2007	Sylmar, CA	Yes
Board Meeting	09/28/2007	San Rafael, CA	Yes
Board Meeting	12/06/2007	Whitewater, CA	Yes
Board Meeting	03/21/2008	Sacramento, CA	Yes
Board Meeting	06/09/2008	Sylmar, CA	Yes
Board Meeting	08/13/2008	Sacramento, CA	Yes
Strategic Planning Session/Board Meeting	09/25-26/2008	San Rafael, CA	Yes
Board Meeting	11/18/2008	Los Angeles, CA	Yes
Board Meeting	02/23/2009	Sylmar, CA	Yes
Outreach and Education Committee Meeting	06/02/2009	Phone Conference	Yes
Board Meeting	07/30-31/2009	Sacramento	Yes
Board Meeting	11/23/2009	Sacramento, CA	Yes
Board Meeting	01/14/2010	Phone Conference	Yes
Board Meeting	02/22/2010	Whitewater, CA	Yes
Board Meeting	06/23/2010	Sacramento, CA	Yes
Practice Task Force Meeting	10/18/2010	Phone Conference	Yes
Board Meeting	10/25/2010	San Rafael, CA	Yes
Board Meeting	12/09/2010	Sacramento, CA	Yes
Practice Task Force Meeting	01/10/2011	Phone Conference	Yes

Board Meeting	02/22/2011	Sacramento	Yes
Board Meeting	05/23/2011	Sacramento	Yes
Board Meeting	06/28/2011	Phone Conference	Yes
Board Meeting	05/14/2012	Sylmar, CA	No

Table 1a. Attendance

Lawrence Grable, Board Member

Date Appointed: December 31, 2010

Meeting Type	Meeting Date	Meeting Location	Attended?
Outreach and Education Committee Meeting	02/09/2011	Phone Conference	Yes
Board Meeting	02/22/2011	Sacramento, CA	Yes
Board Meeting	05/23/2011	Sacramento, CA	No
Board Meeting	06/28/2011	Phone Conference	Yes
Board Meeting	05/14/2012	Sylmar, CA	Yes

Table 1a. Attendance

Tony Candela, Board Member (former Designee from Department of Rehabilitation)

Date Appointed: September 28, 2007

Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	09/28/2007	San Rafael, CA	Yes
Board Meeting	12/06/2007	Whitewater, CA	Yes
Board Meeting	03/21/2008	Sacramento, CA	Yes
Board Meeting	06/09/2008	Sylmar, CA	Yes
Board Meeting	08/13/2008	Sacramento, CA	Yes
Strategic Planning Session/Board Meeting	09/25-26/2008	San Rafael, CA	Yes
Board Meeting	11/18/2008	San Rafael, CA	Yes
Board Meeting	02/23/2009	Sylmar, CA	Yes
Outreach and Education Committee Meeting	06/02/2009	Sacramento, CA	Yes
Board Meeting	07/30-31/2009	Sacramento, CA	Yes
Board Meeting	11/23/2009	Sacramento, CA	Yes
Board Meeting	01/14/2010	Phone Conference	Yes
Board Meeting	02/22/2010	Whitewater, CA	Yes
Board Meeting	06/23/2010	Sacramento, CA	No

Table 1a. Attendance

Joe Xavier, Board Member (Designee from Department of Rehabilitation)

Date Appointed: April 21, 2010

Meeting Type	Meeting Date	Meeting Location	Attended?
Outreach and Education Committee Meeting	09/23/2010	Sacramento, CA	Yes
Board Meeting	10/25/2010	San Rafael, CA	Yes
Board Meeting	12/09/2010	Sacramento, CA	Yes
Outreach and Education Committee Meeting	02/09/2011	Sacramento, CA	Yes
Board Meeting	02/22/2011	Phone Conference	No
Board Meeting	05/23/2011	Sacramento, CA	Yes
Board Meeting	06/28/2011	Phone Conference	Yes

Board Meeting	05/14/2012	Sylmar, CA	Yes
---------------	------------	------------	-----

Table 1b. Board/Committee Member Roster

Member Name (Include Vacancies)	Date First Appointed	Date Re- appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Eric P. Holm	10/29/08	5/30/12	06/01/15	Governor	Guide Dog User/Public
Thomas B. Scott	12/16/04	11/04/08	06/01/12	Governor	Public
Belinda Barragan	06/16/08	N/A	06/01/12	Governor	Public
Jeffrey Neidich	12/16/04	10/28/08	06/01/12	Governor	Guide Dog User/Public
Lawrence Grable	12/21/10	N/A	06/01/13	Governor	Public
Anthony Sauer (Director of DOR)	09/28/07	Pleasure of the Governor	Pleasure of the Governor	Governor	Public
Joseph Xavier (Designee of DOR)	04/21/10	N/A	Pleasure of the Governor	Governor	Public
Vacancy	12/22/10	N/A	06/01/13	Governor	Public

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

In the past four years, the Board lacked a quorum only once, on June 9, 2008. The full quorum could not be present because the Board lacked the number of appointees to constitute a quorum.. The Board minimized the impact on operations by acting as a Committee on that date and providing its recommendations to the full Board on August 13, 2008.

3. Describe any major changes to the board since the last Sunset Review, including:

- Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning).

Since the Board's last Sunset Review, there have been several changes in leadership. Board Presidents have been;

- Harry Thomas (1996-2000)
- Hugh Lyttleton (2000-2002)
- Allan Brenner (2002-2007)
- Jeffrey Neidich (2007-2010)
- Eric Holm (2011-Present)

The Board adopted a strategic plan on November 23, 2009 and hired a new Executive Officer in March, 2008. The .3 (Office Technician) was increased to a .5 (Office Technician) staff position.

- All legislation sponsored by the board and affecting the board since the last sunset review. For all historical legislation, put the bill description in past tense.

