
UNFINISHED BUSINESS

Bill No: SB 1331
Author: Pavley (D)
Amended: 8/18/16
Vote: 21

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 8-0, 4/18/16
AYES: Hill, Bates, Berryhill, Block, Galgiani, Hernandez, Jackson, Mendoza
NO VOTE RECORDED: Wieckowski

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 39-0, 5/26/16
AYES: Allen, Anderson, Bates, Beall, Berryhill, Block, Cannella, De León,
Fuller, Gaines, Galgiani, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill,
Hueso, Huff, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell,
Monning, Moorlach, Morrell, Nguyen, Nielsen, Pan, Pavley, Roth, Stone,
Vidak, Wieckowski, Wolk
NO VOTE RECORDED: Runner

ASSEMBLY FLOOR: 80-0, 8/23/16 - See last page for vote

SUBJECT: State Board of Guide Dogs for the Blind: membership: out-of-state
schools: followup services

SOURCE: Author

DIGEST: This bill allows out-of-state personnel to provide follow-up services in California without a license, under specified conditions; revises the composition of the California State Board of the Guide Dogs for the Blind (Board) to include three, instead of two, representatives of the legally blind or visually impaired community; and, requires the Board to create a factsheet that provides specified information about the Board which must be made available to each licensed school to provide to every student receiving training from that school.

Assembly Amendments (1) require that personnel from a school from another state that is certified by the International Guide Dog Federation (IGDF) shall notify the Board not less than three days prior to the time the personnel arrive in this state of their intent to provide follow-up services; (2) provide that if those services are to be provided due to emergency circumstances as specified, and as determined by the school, notification may be provided to the Board within 24 hours after the personnel arrive in this state; (3) provide that the Board may require a school to provide the name of the individual to whom services have been provided if needed for purposes of investigating the personnel from that school who provided these services and that the investigation shall be conducted upon reasonable ground for determining that personnel may have provided substandard care; (4) require that prior to providing follow-up services, personnel shall have fingerprints on file with the Board and that if follow-up services are provided under emergency circumstances personnel shall have one business day after coming into the state to meet the requirements as specified; and (5) remove the requirement there be a representative from each of the two major consumer organizations representing Californians who are blind or visually impaired.

ANALYSIS:

Existing law:

- 1) Establishes the Board within in the Department of Consumer Affairs for the licensing and enforcement of licensees who operate schools for the training of guide dogs and the instruction of persons who are blind and visually impaired in the use of guide dogs. (Business and Professions Code (BPC) Section 7200, *et seq.*)
- 2) Requires the Board to consist of seven members appointed by the Governor, of which one member is the Director of Rehabilitation or his or her designated representative; the remaining members are persons who have shown a particular interest in dealing with the problems of persons who are blind or visually impaired and at least two of them are persons who are blind or visually impaired who use guide dogs. (BPC Section 7200(a))
- 3) Requires a person to be eligible for examination as an instructor to have knowledge of the special problems of persons who are blind or visually impaired and how to teach them; be able to demonstrate by actual blindfold test under traffic conditions, his or her ability to train guide dogs; be suited temperamentally and otherwise to instruct persons who are blind or visually impaired in the usage of guide dogs; and, have had at least three years of actual experience comprising such number of hours as the Board may require, as an

instructor, and have handled 22 person-dog units or its equivalent, as specified. (BPC Section 7209)

- 4) Defines an "instructor" to mean a person who instructs persons who are blind or visually impaired in the use of guide dogs or who engage in the business of training, selling, hiring, or supplying guide dogs for persons who are blind or visually impaired. (BPC Section 7209.5)
- 5) States that it is unlawful for any person to sell, offer for sale, give, hire, or furnish under any arrangement, any guide dog or to engage in the business or occupation of training a guide dog without a valid and unimpaired license, as specified. (BPC Section 7210)

This bill:

