

BOARD OF GUIDE DOGS FOR THE BLIND

Proposed Language

(1) Amend Section 2252 of Division 22 of Title 16 of the California Code of Regulations to read as follows:

§ 2252. Definitions

For purposes of this chapter,

(a) The term “Board” means the California State Board of Guide Dogs for the Blind;

(b) and The term “Code” means, unless otherwise designated, the Business and Professions Code.

(c) The term “guide dog” means a dog being trained or that has completed training to provide mobility assistance to a blind person.

(d) The term “client” means a student who is receiving instruction, a blind person who has completed instruction, or a graduate who has completed instruction from a guide dog school or instructor licensed by the Board.

(e) The term “guide dog team” is the man-dog unit or person-dog unit as discussed in the Code.

(f) The term “instructor” means anyone that instructs persons who are blind in the use of guide dogs, or who trains guide dogs for the blind.

(g) The term “apprentice” means anyone that works for a licensed guide dog school that meets the standards as set forth by sections 2260 and 2266.

(h) The term “instruction” means to instruct a blind person in the use of a guide dog. Instruction includes follow-up instruction with a client.

Note: Authority cited: Section 7208, Business and Professions Code. Reference: Sections 7208, 7209, and 7215.5, Business and Professions Code.

(2) Amend Section 2275 of Division 22 of Title 16 of the California Code of Regulations to read as follows:

§ 2275. Sterilization of Dogs.

The school shall give to each blind person who receives a guide dog a certificate of from a veterinarian stating that the guide dog has been spayed or neutered. The school shall retain a copy of such document in its records.

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

(3) Amend Section 2284 of Division 22 of Title 16 of the California Code of Regulations to read as follows:

§ 2284. Instructor -When License Required.

Anyone instructing a blind person in the use of a guide dog must be licensed by the Board, provided, however, that a school may employ apprentices to assist in such instruction. No apprentice shall act as an instructor except under the ~~direct and immediate~~ supervision of a licensed instructor.

Note: Authority cited: Section 7208, Business and Professions Code. Reference: Sections 7208 and 7210, Business and Professions Code.

(4) Adopt Section 2295 of Division 22 of Title 16 of the California Code of Regulations to read as follows:

§ 2295. Issuance of Citations and Fines.

(a) The Executive Officer of the Board or his designee may issue a citation containing an order to pay a fine between \$100 and \$5,000 and an order of abatement against a licensee for any violation of the Act or the California Code of Regulations or any laws governing the guide dog schools or guide dog instructors. A citation may be issued without the assessment of a fine, when determined by the Executive Officer or his designee.

(b) Each citation shall be in writing and shall describe with particularity the nature and facts of each violation specified in the citation, including a reference to the law or regulation alleged to have been violated.

(c) The citation shall be served upon the cited person either personally or by certified United States mail.

NOTE: Authority cited: Sections 125.9 and 148, Business and Professions Code. Reference: Sections 125.9, 148 and 7209.5, 7210, 7210.5, 7213, Business and Professions Code.

(5) Adopt Section 2295.1 of Division 22 of Title 16 of the California Code of Regulations to read as follows:

§2295.1 Criteria to Be Considered.

In the issuance of any citation, the following factors shall be considered:

(a) Nature and severity of the violation.

(b) Length of time that has passed since the date of the violation.

(c) Consequences of the violation, including potential or actual consumer harm.

(d) History of previous violations of the same or similar nature.

(e) Evidence that the violation was willful.

(f) Gravity of the violation.

(g) The extent to which the cited person has remediated any knowledge and/or skill deficiencies which could have injured a consumer.

NOTE: Authority cited: Sections 125.9 and 148, Business and Professions Code. Reference: Sections 125.9, 148 and 7209.5, 7210, 7210.5, 7213, Business and Professions Code.

(6) Adopt Section 2295.2 of Division 22 of Title 16 of the California Code of Regulations to read as follows:

§2295.2 Contested Citations.

(a) The citation shall inform the licensee that if he desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board within 30 calendar days of the date of issuance of the citation. Hearings shall be held pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) In addition to requesting a hearing provided for in subdivision (a) of this section, the cited person may, within 14 calendar days after service of the citation, submit a written request for an informal conference with the Executive Officer.

(c) The Executive Officer or his designee shall, within 30 calendar days from receipt of the written request, hold an informal conference with the person cited and/or his legal counsel or authorized representative.

(d) The Executive Officer or his designee may affirm, modify or dismiss the citation, at the conclusion of the informal conference. A written decision stating the reasons for the decision shall be mailed to the cited person and his legal counsel, if any, within 14 calendar days from the date of the informal conference. This decision shall be deemed to be a final order with regard to the citation issued.

(e) If the citation is dismissed, the request for a hearing shall be deemed withdrawn. If the citation is affirmed or modified, the cited person may, in his discretion, withdraw the request for a hearing or proceed with the administrative hearing process.

NOTE: Authority cited: Sections 125.9 and 148, Business and Professions Code. Reference: Sections 125.9, 148, 7209.5, 7210, 7210.5, and 7213, Business and Professions Code.

(7) Adopt Section 2295.3 of Division 22 of Title 16 of the California Code of Regulations to read as follows:

§2295.3 Citations for Unlicensed Practice

The Executive Officer may issue a citation, in accordance with Section 148 of the Code, against any unlicensed person who is acting in the capacity of a licensee under the jurisdiction of the board and who is not otherwise exempt from licensure. Each citation may contain an assessment of an administrative fine, or an order of abatement fixing a reasonable period of time for abatement. Administrative fines shall range from \$250 to \$5,000 for each violation. Any sanction authorized for activity under this section shall be separate from and in addition to any other civil or criminal remedies.

NOTE: Authority cited: Sections 125.9, 148 and 3622, Business and Professions Code.

Reference: Sections 125.9, 148, 7209.5, 7210, 7210.5, and 7213, Business and Professions Code.