Year	Sponsor	Bill Number	Bill Description	Status
2000	Department of Consumer Affairs	SB 1307 Senate Business & Professions	Board Issues Clarified that the Board is not a party to a dispute between a guide dog user and a guide dog school.	Chapter 983 Statutes of 1999

2001	Joint Legislative Sunset Review Committee	SB 136 Figueroa	<u>Board of Guide Dogs for the Blind Sunset</u> Extended the sunset date for the Board and its arbitration panel pilot project by six years to July 1, 2008. Also extended the sunset dates for and made technical changes to two nonprofit organizations and several professional boards within the Department of Consumer Affairs, including a fee increase for the Board of Professional Engineers and Land Surveyors. Specifically, this statute addresses the California Council for Interior Design Certification, Board of Professional Engineers and Land Surveyors, and California Tax Education Council.	Chapter 495 Statutes of 2001
2002	Department of Consumer Affairs	AB 2973 Committee on Business and Professions	<u>Regulation of the Board of Guide Dogs for the Blind</u> The Department of Consumer Affairs-sponsored statute proposed nonsubstantive technical and clarifying changes that enacted, amended, or repealed provisions relating to the regulatory programs of the Board of Guide Dogs for the Blind.	Chapter 405 Statutes of 2002
2008	not listed	AB 2276 Fuentes	<u>State Board of Guide Dogs</u> Would have extended the sunset date for the State Board of Guide Dogs from July 1, 2011 to July 1, 2016.	Died in Assembly Business & Professions Committee
2009	State Board of Guide Dogs for the Blind	SB 475 Padilla	<u>Guide Dogs for the Blind</u> Increased the annual renewal fee limit for the State Board of Guide Dogs for the Blind (Board) from 0.004 to no more than 0.005 of a school's annual expenses; required the Board to define the exact amount of the fee by regulation; and required the renewal fee to be paid by April 30th of each year.	Chapter 51 Statutes of 2009
2010	Committee Bill	SB 1491 Business, Professions & Economic Dev Com	<u>Professions & Vocations</u> Made several minor and non-substantive changes to provisions pertaining to non-health regulatory boards of the Department of Consumer Affairs.	Chapter 415 Statutes of 2010
2011	Committee Bill	SB 543 Steinberg/ Price	<u>Business and Professions: Regulatory Boards</u> Extended the sunset date for the Board of Guide Dogs for the Blind, along with a number of other boards, until January 1, 2014. This bill also extended the sunset date for the Board's	Chapter 448 Statutes of 2011

			Arbitration Program until January 1, 2014.	
	Not listed	SB 944 Committee on Business, Professions and Economic Development	<u>Business and Professions: Regulatory Boards</u> Clarified in statute that (1) the Executive Officer keeps all records for the Board, and (2) the Board processes applications and payments; required that (1) the health certificate for the guide dog be delivered to the client upon assignment of the dog, (2) schools licensed by the Board shall provide an audit of the school's finances to the Board within 90 days after the end of a calendar year.	Chapter 432 Statutes of 2011

- All regulation changes approved by the board since the last sunset review.

Regulation Information, all references to Title 16	File Date	Effective Date
CCR Sections 2252 (Definitions), 2275 (Sterilization of Dogs), 2284 (Instructor - When License Required), 2295 (Issuance of Citations and Fines), 2295.1 (Criteria to Be Considered), 2295.2 (Contested Citations), 2295.3 (Citations for Unlicensed Practice)	Monday, April 16, 2012	Wednesday, May 16, 2012
CCR Sections 2260 (Completion of Requirements for License as Instructor), 2266 (Apprentice Standards; Minimum Instruction), 2282 (Required Training) and 2282.1 (Assignment of Dogs)	Thursday, March 17, 2011	Saturday, April 16, 2011
CCR Sections 2262 (License Period), 2262.1 (Annual School Renewal Payment) and 2276 (Client Instruction)	Wednesday, July 21, 2010	Saturday, August 21, 2010
CCR Section 2262 (License Period) and 2262.1 (Annual School Renewal Payment)	Monday, February 22, 2010	Monday, February 22, 2010
CCR Section 2286 (Continuing Education)	Monday, November 30, 2009	Wednesday, December 30, 2009
CCR Section 2250 (Location of Office), Repeal of CCR Sections 2274 (Health Certificate) and 2277 (Physical Defects)	Wednesday, August 27, 2008	Friday, September 26, 2008
CCR Sections 2293 (School Requirements Regarding Continued Use of a Guide Dog) and 2294 (Arbitration Requirements)	Tuesday, May 10, 2005	Thursday, June 9, 2005

4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).

While the Board is continually gathering data, particularly through the Outreach and Education Committee and Practice Task Force, it has not yet had occasion or capacity to conduct a major study.

5. List the status of all national associations to which the board belongs.

Currently there are no national associations of guide dog boards; therefore this Board does not belong to any.

- Does the board's membership include voting privileges?

N/A

- List committees, workshops, working groups, task forces, etc., on which board participates.

N/A

- How many meetings did board representative(s) attend? When and where?

N/A

- If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

N/A

Section 2 – Performance Measures and Customer Satisfaction Surveys

6. Provide each quarterly and annual performance measure report as published on the DCA website.

DCA does not track annual performance for the State Board of Guide Dogs for the Blind.

7. Provide results for each question in the customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

Due to the low volume of complaints, the Board does not use DCA customer satisfaction surveys.

Section 3 – Fiscal and Staff

Fiscal Issues

8. Describe the board’s current reserve level, spending, and if a statutory reserve level exists.

The Board’s current reserve level is 9.9 months (\$165,000 as of the end of FY 2011-12). The Board spends within its annual budgetary restrictions with the majority of the spending relating to personal services and administrative support. The Board is subject to Business and Professions Code section 128.5 which states that you cannot maintain a reserve of more than two years of operating income (24 months).

9. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated.

If current revenue and expenditure projections are realized, there is an anticipated deficit in FY 2014/15.

Describe the fee changes (increases or decreases) anticipated by the board.

If a fee change were required, the Board would request a regulatory increase in the school renewal fee from .00425 of total school expenses to the statutory ceiling of .005 of total school expenses.

Table 2. Fund Condition						
(Dollars in Thousands)	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
Beginning Balance	\$230	\$241	\$234	\$198	\$165	\$110
Revenues and Transfers	\$161	\$142	\$139	\$144	\$144	\$144

Total Revenue	\$391	\$383	\$373	\$342	\$309	\$254
Budget Authority	\$168	\$192	\$190	\$187	\$199	\$203
Expenditures	\$162	\$148	\$166	\$177	\$199	\$203
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid From General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance	\$229	\$235	\$207	\$165	\$110	\$51
Months in Reserve	18.6	17.0	14.0	9.9	6.5	3.0

10. Describe history of general fund loans. When were the loans made? When were payments made? What is the remaining balance?