- 1) Revises the composition of the Board to include at least three members, instead of two, who are blind or visually impaired and who use guide dogs.
- 2) States that notwithstanding any other law, whenever an individual has received training or instruction from a school outside of this state that is certified by the IGDF or a successor entity, as determined by the Board, personnel from that school may provide, in this state, any follow-up services to that individual with respect to the specific guide dog for whom training or instruction was originally provided outside of this state.
- 3) Requires personnel from the school to notify the Board on a specified form within not less than three business days, prior to the time the personnel arrives in this state, of their intent to provide follow-up services, the Board must accept the form in an electronic format, and the name of the individual receiving services is not required to be provided.
- 4) States that if follow-up services are to be provided due to emergency circumstances, as determined by the school, notification may be provided within 24 hours after the personnel arrive in this state; and, specifies that emergency services include, but are not limited to, injury to a dog that requires determination as to whether it remains safe for the dog to continue working, an accident involving the dog, or certain sudden changes in behavior that imperil the safety of the handler.
- 5) Prohibits the Board from requiring the disclosure of the individual who will be receiving the follow-up services; however, the Board may require a school to provide the name of the individual to whom services have been provided if needed for the purposes of investigating the personnel from that school who

provided the services, so long as the investigation is conducted based on reasonable grounds for determining that personnel may have provided substandard care.

- 6) Requires personnel to have fingerprints on file with the Board prior to providing follow-up services, and provides, under emergency circumstances, that personnel have one business day after coming in to the state to meet the fingerprint requirements.
- 7) Requires the out-of-state school to provide specified written information to the guide dog handler.
- 8) Permits the Board to refuse to allow personnel to provide follow-up services if the personnel have committed any specified acts.
- 9) Subjects the personnel to the disciplinary jurisdiction of the Board including a citation or fine, during the time follow-up services are provided, as specified.
- 10) Requires the Board to prepare a fact sheet that contains the following:
 - a) A description of the purposes served by the Board;
 - b) A description of the Board's role in assisting guide dog users who are victims of alleged guide dog discrimination; and,
 - c) A description of the Board's arbitration procedures, as specified.
- 11) Requires the Board to post the factsheet on its Web site and provide copies to each licensed guide dog school, and requires each school to provide a copy of the factsheet to every student receiving training from that school.

Background

According to the author, "Highly trained guide dogs are vital companions for people who are blind or visually impaired. They partner with a guide dog to help them move about safely and independently. This bill seeks to improve services for those who partner with guide dogs by making a number of reforms to the Board that oversees licensing of the service dogs, which is called the state Board of Guide Dogs for the Blind. The proposed reforms include a requirement to increase representation in board membership of persons who use guide dogs, as well as provisions to improve outreach and educational efforts to make the public more aware of the board's functions and services. The bill also allows an out-of-state school to provide limited follow-up services in California, if the school provided

the original training to the California resident and dog, is certified by the International Guide Dog Federation and notifies the state Guide Dog Board that they are providing follow-up services in California. The bill authorizes the Board to refuse any personnel who have committed certain violations of law and gives the board full disciplinary authority to act if a consumer is negatively impacted by an out-of-state school providing such services. To date, there has never been an adverse incident of follow-up care by an out of state school. California is the only state in the nation that requires mandatory licensing of guide dog schools and instructors. Out-of-state guide dogs schools throughout the nation receive certification by the International Guide Dog Federation."

The Board. The Board was established in January 1, 1948, for the specific purpose of providing well-trained guide dogs to blind persons and training blind persons as guide dog consumers. The Board licenses: 1) guide dog schools; 2) guide dog instructors; and, 3) fundraising programs to open new guide dog schools. The Board inspects all schools, requires new active guide dog instructors to take a legally defensible written and practical examination, and requires instructors to submit proof of eight hours of continuing education each year to remain licensed.

