

MEDICAL BOARD OF CALIFORNIA  
LEGISLATIVE ANALYSIS

BILL NUMBER: SB 372  
 AUTHOR: Menjivar  
 BILL DATE: April 20, 2023, Amended  
 SUBJECT: Department of Consumer Affairs: Licensee and Registrant Records: Name and Gender Changes  
 SPONSOR: CA Association of Marriage and Family Therapists  
 CA State Association of Psychiatrists  
 CA Association of Social Rehabilitation Agencies  
 CA Council of Comm. Behavioral Health Agencies  
 CA Psychological Association  
 CA Assn. for Licensed Prof. Clinical Counselors  
 Psychiatric Physicians Alliance of California  
 National Association of Social Workers – CA Chapter

DESCRIPTION OF CURRENT LEGISLATION

Requires all boards within the Department of Consumer Affairs (DCA), upon request of a licensee whose name or gender has changed, to update their records, including the records displayed online, to refer to the licensee’s updated name and gender.

BACKGROUND

Pursuant to [Business and Professions Code \(BPC\) section 2021](#) and [BPC section 2027](#), the Medical Board of California (Board) publishes certain personal and disciplinary information about its licensees on the internet via the [license lookup service](#) available through the Board’s website.

ANALYSIS

According to the author’s fact sheet, the bill is intended to eliminate the use of deadnaming at DCA:

“Deadnaming occurs when someone intentionally or unintentionally refers to a trans or non-binary person by the name they previously used. Currently, when a licensed professional has legally changed their name, their original or deadname still appears in the DCA’s BreEZe online license verification system. This practice can both negatively impact the mental health as well as the physical safety of all licensees under DCA who are identified by their deadname online.

Transgender people experience high rates of discrimination, especially if they are known or believed to be trans. The National Center for Transgender Equality found in their 2015 US Trans Survey that 46% of people surveyed had been verbally harassed and 9% had been physically assaulted for their trans identity. Additionally, 30% reported experiencing discrimination in the workplace or with

prospective employers. The UCLA Williams Institute found that trans adults have a suicidal ideation rate 12 times higher and a suicide attempt rate 18 times higher than the general population.<sup>1</sup>”

Upon receipt of government-issued documentation (e.g., driver license, birth certificate, court order) that demonstrates that a licensee has changed their legal or gender name, SB 372 requires a DCA board to update their internal records and those displayed online to refer to their updated legal name and gender. For boards that operate an online license verification system (e.g., [license lookup](#)), the board shall remove the prior name and gender and keep that information confidential.

In addition, it requires the boards to establish a process for providing a licensee’s or registrant’s former name and gender upon receipt of a request that is related to a complaint against the licensee or registrant.

The bill does not require a board to modify records that the licensee or registrant has not requested for modification or reissuance.

### **Current Board Processes**

Currently, when the Board receives notification of the name change of a licensee, with appropriate documentation, the Board will update its records to reflect that name change and add the new name to license lookup. Typically, the Board will maintain the prior name online so that consumers can confirm the identity of their providers.

If a licensee provides appropriate documentation that they changed their name and wishes to have their prior name removed from license lookup, and there is no history of disciplinary action against that licensee, the Board has changed the name and removed reference to the prior name.

Physician licensees may change their gender identity, as displayed on license lookup, by logging into BreZE and updating their demographic survey. The Board does not alter any disciplinary records to reflect the new name or gender of the licensee.

### **Changes to Processes Required by SB 372**

As currently drafted, the Board would be required to remove the prior name of a licensee from all documents pertaining to that person (e.g., licensing records and disciplinary actions). Also, the person’s prior name would not be accessible through any

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<sup>1</sup> <https://williamsinstitute.law.ucla.edu/publications/suicidality-transgender-adults/>

DCA online search. This could prevent a consumer from gaining access to disciplinary records related to the licensee under their prior name.

Further, the bill requires the Board to establish a process for providing a licensee's current name and any enforcement action linked to a former name, upon request.

### **Comments from Board Staff**

The bill laudably attempts to support those (throughout all DCA boards) who have changed their gender identity and no longer wish to be associated with their prior name and identity. There are some concerns, however, with the current language of the bill, including:

- The stated intention is to support those transitioning their gender, but the bill currently applies to anyone who changed their name.
- It is not clear what records a board may be required to change, including possibly disciplinary records, or records provided by a third party about the licensee (e.g., academic or postgraduate training records).
- The process consumers would need to follow to obtain access to the disciplinary records of a licensee who has changed their gender identity is unclear.

The author's office indicates that their objective is to work collaboratively with the impacted DCA boards to change the name and gender information displayed on license lookup (without including reference to the prior name/gender), while at the same time providing consumers a straightforward pathway to obtain any disciplinary records in connection with the licensee.

Staff expect that there will be few licensees who will have a disciplinary history and a change of name and gender.

### **Consideration of a Board Position**

Rather than take a position on the bill at this time, staff suggest the Board consider remaining neutral, and send a letter to the author to convey the Board's sentiment on the matter, including:

- Ensure that any cost to implement the bill is minimized, including that the DCA boards shall not have to alter any publicly available records.
- Ensure that consumers maintain access to disciplinary records under the licensee's former name.
- Limit the bill to those who have changed both their name and gender, but with consideration of those escaping a domestic violence situation.

Under this proposed approach, staff will collaborate with DCA, the various DCA boards, and the author's office to address the principles identified above and will update the Board on any developments at a future meeting.

FISCAL: Expected minor and absorbable costs for licensing and information technology staff to update processes, internal records, and website content displayed through license lookup.

SUPPORT: American Federation of State, County, and Municipal Employees (AFSCME), AFL-CIO  
Asian Americans for Community Involvement  
California Academy of Family Physicians  
California Access Coalition  
California Consortium of Addiction Programs and Professionals  
California Dental Association  
Equality California  
The Kennedy Forum  
Pathpoint  
Steinberg Institute

OPPOSITION: California Board of Psychology

POSITION: Staff Recommendation: Neutral

ATTACHMENT: [SB 372, Menjivar – Department of Consumer Affairs: Licensee and Registrant Records: Name and Gender Changes.](#)  
Version: 4/20/23 – Amended