There were no general fund loans made.

11. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

Table 3. Expenditures by Program Component								
	FY 2008/09		FY 2009/10		FY 2010/11		FY 2011/12	
	Personnel Services	OE&E						
Enforcement	\$19,400	\$3,500	\$18,960	\$3,500	\$21,960	\$3,500	\$23,400	\$3,300
Examination	\$48,500	\$9,500	\$47,400	\$8,500	\$54,900	\$8,500	\$58,500	\$6,200
Licensing	\$9,700	\$3,500	\$,480	\$3,500	\$10,980	\$3,500	\$11,700	\$3,300
Administration *	\$23,400	\$17,500	\$22,160	\$11,500	\$25,160	\$12,500	\$23,400	\$14,200
DCA Pro Rata	\$0	\$28,000	\$0	\$23,000	\$0	\$24,000	\$0	\$31,000
Diversion (if applicable)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
TOTALS	\$101,000	\$62,000	\$98,000	\$50,000	\$113,000	\$52,000	\$117,000	\$58,000
*Administration includes costs for executive staff, board, administrative support, and fiscal services.								

12. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

Guide dog schools are required to renew annually on April 30 of each year (Business and Professions Code section 7200.7). The fee is .00425 of total annual expenses as set forth by regulation (CCR Section 2262.1) and based on the audit as required by Business and Professions Code section 7217.

Guide dog instructors are required to renew their license on the anniversary date of their initial exam date. This renewal occurs annually (Business and Professions Code section 7211).

1/2010: Legislation increased the statutory ceiling to .005 of a school's total annual expenses for a guide dog school's annual renewal payment (Business and Professions Code section 7200.7).

8/2010: New regulation added to set the amount the Board could charge a guide dog school to .00425 of school expenses (CCR Section 2262.1).

No changes to the guide dog instructor or fundraising license were made in the last ten years.

Table 4. Fee Schedule and Revenue							
Fee	Current Fee Amount	Statutory Limit	FY 2008/09 Revenue	FY 2009/10 Revenue	FY 2010/11 Revenue	FY 2011/12 Revenue	% of Total Revenue
Initial licensing fees							
- Instructor	250	250					
- Fundraising	\$50	50	\$1,000	\$1,000	\$1,000	\$2,000	0.6%
Renewal fees							
- Active	100	100					
- Inactive	25	25					
- School	.00425	.00425					
	total expenses	total expenses	\$156,000	\$140,000	\$137,000	\$141,000	97.9%
Delinquent fees							
- Instructor	50	50					
- School	150	150	\$0	\$0	\$250	\$250	1.3%
Interest			\$4,000	\$1,000	\$1,000	\$1,000	
Total revenues			\$161,000	\$142,000	\$139,000	\$144,000	

13. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1110-16	09-10	Staff Enforcement Augmentation	.2 (OT)	.2 (OT)	\$12	\$12	\$5	\$5

Staffing Issues

14. Describe any staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

Previously, the Board struggled to meet the workload demands of the office with the allotted 1.3 positions (Executive Officer and a .3 Office Technician). Since the FY 09-10 augmentation of .2 Office Technician, the Board has not faced staffing issues/challenges.

15. Describe the board's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

SOLID Training Solutions offers a variety of both soft and hard skills training options free to all Department of Consumer Affairs employees and at no cost to the Board. Their traditional classroom style courses have been specifically designed to help build the leadership competencies as defined by the HR Modernization Project.

Section 4 – Licensing Program

16. What are the board's performance targets/expectations for its licensing² program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

The Board is currently meeting performance expectations for licensing guide dog instructors. These expectations are process times upon receipt of all components of an application.

17. Describe any increase or decrease in average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

The Board continues to process all applications upon receipt. The application process consists of evaluating a video of an instructor working with a client, reviewing the instructor application for accuracy of information, cashiering \$250 initial license/examination fee, and clearing Live Scan fingerprinting.

18. How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?

		FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12
Guide Dog Instructor	Active	104	105	106	109
	Inactive	1	1	1	3
	Renewed	100	101	101	102
	Delinquent	-	-	-	-
Guide Dog School	Active	3	3	3	3
	Delinquent	-	-	-	-
Fundraising License		0	0	0	0

Application Type		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
FY 2009/10	(Exam)			n/a		-	-	-	-	-	-
	(License)	6	5	n/a	5	-	-	-	-	-	-

² The term "license" in this document includes a license certificate or registration.

	(Renewal)	101	101	n/a	101	-	-	-	-	-	-
FY 2010/11	(Exam)			n/a		-	-	-	-	-	-
	(License)	6	5	n/a	5	-	-	-	-	-	-
	(Renewal)	101	101	n/a	101	-	-	-	-	-	-
FY 2011/12	(Exam)			n/a		-	-	-	-	-	-
	(License)	7	7	n/a	7	-	-	-	-	-	-
	(Renewal)	102	102	n/a	102	-	-	-	-	-	-
* Optional. List if tracked by the board.											

Table 7b. Total Licensing Data			
	FY 2009/10	FY 2010/11	FY 2011/12
Initial Licensing Data:			
Initial License/Initial Exam Applications Received	6	6	7
Initial License/Initial Exam Applications Approved	6	6	7
Initial License/Initial Exam Applications Closed	-	-	-
License Issued	5	5	7
Initial License/Initial Exam Pending Application Data:			
Pending Applications (total at close of FY)	-	-	-
Pending Applications (outside of board control)*	-	-	-
Pending Applications (within the board control)*	-	-	-
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (All - Complete/Incomplete)	1	1	1
Average Days to Application Approval (incomplete applications)*	-	-	-
Average Days to Application Approval (complete applications)*	-	-	-
License Renewal Data:			
License Renewed	101	101	102
* Optional. List if tracked by the board.			

19. How does the board verify information provided by the applicant?

Guide dog schools submit a qualifying letter stating the individual test candidate is qualified to take the licensing examination per Business and Professions Code section 7208.

- a. What process is used to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?

Live Scan fingerprints of all new license candidates are taken and current and subsequent arrest data is sent to the Board.

- b. Does the board fingerprint all applicants?

The Board does not fingerprint guide dog school administration; it only fingerprints guide dog instructors.

c. Have all current licensees been fingerprinted? If not, explain.

