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THIRD READING

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Bill No: SB 1331  
Author: Pavley (D)  
Amended: 4/11/16  
Vote: 21

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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

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

**SOURCE:** California Council of the Blind

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**DIGEST:** This bill changes the composition of the State Board of Guide Dogs for the Blind (Board); allows for out-of-state guide dog instructors to come into California to provide follow-up services without having to obtain a license from the Board, but only when they notify the Board that they will be providing the follow-up services and submit themselves to the jurisdiction of the Board; and requires the Board to provide a factsheet as specified on its website and to schools who provide guide dog training and to those receiving the training.

**ANALYSIS:**

Existing law:

- 1) Establishes the Board within the Department of Consumer Affairs (DCA) which consists of seven members appointed by the Governor and requires that two of the Board members be persons who are blind or visually impaired who use guide dogs. (Business and Professions Code (BPC) § 7200)

- 2) Provides that the Board shall have exclusive authority in this state to issue licenses for the instruction of persons who are blind or visually impaired in the use of guide dogs and for the training of guide dogs for use by persons who are blind or visually impaired, and provides that the Board shall also have exclusive authority in this state to issue licenses to operate schools for the training of guide dogs and the instruction of persons who are blind or visually impaired in the use of guide dogs. (BPC § 7200.5)

This bill:

- 1) Changes the composition of the Board to require at least three members to be either blind or visually impaired instead of just two members. Of the three, requires one from each of the two major consumer organizations representing Californians who are blind or visually impaired and requires the Governor to consider recommendations from these organizations in making the appointments.
- 2) Provides 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 International Guide Dog Federation or a successor entity, as determined by the Board, personnel from that school may provide, in this state, any follow-up service to that individual with respect to the specific guide dog for whom the training or instruction was originally provided outside of this state.
- 3) Requires the Board, until January 1, 2018, to prepare a factsheet that provides a description of the purposes served by the Board, a description of the Board's role in assisting guide dog users who are victims of alleged guide dog discrimination, and a description of the Board's arbitration procedure. Requires the Board to post the factsheet on its Internet Web site and provide copies to each licensed guide dog school by the Board and that each school shall provide a copy of the factsheet to every student receiving training from the school.

## **Background**

The Board was established in 1948 to ensure that blind persons receive well-trained guide dogs, to confirm that blind persons are thoroughly trained to be effective and safe guide dog users, and to assure donors to guide dog charities that their donations will be used for the intended charitable purpose. The Board licenses guide dog schools, guide dog instructors, and 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. California is the only state that has such a regulatory program.

According to the author, existing law pertaining to the Board is not adequate to protect the needs of persons who are blind and visually impaired. This bill seeks to improve services by focusing on three areas in need of reform

- *Board composition.* As stated by the author, “Currently, the composition of the Board of Guide Dogs for the Blind does not adequately understand the needs and challenges of the blind and visually impaired. Of the seven members on the Board, only two are required to be guide dog handlers. Also, there is not adequate representation from the two consumer advocacy organizations whose central mission is to help the blind gain full independence and equality of opportunity in all walks of life. This can create a situation where a majority of board members lack the knowledge to make the best decisions concerning the administration of the board’s authority.”
- *Follow-up services from out-of-state schools.* The author explains that in recent years, the Board has interpreted its authority as requiring an out-of-state school that has provided training to a California resident at the school to obtain a license from the Board for any staff to come into California for the sole purpose of providing follow-up services to the student, with respect to the dog for which the original training was received out-of-state. This has taken guide dog owners by surprise throughout the state. For decades, out-of-state schools have been allowed to provide follow-up care and there have been no adverse incidents on record in terms of this assistance.

Given that the Board is now requiring out-of-state schools to obtain licensure in California for this limited time period, there is a growing backlash from out-of-state schools, as stated by the author. One school in New Jersey has already been fined and sent a cease and desist letter. They are no longer providing services in California leaving guide dog owners who received original training from this school with no follow-up assistance whatsoever. While the Board has been unable to identify any instance of objectionable care rendered by a non-state school relating to follow-up care, they believe follow-up care is “instruction” and any instruction in this state must be licensed. The California Council for the Blind states that follow-up service is not “basic instruction,”

which was provided originally at the school. This is simply follow-up assistance to help the dog after he has graduated from the school and there should not be burdensome licensing requirements to assist in these limited circumstances. No other state in the nation requires the licensure of guide dog schools or instructors.

This bill, as pointed out by the author, is intended to allow follow-up assistance in very limited circumstances. “This issue is very important to the blind and visually impaired for many reasons. Schools have very different philosophies in terms of training. It is important to have a continuum of care with the original school because they know and understand the guide dog owner and guide dog which received comprehensive training at their school and can appropriately intervene in a timely fashion.”

- *Guide dog Board fact sheet.* As further explained by the author, guide dog handlers are often unaware of the authority of the Board, and even those who have some knowledge about the Board are unclear as to its powers and duties. While there is some information available on the Board’s Web site, it remains challenging for the blind and visually impaired to access the information. Many of the visually impaired have no computer access. Others that do have computer access do not have good web searching skills and the Web site is very difficult to navigate. It would be beneficial, the author believes, to have all the required information in one document – a fact sheet – similar to what is offered by other boards and departments. The fact sheet should be required to be handed out to all graduates at guide dog training schools so the visually impaired do not have to worry about computer access. The guide dog schools are supportive of making this information available. A fact sheet will also be helpful to the Board because it will clarify what the Board can and cannot do, so that consumers do not have unrealistic expectations. Many questions involving services for the blind, as indicated by the author, have to be referred to the Americans With Disabilities Information Assistance Call Line because their questions are outside of the jurisdiction of the Board.

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

**SUPPORT:** (Verified 5/17/16)

California Council of the Blind (source)

Guide Dogs for the Blind

International Guide Dog Federation

**OPPOSITION:** (Verified 5/17/16)

California State Board of Guide Dogs for the Blind

**ARGUMENTS IN SUPPORT:** Supporters believe 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.

Supporters also believe that the provisions related to out-of-state schools will not undermine state licensing requirements but merely enable Californians who have chosen an out-of-state school and who need follow-up instruction, often in emergency situations such as the dog having been attacked or been in an accident, to obtain that service. Supporters note that by requiring that the out-of-state school that is providing one of its staff persons for follow-up services to be from a school that is accredited by the International Guide Dog Federation, there will be safe, unrestricted, independent mobility of guide dogs for all people who are blind or partially sighted for one of their accredited member organizations.

Guide Dogs for the Blind (GDB) expresses overall support for this bill but has concerns regarding follow-up services provided by instructors from out-of-state who are not licensed by the Board. The GCB believes that this bill will create inconsistency in the provision of services for California guide dog users by allowing those guide dog users who received their guide dog training from an out-of-state guide dog school to receive follow-up services from an individual who may or may not meet California's standards for instruction and follow-up.

**ARGUMENTS IN OPPOSITION:** The Board is opposed to this bill and argues that the change in the composition of the Board is not necessary and would further restrict the candidate pool with which the Governor may choose from when making appointments and that representation of those who utilize the service of guide dogs is adequate. The Board also argues that no other state requires licensure for those who train guide dogs nor provides a standardized examination process for these instructors. The Board feels strongly that the examination and licensure of instructors is the only way to ensure that consumers are protected from standardized instruction. Those who provide follow-up services are providing what the Board considers as instruction and therefore should be subject to the

jurisdiction and requirements of the Board. Lastly, the requirement that the Board provide a fact sheet should be handled as a regulatory matter and should be addressed as such.

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5/18/16 16:28:06

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