

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

To: Committee Members

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From: Rosanne Helms
Legislative Manager

Subject: Discussion of Legal Name Changes and Website Posting

When applying for licensure or registration with the Board, applicants must provide their legal name. This is the name under which a license¹ is issued, and under which the person may be searched for on the Breeze on-line license verification system. The law (via BPC [§27](#)) requires the Board to post specified public information online via Breeze, including information on each licensee's status, disciplinary actions, and address of record.

If a licensee changes their legal name, there is a procedure set forth in the Board's licensing laws that they must follow (BPC §§4984.9, 4989.46, 4992.8, 4999.118):

- Within 30 days of the issuance of their new government-issued photo I.D., provide written notice to the Board of the name change, providing both the old and the new names.
- Include a copy of the current government-issued photo I.D. and the legal document authorizing the name change (for example, a court order or marriage certificate).
- Certify the information by signing under penalty of perjury.

A link to the Department of Consumer Affairs (DCA's) name change form can be found [here](#).

Typically when a name is changed, the Board will update the Breeze system to include both the old and new name:

- If the old name is searched, the old name shows with a notation that it is a previous name, and if the "More Detail" option is selected, it leads to a page with

¹ From here on in this memo, references to a license or licensee shall also be assumed to include registrations and registrants.

the license number, new name, previous name, and publicly available information about the license.

- If the current name is searched, the current name will come up with the record. If the “More Detail” option is selected, it leads to a page with the license number, current name, previous name, and publicly available information about the license.

At times, a licensee may legally change their name in order to conform their name to their gender identity. (The legal proceeding to do this is described in the [Code of Civil Procedure §1277.5](#).) (When this is done, the previous name is commonly referred to as a “deadname”.) That person may prefer that their previous name, or deadname, not be listed publicly on the Breeze license lookup.

The law does not specifically require that a licensee’s previous name be disclosed publicly in the Breeze on-line license verification system – it is silent on that matter. Within the Breeze system, it is possible for an old name to be designated as private in the on-line license lookup. If designated as private, the old name would not appear in a public Breeze search. However, the old name would likely need to be disclosed if requested due to the public nature of the information (i.e. subject to a Public Records Act request).

Given that there is no state-wide approach to the use of or disclosure of deadnames, to avoid litigation based on unintended consequences or discrimination claims based on sex, race or other potential discriminatory factors, it is recommended that legislation be introduced to create uniformity and clarity across DCA boards on how to address deadnames. There are consumer protection interests to balance against the interests of the licensee who may wish not to disclose their deadname that did not match their gender identity. Should the Board seek to advance a policy before legislation is developed, the Board should consider if the policy it develops around deadnames should also be an option available to others that change their name for other reasons (i.e. marriage, divorce, adoption, separation, partnerships) to avoid discriminatory claims.

Recommendation

Conduct an open discussion about legal name changes and posting of previous names on the Board’s Breeze on-line license verification system.