Some licensees were licensed before fingerprints were required (January 1, 1998).

The Board's regulations were not changed to require those licensed before 1998 to be fingerprinted. There are currently 12 guide dog instructors that are not fingerprinted and hold active licenses.

d. Is there a national databank relating to disciplinary actions?

No.

Does the board check the national databank prior to issuing a license?

N/A

Renewing a license?

N/A

e. Does the board require primary source documentation?

No.

20. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

For out-of-state instructors to be licensed in California, they must allow the CADOJ and the FBI to obtain fingerprints and a background check, and they must take a written and practical/oral examination. Examinations are administered in California.

21. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis?

No.

Is this done electronically?

N/A

Is there a backlog? If so, describe the extent and efforts to address the backlog.

No.

Examinations

Table 8. Examination Data			
California Examination (include multiple language) if any:			
	License Type	Instructor	
	Exam Title		
FY 2008/09	# of 1 st Time Candidates	8	
	Pass %	100%	
FY 2009/10	# of 1 st Time Candidates	6	
	Pass %	83.33	
FY 2010/11	# of 1 st Time Candidates	5	
	Pass %	100%	
FY 2011/12	# of 1 st time Candidates	7	
	Pass %	100%	

Date of Last OA		2005		
Name of OA Developer		OPES		
Target OA Date		2013		
National Examination (include multiple language) if any:				
License Type		N/A		
Exam Title		N/A		
FY 2008/09	# of 1 st Time Candidates	N/A		
	Pass %	N/A		
FY 2009/10	# of 1 st Time Candidates	N/A		
	Pass %	N/A		
FY 2010/11	# of 1 st Time Candidates	N/A		
	Pass %	N/A		
FY 2011/12	# of 1 st time Candidates	N/A		
	Pass %	N/A		
Date of Last OA		N/A		
Name of OA Developer		N/A		
Target OA Date		N/A		

22. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required?

The State Board of Guide Dogs for the Blind (Board) has contracted with the Office of Professional Examination Services (OPES), of the Department of Consumer Affairs, to conduct an occupational analysis and examination development (FYs 2011/2012 and 2012/2013) for the mandated written, practical, and oral examinations for licensing Guide Dog Instructors in the State of California.

Currently the Board is administering these three types of examinations based on an occupation analysis completed in June, 2005 also developed by OPES.

The 100-item written examination covers the following content areas for respective time periods:

Under 2011 Occupational Analysis (to be launched January 2013)

- I. Dog Selection and Care 7%
- II. Dog Training 13%
- III. Dog Evaluation 9%
- IV. Client Assessment 21%
- V. Client Services 50%
 - A. Instruction (22%)
 - B. Documentation (10%)
 - C. Graduate Support (18%)

Under 2005 Occupational Analysis (currently administered)

- I. Selection and Care 7%
- II. Training 13%
- III. Evaluation 9%

IV. Visual Impairment Services	4%
V. Client Assessment	17%
VI. Person/Dog Team	50%
A. Client Instruction	(22%)
B. Documentation	(10%)
C. Graduate Services	(18%)

The Practical examination requires the Guide Dog Instructor candidate to prepare a video of real-time training with the apprentice's client-dog team in the initial weeks of training demonstrating identified tasks and knowledge from the current occupational analysis. This video is presented to the Board, prior to Orals, for approval of standards.

The Oral examination requires the Guide Dog Instructor candidate to orally present his or her video and verbally demonstrate the minimally acceptable competence in knowledge and safety for entry level practice to the satisfaction of a three-person panel of subject matter experts representing the three licensed guide dog schools in California.

The candidate must pass the written examination by achieving the passing score; the Practical examination is completed by Board approval of the video, and the Oral examination by achieving the passing score. All three examinations must be passed to qualify for licensure.

23. What are pass rates for first time vs. retakes in the past 4 fiscal years?

In the past four fiscal years, the pass rate for first time candidates was 96.2% and pass rate for candidates retaking the exam was 100%.

24. Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

The Board does not currently utilize computer based testing.

25. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

There are no existing statutes that hinder the efficient and effective processing of applications and/or examinations conducted by the board.

School approvals

26. Describe legal requirements regarding school approval. Who approves your schools?

The Board approves the three guide dog schools.

What role does BPPE have in approving schools?

None

How does the board work with BPPE in the school approval process?

N/A

27. How many schools are approved by the board?

Three guide dog schools have been approved by the board.

How often are schools reviewed?

The schools are reviewed (inspected) at least once per fiscal year. There is no legal timeframe for review.

28. What are the board's legal requirements regarding approval of international schools?

None

Continuing Education/Competency Requirements

29. Describe the board's continuing education/competency requirements, if any.

CCR § 2286. (Continuing Education)

As a condition of renewal of an instructor's license, an instructor shall provide proof to the board of completion of not less than 8 hours of continuing education obtained within 12 months prior to license renewal. Proof of completion of continuing education shall be in form of a written declaration specifically naming the activity, the dates involved, any costs, and the name of the instructor, and institution or sponsoring organization. An instructor shall provide proof to the board of completion of one or a combination of any of the following totaling 8 hours:

- (1) Participates in a board approved course or seminar, regarding blindness mobility, health issues relating to blindness, instructing blind persons, and care and training of dogs.
- (2) Attends at meetings of guide dog user organizations or organizations of the blind.
- (3) Participates in self-study videos or online coursework.

30. Describe any changes made by the board since the last review.

An amendment to CCR § 2286 (Continuing Education) was filed on November 30, 2009 and became operative on December 30, 2009.

Business and Professions Code section 7211.1 specified that as a condition of renewal of an instructor's license, the instructor shall provide proof of completion of not less than 8 hours of continuing education. The board shall determine the form of proof.

Prior to amendment, section 2286 specified that the instructor shall provide proof to the board of completion of not less than 8 hours of continuing education in a board-approved course or seminar, or not less than 16 hours of attendance at meetings of guide dog user organizations or organizations of the blind. Amendments to section 2286(b) were made to be consistent with the statute.

Amendments to section 2286 also deleted the requirement that continuing education seminars or courses not be sponsored or conducted by an individual or organization not currently affiliated with a licensee of the board. Those most knowledgeable in the field *(volunteers, instructors, dog training specialists) are affiliated with a licensed school or instructor and to allow those affiliated with a school to teach continuing education would expand the courses taught, and the education received for instructors. In addition, the Board included participation in self-study videos or online coursework as proof of completion of the required 8 hours of

continuing education. Self-instruction through video and online courses has been proven to be beneficial and is used by many other licensees.