Business and Professions Code Section (BPC) Section 7200(a) specifies that the composition of the Board is to include seven members, all of whom are appointed by the Governor. One appointee must be the Director of Rehabilitation or his designated representative and the remaining members must include persons who have shown an interest in dealing with persons who are blind or visually impaired; two of which must be blind or visually impaired persons who use guide dogs. The author notes that the Board's current composition does not include an adequate representation of the two consumer advocacy groups whose missions are to help blind individuals gain full independence and equality. In order to address this issue, this bill will change the composition of the Board to require at least three members, instead of two, who represent the legally blind or visually impaired community.

Out-of-state follow-up services. California is the only state to license and regulate guide dog instructors and guide dog schools. As such, there may be instances when a California resident will seek guide dog training services from an unlicensed school outside of California. There are a limited number of guide dog schools across the country, and while three are licensed in California, there are a few schools outside of the state that have chosen not to obtain California licensure. The issue arises when a California resident who obtained training from one of those out-of-state schools seeks to obtain follow-up instruction from the unlicensed school or instructor who provided the original services outside of California.

Current law does not prohibit California-based residents from obtaining services from unlicensed schools or instructors outside of California. Currently, as noted on the Board's Web site, follow-up services or formal instruction with a client is prohibited in California without a license.

During the Board's 2013 sunset review, the 2013 Committee Staff Background Paper raised the issue of unlicensed instructors from outside of California providing follow-up services in California and noted, "Because California is the only state that regulates guide dog schools, instructors, and fundraisers, some out-of-state guide dog schools and instructors who do not have the ability to get licenses in their home states have expressed concern that they are unable to provide guide dog training services in California without applying for a California license. The Board has clarified through regulations that 'instruction,' which can only be conducted by a licensed provider, includes follow-up instruction."

This bill seeks to create a pathway for those out-of-state schools and their personnel to provide follow-up services in California to individuals with respect to the specific guide dog for whom the training or instruction was initially provided outside of California. In order to provide those follow-up services, the unlicensed personnel must abide by the protocols established by this bill. In order for an unlicensed individual to provide the follow-up services, this bill will require the school to notify the Board no less than three days from the time the personnel arrive in California, and will allow the Board to refuse to allow the follow-up services if the personnel has violated BPC Section 7211.9 which includes, but is not limited to, making false statements or giving false information for a license or renewal, violating any rule or the Board, committing any acts which are grounds for denial, or being convicted of a felony or any other crime, as specified.

This bill will only permit those unlicensed school personnel to provide follow-up services if the school is certified by the IGDF or a successor agency. This bill also provides a mechanism for follow-up services to be provided on an emergency basis. This bill does not permit unlicensed guide dog training services to be provided in California in any other situation. In addition, this bill will require that the unlicensed personnel who are providing the follow-up services submit their fingerprints to the Board and be subject to the disciplinary jurisdiction of the Board, which may include a citation or fine.

Currently, the Board's Web site provides information for consumers including reference material about licensees, consumer notifications, laws, link to a complaint form, Board member information, Board meeting schedule, and press releases, among others. The author notes that guide dog handlers are often

unaware of the Board, and those who do, are unclear about its purpose. In order to address the concern raised by the author, this bill will also require the Board to create a fact sheet and make it available on its Web site containing information about the purposes of the Board, its role in assisting guide dog users who are victims of alleged guide dog discrimination, and arbitration procedures relating to the resolution of disputes between guide dog users and guide dog schools relating to the continued physical custody and use of a guide dog. The Board is supposed to provide a copy of this fact sheet to each licensed school, and the schools will be required to provide the fact sheet to each student.

Comments

The California Council of the Blind (CCB) is in support of this bill. In regards to the change in composition of the Board, CCB believes that adding an additional dog care handler to the Board will help ensure that the Board contains sufficient number of members who have the requisite knowledge about guide dog issues to make the best possibly policy determinations in matters that come before the Board. Providing a factsheet and including it on its Board Web site along with providing to guide dog schools and to their students will ensure that guide dog handlers and others interested in the use of guide dogs will continue to have access to information about the Board.

