

MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: SB 372
 AUTHOR: Menjivar
 BILL DATE: June 28, 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
 POSITION: Support

DESCRIPTION OF CURRENT LEGISLATION

Requires all boards within the Department of Consumer Affairs (DCA), upon request of a qualified licensee whose name or gender has changed, to remove references to their prior name or gender from license lookup, including disciplinary records. Those disciplinary records would be available to the public upon a verbal or written request made to a board, pursuant to the California Public Records Act.

The recent amendments to SB 372 are not contrary to the Board’s Support position.

RECENT AMENDMENTS

On June 28, 2023, SB 372 was amended as follows:

- Clarifies that the confidentiality of previous enforcement actions only relates to those that referenced the individual’s former name or gender.
- Clarifies the types of court orders acceptable as evidence of a gender change.
- States that records related to a request for a change to their license or registration pursuant to this bill are confidential and not subject to public inspection or disclosure.
- Clarifies that in lieu of posting an enforcement record under the person’s former name, a statement shall be posted indicating the individual previously was subject to enforcement action and direct them to contact the appropriate board for more information.

BACKGROUND

Pursuant to [Business and Professions Code \(BPC\) section 2021](#) and [BPC section 2027](#), the 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.¹”

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.

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

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

Process Proposed by SB 372

As currently drafted, the Board would be required to remove the prior name and gender of a qualified licensee from license lookup who provides appropriate documentation of their name or gender change. Under the bill, a qualified licensee is someone who meets one of the following criteria:

- Those who have changed their name pursuant to a court order related to their enrollment in the [California Safe at Home program](#) (intend to support those escaping unsafe situations, including, but not limited to, domestic violence, sexual assault, and human trafficking).
- Those who have changed their name pursuant to a court order related to a gender change.
- Those who changed their gender, with sufficient documentation, as specified.

If the licensee in question has a history of disciplinary action under their prior name or gender, the Board shall not display those records online. Instead, a statement shall be posted stating that the person was previously disciplined and directing the public to contact the Board for more information about the individual’s prior enforcement action.

Requires the Board to reissue a license created by the Board to a qualified licensee, upon request.

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: None.

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