How does the board verify CE or other competency requirements?

Renewal forms include a statement certifying all information; including CE information is true and correct.

- a. Does the board conduct CE audits on its licensees?

Yes.

Describe the board's policy on CE audits.

The informal process of auditing occurs by having two layers of review with each renewal packet. First, the Office Technician reviews all renewal packets for accuracy of information, and then the Executive Officer provides a secondary review.

- b. What are consequences for failing a CE audit?

All paperwork must be included in renewal paperwork. If support documentation is not provided, the license is not renewed.

- c. How many CE audits were conducted in the past four fiscal years?

200.

How many fails?

The Board does not have any fails. Any deficiency in paperwork was communicated to the guide dog instructor, who then corrected the deficiency.

- d. What is the board's course approval policy?

There is no course approval policy.

- e. Who approves CE providers?

N/A

Who approves CE courses?

The Executive Officer (EO) approves CE courses that are submitted for approval. Approval of courses is not a requirement of the Board. If the board approves them, what is the board application review process? The EO reviews the courses and ensures they deal with the statutorily required areas of study including; blindness and mobility, instructing blind persons, health issues related to blindness, or dog care and training.

- f. How many applications for CE providers and CE courses were received? How many were approved?

N/A

- g. Does the board audit CE providers? If so, describe the board's policy and process.

The board does not audit CE providers.

- h. Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensees' continuing competence.

The Board's goal is to ensure its instructors receive CE that will keep them competent and up-to-date on the latest technology and guide dog instruction protocols, while making the

education itself inexpensive and easily accessible. For example, the Board changed its regulatory requirement for forms and types of CE in 2009.

Section 5 – Enforcement Program

31. What are the board's performance targets/expectations for its enforcement program?

The Board's goal is to be responsive to any and all complaints brought to its attention.

Is the board meeting those expectations?

Due to the low volume of complaints the Board receives, it has been able to be responsive and thus meet performance expectations.

If not, what is the board doing to improve performance?

N/A

32. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

The Board previously lacked an enforcement budget and enforcement mechanisms such as citation and fine authority. Currently, the Board has a \$5,000 Attorney General's office budget and recently promulgated regulations to use citation and fine as an enforcement mechanism. We do not see any current performance barriers to the enforcement program.

Table 9a. Enforcement Statistics			
	FY 2009/10	FY 2010/11	FY 2011/12
COMPLAINT			
Intake (Use CAS Report EM 10)			
Received	1	1	2
Closed	0	0	2
Referred to INV	1	1	0
Average Time to Close	-		17
Pending (close of FY)	0	0	0
Source of Complaint (Use CAS Report 091)			
Public			
Licensee/Professional Groups			
Governmental Agencies			
Other			
Conviction / Arrest (Use CAS Report EM 10)			
CONV Received	0	0	0
CONV Closed	0	0	0
Average Time to Close	-	-	-
CONV Pending (close of FY)	0	0	0
LICENSE DENIAL (Use CAS Reports EM 10 and 095)			
License Applications Denied	0	0	0

SOIs Filed	0	0	0
SOIs Withdrawn	0	0	0
SOIs Dismissed	0	0	0
SOIs Declined	0	0	0
Average Days SOI	0-	0	0
ACCUSATION (Use CAS Report EM 10)			
Accusations Filed	0	0	0
Accusations Withdrawn	0	0	0
Accusations Dismissed	0	0	0
Accusations Declined	0	0	0
Average Days Accusations	-	-	-
Pending (close of FY)	0	0	0

Table 9b. Enforcement Statistics (continued)			
	FY 2009/10	FY 2010/11	FY 2011/12
DISCIPLINE			
Disciplinary Actions (Use CAS Report EM 10)	0	0	0
Proposed/Default Decisions	0	0	0
Stipulations	0	0	0
Average Days to Complete	0-	0	0
AG Cases Initiated	0	0	0
AG Cases Pending (close of FY)	0	0	0
Disciplinary Outcomes (Use CAS Report 096)	0	0	0
Revocation	0	0	0
Voluntary Surrender	0	0	0
Suspension	0	0	0
Probation with Suspension	0	0	0
Probation	0	0	0
Probationary License Issued	0	0	0
Other	0	0	0
PROBATION			
New Probationers	0	0	0
Probations Successfully Completed	0	0	0
Probationers (close of FY)	0	0	0
Petitions to Revoke Probation	0	0	0
Probations Revoked	0	0	0
Probations Modified	0	0	0
Probations Extended	0	0	0
Probationers Subject to Drug Testing	0	0	0
Drug Tests Ordered	0	0	0
Positive Drug Tests	0	0	0
Petition for Reinstatement Granted	0	0	0
DIVERSION			
New Participants	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A
Participants (close of FY)	N/A	N/A	N/A

Terminations	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A

Table 9c. Enforcement Statistics (continued)			
	FY 2009/10	FY 2010/11	FY 2011/12
INVESTIGATION			
All Investigations (Use CAS Report EM 10)			
First Assigned	1	1	1
Closed	1	1	1
Average days to close	-	-	-
Pending (close of FY)	0	0	0
Desk Investigations (Use CAS Report EM 10)			
Closed	-	1	1
Average days to close	-	1	1
Pending (close of FY)	-	1	0
Non-Sworn Investigation (Use CAS Report EM 10)			
Closed	-	0	0
Average days to close	-	-	-
Pending (close of FY)	-	0	0
Sworn Investigation			
Closed (Use CAS Report EM 10)		0	0
Average days to close	-	-	-
Pending (close of FY)		0	0
COMPLIANCE ACTION (Use CAS Report 096)			
ISO & TRO Issued	0	0	0
PC 23 Orders Requested	0	0	0
Other Suspension Orders	0	0	0
Public Letter of Reprimand	0	0	0
Cease & Desist/Warning	0	0	0
Referred for Diversion	0	0	0
Compel Examination	0	0	0
CITATION AND FINE (Use CAS Report EM 10 and 095)			
Citations Issued	N/A	N/A	N/A
Average Days to Complete	N/A	N/A	N/A
Amount of Fines Assessed	N/A	N/A	N/A
Reduced, Withdrawn, Dismissed	N/A	N/A	N/A
Amount Collected	N/A	N/A	N/A
CRIMINAL ACTION			
Referred for Criminal Prosecution	0	0	0