The IGDF is also in support of this bill and believes that by requiring that the out-of-state school, that is providing one of its staff persons for follow-up services, be from a school that is accredited by the IGDF will assure they will be meeting the stringent standards of accreditation by IGDF and will provide for the safe, unrestricted, independent mobility of guide dogs for all people who are blind or partially sighted for one of their accredited member organizations. (The IGDF currently has 90 member organizations across 28 different countries. Some of these countries have just one IGDF members, while others have up to 12. Recent information provided by IGDF shows that there are 20,519 guide dogs working in 2014 that came from IGDF member organizations. Of this number 3,215 were new partnerships starting out for the first time.)

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee, this bill will result in minor and absorbable costs to the Board.

SUPPORT: (Verified 8/23/16)

California Council for the Blind

Guide Dogs for the Blind
International Guide Dog Federation

OPPOSITION: (Verified 8/23/16)

California State Board on Guide Dogs for the Blind

ARGUMENTS IN SUPPORT: The California Council of the Blind (CCB) is in support of this measure. In regards to the change in composition of the Board, CCB believes that adding an additional dog care handler to the Board will help ensure that the board contains sufficient number of members who have the requisite knowledge about guide dog issues to make the best possibly policy determinations in matters that come before the Board. Providing a factsheet and including it on its Board website along with providing to guide dog schools and to their students will ensure that guide dog handlers and others interested in the use of guide dogs will continue to have access to information about the Board.

The International Guide Dog Federation (IGDF) is also in support of this measure and believes that by requiring that the out-of-state school, that is providing one of its staff persons for follow-up services, be from a school that is accredited by the IGDF will assure they will be meeting the stringent standards of accreditation by IGDF and will provide for the safe, unrestricted, independent mobility of guide dogs for all people who are blind or partially sighted for one of their accredited member organizations. (The IGDF currently has 90 member organizations across 28 different countries. Some of these countries have just one IGDF members, while others have up to 12. Recent information provided by IGDF shows that there are 20,519 guide dogs working in 2014 that came from IGDF member organizations. Of this number 3,215 were new partnerships starting out for the first time.)

ARGUMENTS IN OPPOSITION: The California State Board of Guide Dogs for the Blind is opposed to this measure and indicates that although recent amendments were an attempt to address the concerns of the Board it still feels strongly that the examination and licensure of instructors is the best way to ensure that consumers are protected. This bill allows unlicensed guide dog instruction in California and sets a precedent to allow unlicensed services by out-of-state providers in other professions based solely on the fact that the market is unregulated in another state or jurisdiction. The Board also continues to be very concerned with the use of the IGDF as a benchmark when its certification of a school is not a requirement to conduct business in any state and is fundamentally dissimilar from the Board's licensure process or its regulatory authority. The

Board concludes that the bill in its current form encourages unlicensed activity, constitutes a de facto deregulation, and ultimately would place at risk the safety of guide dog teams.

ASSEMBLY FLOOR: 80-0, 8/23/16

AYES: Achadjian, Alejo, Travis Allen, Arambula, Atkins, Baker, Bigelow, Bloom, Bonilla, Bonta, Brough, Brown, Burke, Calderon, Campos, Chang, Chau, Chávez, Chiu, Chu, Cooley, Cooper, Dababneh, Dahle, Daly, Dodd, Eggman, Frazier, Beth Gaines, Gallagher, Cristina Garcia, Eduardo Garcia, Gatto, Gipson, Gomez, Gonzalez, Gordon, Gray, Grove, Hadley, Harper, Roger Hernández, Holden, Irwin, Jones, Jones-Sawyer, Kim, Lackey, Levine, Linder, Lopez, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Melendez, Mullin, Nazarian, Obernolte, O'Donnell, Olsen, Patterson, Quirk, Ridley-Thomas, Rodriguez, Salas, Santiago, Steinorth, Mark Stone, Thurmond, Ting, Wagner, Waldron, Weber, Wilk, Williams, Wood, Rendon

Prepared by: Bill Gage / B., P. & E.D. / (916) 651-4104
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