Table 10. Enforcement Aging						
	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
1 Year	-	-	-	-	0	-
2 Years	-	-	-	-	0	-
3 Years	-	-	-	-	0	-
4 Years	-	-	-	-	0	-
Over 4 Years	-	-	-	-	0	-
Total Cases Closed	0	0	0	0	0	0
Investigations (Average %)						
Closed Within:						
90 Days	-	-	-	-	0	-
180 Days	-	-	-	-	0	-
1 Year	-	-	1-	-	0	-
2 Years	-	-	-	-	1	-
3 Years	-	-	-	-	0	-
Over 3 Years	-	-	-	-	0	-
Total Cases Closed	0	0	0	0	1	0

33. What do overall statistics show as to increases or decreases in disciplinary action since last review.

There has not been any increase or decrease in disciplinary action since the last review.

34. How are cases prioritized? What is the board's complaint prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.

Due in part to the low volume of complaints, all are brought to the Board's attention and handled upon receipt.

35. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations or for civil courts to report actions taken against a licensee.

No.

Are there problems with receiving the required reports? If so, what could be done to correct the problems?

N/A

36. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases were lost due to statute of limitations? If not, what is the board's policy on statute of limitations?

The board does not operate with a statute of limitations. Due to the Board not having a statute of limitations spelled out in statute, it operates on the legal equitable principle of laches. Laches

is the legal doctrine that an unreasonable delay in seeking a remedy for a legal right or claim will prevent it from being enforced or allowed if the delay has prejudiced the opposing party.

37. Describe the board's efforts to address unlicensed activity and the underground economy.

May 2012, the Board promulgated regulations to establish citation and fine authority. Part of the authority clearly defined unlicensed activity as an administrative violation punishable by citation/fine in addition to current statutory authority to punish such violation as a misdemeanor.

Cite and Fine

38. Discuss the extent to which the board has used its cite and fine authority.

The regulatory authority was enacted May, 2012. Discuss any changes from last review and last time regulations were updated.

Has the board increased its maximum fines to the \$5,000 statutory limit?

The maximum fine for a violation is \$5,000.

39. How is cite and fine used? What types of violations are the basis for citation and fine?

Any violation of the Code or regulations is grounds for citation or fine. Citation and fine authority has not been used since its inception in May, 2012. The authority serves as a tool to be used if need be and/or as a deterrent to unlicensed activity or violations of the Board's statutes and regulations.

40. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals in the last 4 fiscal years?

None

41. What are the 5 most common violations for which citations are issued?

N/A

42. What is average fine pre and post appeal?

N/A

43. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

N/A

Cost Recovery and Restitution

44. Describe the board's efforts to obtain cost recovery.

N/A

Discuss any changes from the last review.

N/A

45. How many and how much is ordered for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

N/A

46. Are there cases for which the board does not seek cost recovery? Why?

N/A

47. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.

N/A

48. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc.

N/A

Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

N/A

Table 11. Cost Recovery				
	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13
Total Enforcement Expenditures				
Potential Cases for Recovery *	1	1	0	0
Cases Recovery Ordered	0	0	0	0
Amount of Cost Recovery Ordered	0	0	0	0
Amount Collected	0	0	0	0
* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.				

Table 12. Restitution				
	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12
Amount Ordered	0	0	0	0
Amount Collected	0	0	0	0

Section 6 – Public Information Policies

49. How does the board use the internet to keep the public informed of board activities? The Board utilizes various social networking sites as well as the Board's own Web site to communicate the following:

- o Board Meetings
- o Regulatory Changes
- o Legislative Advocacy
- o Outreach and Education Campaigns
- o Industry Trends
- o News Articles
- o Exams

Does the board post board meeting materials online?

The Board posts the agendas online, but as meeting materials in PDF are not accessible to our consumers, we provide Microsoft Word materials to any interested party when requested.

When are they posted?

N/A

How long do they remain on the website?

N/A

When are draft meeting minutes posted online?

Draft meeting minutes are not posted online.

When does the board post final meeting minutes?

The Board posts final meeting minutes within two weeks of ratification at each Board Meeting.

How long do meeting minutes remain available online?

The meeting minutes remain online for five years.

50. Does the board webcast its meetings?

The Board does not webcast its meetings; however, the Board conducts phone conferences whenever possible as they accommodate access to Board meetings for its consumers.

What is the board's plan to webcast future board and committee meetings?

The Board does not have any current plans to webcast its meetings.

51. Does the board establish an annual meeting calendar, and post it on the board's web site?

Whenever possible, the Board pre-schedules its meetings and posts said schedule online.

52. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?

If the Board had a complaint against a licensee, it would follow DCA's minimum standard for consumer complaint disclosure.

53. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

The Board provides the following information to the public regarding its licensees:

- Guide Dog Instructor – license #, name, license date, status (active, inactive, expired)
- Guide Dog School – school name, license status, address, phone number, Web site

54. What methods are used by the board to provide consumer outreach and education?

The following outreach/education methods are currently employed by the Board:

- Social media, including Facebook and Twitter
- Board Meetings
- Postings to List Serv with stakeholders (e.g. consumer groups)
- Press conferences
- Guide Dog Days
- Special Events (e.g. Q&A regarding definition of service animal with U.S. Department of Justice and Disability Rights California)

Section 7 – Online Practice Issues

55. Discuss the prevalence of online practice and whether there are issues with unlicensed activity.

N/A

How does the board regulate online practice?

N/A

Does the board have any plans to regulate Internet business practices or believe there is a need to do so?

N/A

Section 8 – Workforce Development and Job Creation

56. What actions has the board taken in terms of workforce development?

The licensee population does not forecast a gap in workforce in the near future. The demand for employment is currently higher than available opportunities.

57. Describe any assessment the board has conducted on the impact of licensing delays.

N/A

58. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

The Board currently works with liaisons from each of the three licensed schools to communicate the licensing process.

59. Provide any workforce development data collected by the board, such as:

a. Workforce shortages

N/A

b. Successful training programs.

Each guide dog school maintains three year apprenticeship programs that train instructors how to train guide dogs, persons that are blind and guide dog teams (persons who are blind with guide dogs).

Section 9 – Current Issues

60. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

N/A

61. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

N/A

62. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

The Board is currently scheduled to participate in Release 2 of the BreEze project. It is actively converting all current data into the new system.

Section 10 – Board Action and Response to Prior Sunset Issues

Include the following:

Background information concerning the issue as it pertains to the board.

BACKGROUND PAPER FOR HEARING

**IDENTIFIED ISSUES, QUESTIONS FOR THE BOARD, BACKGROUND CONCERNING ISSUES,
AND PRELIMINARY RECOMMENDATIONS**

PRIOR SUNSET REVIEW: The Board of Guide Dogs for the Blind (Board) was last reviewed by the Joint Legislative Sunset Review Committee (JLSRC) 2001. At that time, the JLSRC recommended that the Board continue to provide oversight to guide dog schools and instructors.

Short discussion of recommendations made by the Committee/Joint Committee during prior sunset review. PART 2.

RESPONSE TO ISSUES IDENTIFIED AND FORMER RECOMMENDATIONS MADE BY THE JOINT LEGISLATIVE SUNSET REVIEW COMMITTEE

ISSUE #1. (CONTINUE REGULATION OF THE INDUSTRY?)

Should the licensing and regulation of guide dog schools and fundraisers be continued?

Recommendation #1: The Joint Committee and the Department recommend the continued oversight of guide dog schools.

The Board supports this recommendation.

ISSUE #2. (CONTINUE LICENSURE OF INSTRUCTORS?)

Should the state continue with the licensing and regulation of guide dog instructors?

Recommendation #2: The Joint Committee recommends that the licensing of guide dog instructors be continued.

The Board supports this recommendation.

ISSUE #3. (ADDITIONAL ASSISTANCE FROM OTHER JURISDICTIONS?)

Should the Board utilize the expertise of the Bureau for Private Postsecondary and Vocational Education (Bureau) and the Attorney General?

Recommendation #3: The Joint Committee and the Department recommend that the Board should utilize the expertise of the Bureau and the AG to enhance guide dog user protection.

Comments: While the Joint Committee and the Department recognize the Board's long history of service to the blind community, it should be noted that the Bureau and the Attorney General have expertise and jurisdiction that might provide additional protection for guide dog users. As the state agencies responsible for regulating private instructional

institutions and charitable fundraising, the Bureau and the Attorney General have considerable knowledge of and experience with conducting financial reviews.

The Bureau as reestablished supports private postsecondary schools. These schools are different than those of guide dog schools, non-profit organizations providing guide dog instruction to persons that are blind or visually impaired. The Board does, however, rely upon the services as provided by the department of consumer affairs, including cashiering, public affairs, legal, legislative and regulatory review and administrative support. Additionally, the Board has increased its communication with the Attorney General's office, establishing an enforcement budget and seeking regulatory changes which would provide greater accountability from the guide dog schools (e.g. requiring schools to provide all reports and fees to the Attorney General's office to maintain an active license).

ISSUE #4. (CLARIFY ONE-YEAR WORK EXPERIENCE FOR INSTRUCTORS?)

Is there a discrepancy with guide dog school practices and the California Code of Regulations with regard to the one-year requirements of work experience?

***Recommendation #4:** The Joint Committee and the Department recommend that the discrepancies between school practices and the Board's statutes and regulations be reviewed and clarified.*

***Comments:** Board regulations (Section 2266, California Code of Regulations) prohibit a school from hiring an apprentice who has not had at least one year of actual experience in working with the training of dogs. However, Business and Professions Code Section 7209 pertaining to examination requirements only requires that candidates for examination must have the equivalent of three years of training as an apprentice in a licensed school. There does not appear to be any statutory authority for the one-year experience requirement. The schools have developed an alternative program for meeting the three-year apprenticeship requirement by creating an "instructor's assistant" training program to fulfill the one-year experience requirement.*

The problem appears to be with the regulation requiring a person to have one year of experience in working with the training of dogs before s/he can even apply to be an apprentice. The regulation does not spell out what qualifies as training of dogs. Therefore, the regulations should be clarified.

Section 2266 has been amended to eliminate the one year requirement.

What action the board took in response to the recommendation or findings made under prior sunset review?

ISSUE #1. THE BOARD CONTINUES TO HAVE MEMBER VACANCY PROBLEMS.

***PRELIMINARY RECOMMENDATION:** This issue will be dealt with as a cross-cutting issue.*

There is currently one board member vacancy on the Board.

ISSUE #2. SHOULD THE BOARD BE CONTINUED, BE MERGED WITH ANOTHER BOARD, OR SUNSETTED AND HAVE ALL ITS DUTIES, POWERS, AND FUNCTIONS TURNED OVER TO THE DEPARTMENT OF CONSUMER AFFAIRS ?

PRELIMINARY RECOMMENDATION: It appears to continue to be fiscally prudent to maintain the Board should continue to license and regulate guide dog schools and instructors.

The Board agrees with this recommendation.

ISSUE #3. DOES THE BOARD'S FUND CONDITION PERMIT FILLING A HALF-TIME CLERICAL POSITION?

PRELIMINARY RECOMMENDATION: The Board should provide the JLSRC by March 2000 with a breakdown of projected expenditures and a proposal to resolve the diminishing state of their fund reserve.

In 2010, the Board changed its fee structure to accommodate for an enforcement budget and increase the staff position authority to 1.5 (from 1.3).

ISSUE #4. IS THE THRESHOLD FOR LICENSURE AND FINANCIAL RESPONSIBILITY FOR THOSE WHO WISH TO ESTABLISH A GUIDE DOG SCHOOL IN CALIFORNIA TOO HIGH?

PRELIMINARY RECOMMENDATION: The Board should examine the current standards and provide the JLSRC with possible modifications in the criteria for those who wish to establish a guide dog school in California.

There has been no modification to the requirements of an organization wishing to establish a fundraising license to start a guide dog school. There have been no complaints received from applicant schools since the last sunset review.

ISSUE #5. SHOULD THE STATE CONTINUE WITH THE LICENSING AND REGULATION OF GUIDE DOG SCHOOLS, INSTRUCTORS, AND SCHOOL FUNDRAISERS?

PRELIMINARY RECOMMENDATION: The Board should provide the JLSRC with a breakdown of projected expenditures and a proposal to resolve the diminishing state of their fund reserve.

The fund reserve is currently in a healthy state.

ISSUE #6. IS THERE A DISCREPANCY WITH SCHOOL PRACTICES AND THE CALIFORNIA CODE OF REGULATIONS WITH REGARD TO THE ONE YEAR REQUIREMENT OF WORK EXPERIENCE?

PRELIMINARY RECOMMENDATION: The Board should provide the JLSRC with a breakdown of projected expenditures and a proposal to resolve the diminishing state of their fund reserve.

The Board does not have the requirement of one year of work experience with dogs. The regulations were amended to delete this requirement.

ISSUE #7. HAS THE BOARD DEFINED PROFESSIONAL COMPETENCE, NEGLIGENCE, OR APPROPRIATE PROFESSIONAL CONDUCT AS IT RELATES TO LICENSEES?

PRELIMINARY RECOMMENDATION: *The Board should define professional competence, negligence, and appropriate conduct.*

The Board, acting on advice from legal counsel did not pursue defining professional competence, negligence and appropriate conduct. The Board's Strategic Plan, however, does address drafting a practitioner code of ethics. The goal completion date for this code is 2014.

ISSUE #8. SHOULD THE PILOT PROJECT FOR ARBITRATION BETWEEN GUIDE DOG USERS AND GUIDE DOG SCHOOLS BE EXTENDED OR SHOULD THE SUNSET DATE BE ELIMINATED ALTOGETHER?

PRELIMINARY RECOMMENDATION: *The Board should report on the outcome of the arbitration program and recommend whether the project should be continued.*

During the Arbitration Program's nine year tenure, it has been utilized twice. Once, the Program conducted a formal hearing, whereby the panel sided with the guide dog school. The second time, the Board appointed a special committee to hear a dispute between a client and a guide dog school. All parties agreed that it was in the best interests of the guide dog to be returned to the guide dog school. While the arbitration mechanism has not been utilized frequently, it does provide a guide dog user the opportunity to dispute the repossession of a guide dog by a school after successful completion of training. The Board is open to feedback from consumers regarding the presence of such a mechanism for dispute.

ISSUE #9. ARE THE LICENSED SCHOOLS SUBMITTING REQUIRED REPORTS TO THE BOARD?

PRELIMINARY RECOMMENDATION: *The Board should provide a copy of these reports to the JLSRC.*

The schools are in compliance with reporting from the schools per section 7217 of the B&P Code. The legislature has not requested reports of such information; however, the Board can provide this information upon request.

ISSUE #10. SHOULD THE BOARD OF GUIDE DOGS FOR THE BLIND BE EXTENDED?

PRELIMINARY RECOMMENDATION: *No recommendation at this time. However, it would seem appropriate to continue the Board.*

The possibility of moving it to the jurisdiction of the Department of Rehabilitation if the Commission for the Blind and Visually Impaired (proposed in Burton's SB 105) is created should be examined.

The Board should not be moved to the Department of Rehabilitation because 1) it does not have the general funds to support an additional program, 2) the Department is not a licensing body. The Department of Consumer Affairs has the infrastructure to support continual licensure of guide dog schools and instructors.

Section 11 – New Issues

This is the opportunity for the board to inform the Committee of solutions to issues identified by the board and by the Committee. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., legislative changes, policy direction, and budget changes) for each of the following issues that were raised under prior Sunset Review that have not been addressed.

1. New issues that are identified by the board in this report.

Currently, Section 7206 requires that the Board meet at least once per year at which time an examination of candidates takes place. The Board completed an Occupational Analysis in 2005, which changed the examination process to be a review of candidates via a written and oral examination in front of licensed subject matter experts, not board members (none of whom are licensed in the field of guide dog instruction). This requirement needs to be deleted. Additionally, section 7210 makes reference to seeing-eye dog which is a type of guide dog provided by a school in New Jersey. The term seeing-eye dog is no longer used as a general reference to guide dogs and needs to be deleted.

2. New issues not previously discussed in this report.

Regulations have clarified that instruction includes follow up instruction. Guide dog users have questioned the validity of such a law that would prohibit unlicensed guide dog instruction in the form of follow-up instruction in this state. As no other state licenses guide dog instructors, there is no reciprocity to establish mechanisms like practice privilege. At this time, no formal complaints from instructors or consumers exist. All feedback has been informal.

3. New issues raised by the Committee.

None

Section 12 – Attachments

Please provide the following attachments:

- A. Board's administrative manual.

Board Procedure Manual

- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).

Organizational chart attached.

- C. Major studies, if any (cf., Section 1, Question 4).

None

- D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).

Attached

This section only applies to specific boards, as indicated below.

Section 13 – Board Specific Issues

Diversion

Discuss the board's diversion program, the extent to which it is used, the outcomes of those who participate, the overall costs of the program compared with its successes.

Diversion Evaluation Committees (DEC) (for BRN, Dental, Osteo and VET only)

1. DCA contracts with a vendor to perform probation monitoring services for licensees with substance abuse problems, why does the board use DEC? What is the value of a DEC?
2. What is the membership/makeup composition?
3. Did the board have any difficulties with scheduling DEC meetings? If so, describe why and how the difficulties were addressed.
4. Does the DEC comply with the Open Meetings Act?
5. How many meetings held in each of the last three fiscal years?
6. Who appoints the members?
7. How many cases (average) at each meeting?
8. How many pending? Are there backlogs?
9. What is the cost per meeting? Annual cost?
10. How is DEC used? What types of cases are seen by the DECs?
11. How many DEC recommendations have been rejected by the board in the past four fiscal years (broken down by year)?

Disciplinary Review Committees (Board of Barbering and Cosmetology and BSIS only)

1. What is a DRC and how is a DRC used? What types of cases are seen by the DRCs?
2. What is the membership/makeup composition?
3. Does the DRC comply with the Open Meetings Act?
4. How many meeting held in last three fiscal years?
5. Did the board have any difficulties with scheduling DRC meetings? If so, describe why and how the difficulties were addressed.
6. Who appoints the members?
7. How many cases (average) at each meeting?
8. How many pending? Are there backlogs?
9. What is the cost per meeting? Annual cost?
10. Provide statistics on DRC actions/outcomes.