



Board of Behavioral Sciences

Memo

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

To: Board Members

Date: August 15, 2025

From: Christy Berger
Regulatory Manager

Subject: a. **Discussion and Consideration of Comments Received During the 15-Day Modified Text Public Comment Period and Proposed Responses Thereto for the Board's Rulemaking to Amend Title 16 of the California Code of Regulations (CCR) Section 1811, Advertising Regulations**
b. **Adoption of Amendments to CCR, Title 16, Section 1811**

Background

At its September 2024 meeting, the Board approved regulatory changes pertaining to its Advertising regulations (see **Attachment B**). The proposed regulatory action was noticed to the public on March 14, 2025, and the 45-day public comment period ended on April 28, 2025. The Board made changes to the proposed regulation as a result of comments received, and a 15-day public comment period for the modified text was noticed to the public on June 11, 2025 and the comment period ended July 1, 2025.

The Board received one written comment on the modified text as summarized below, and which is provided in its entirety in **Attachment C**. Staff's recommended response to the comment is also provided below. The current text of the proposal is provided in **Attachment A**.

Board Staff recommend the Board approve the following proposed response to the comments:

Comment Received During the 15-Day Modified Text Public Comment Period and Proposed Response Thereto for the Board's Rulemaking to Amend Title 16 of the California Code of Regulations (CCR), Section 1811 (Advertising Regulations)

Shanti Ezrine, MPA, State Government Affairs Associate and Cathy Atkins, JD, Deputy Executive Director on behalf of the California Association of Marriage and Family Therapists (CAMFT) (**Attachment C**)

In an email to the Board received on July 1, 2025, titled “CAMFT Written Comments to BBS Modified Advertising Regulations”, CAMFT provided the comment summarized below:

Comment: “While we understand that requiring the licensee or registrant to provide their “full name” as “filed with the board” in advertising ensures that the public has complete and accurate information about the individual’s license status, we believe omitting the middle name does not mislead or compromise consumer protection. In many cases, the individual’s middle name does not significantly contribute to distinguishing identity or cause an advertisement to be false, misleading, or deceptive, especially since advertising requirements already mandate inclusion of the license or registration number that the public can verify on DCA’s website. As such, we kindly ask the BBS to clarify whether the Board views the inclusion of an individual’s middle name and/or suffix in any advertisement as an essential component in ensuring the public receives accurate information about a clinician.

Our concern is that this requirement may present practical challenges and continue to cause confusion about its implementation in practice for many licensees and registrants. Since advertisements include, but are not limited to, signs on a building, email signatures, and social media platforms, CAMFT has received many questions and concerns from members over the years regarding the practicality of including their middle name in all public communications, such as the sign on their building, when their advertisements, taken as a whole, are not false, misleading or deceptive.

Additionally, we believe the proposed change will require time, cost, and education to implement. The current advertising regulations are not clear as to whether a licensee or registrant’s middle name is required. Many licensees and registrants do not currently have their middle name included in their advertisements. For an individual to remove their middle name as filed with the BBS, the individual would need to submit a notification of a name change with supporting documentation, only increasing the burden on providers and critical BBS staffing resources.

We would inquire about the potential penalties for individuals who inadvertently omit their middle name and/or suffix from advertisements if the rest of their advertisements, taken as a whole, are not false, misleading, or deceptive. We believe that any enforcement efforts related to such omissions would impose a significant administrative cost to the BBS.”

Recommended Response: The Board accepts this comment, and proposes the following amendment to subsection (a)(1), which is also shown in Attachment A:

(1) The ~~full name (First Name, and Last Name, and any Middle Name and/or Suffix)~~ of the licensee, or registrant, ~~or registered referral service~~ as filed with the board.

Upon consideration of the implications of requiring a licensee's middle name or suffix in advertising, we believe consumer protection is not compromised when a licensee's middle name or suffix is omitted, nor is it misleading or deceptive within the meaning of Business and Professions Code [section 651](#).

The inclusion of a licensee's middle name or suffix does not significantly enhance the ability of consumers to verify the identity of a licensee. The primary means of verification remains the license number, which is unique to each licensee and can be easily checked on the DCA's website. The system is designed to ensure that consumers can reliably verify a licensee's credentials without the need for additional name components. The Board rarely receives questions from the public due to being unable to find a licensee in our system. Should a consumer have difficulty finding a licensee they can call or email the Board for assistance.

The Board understands that it is common practice for licensees and registrants to only include their first and last names in advertisements, and that there are practical challenges for individuals whose name is very long if their middle name is included. We recognize that if the proposed modified text were enacted, tens of thousands of licensees would be in violation, and the Board would be overwhelmed with questions and concerns, creating an administrative burden.

Regulations Counsel will be available at the meeting to provide additional legal considerations on this issue.

Staff Recommendation for Part a of this Agenda Item (Response to Comments):

Staff recommends the Board consider the comment and approve the recommended response.

Proposed Motion Language – Response to Comments:

Option No. 1 (If the members **agree** with the staff recommended responses):

Direct staff to proceed as recommended as specified and provide the responses to the comments as indicated in the staff recommended responses.

Option No. 2: (If the members have any **edits** to the recommended responses **or disagree** with staff and wish to accept the comments or make any other changes to the responses):

Direct staff to accept the following comments and make the following edits to the text:
[identify comment(s) to accept or reject and text to change here and explain why].

Staff Recommendation for Part b of this Agenda Item (Adoption of Amendments to CCR, Title 16, Section 1811):

Staff recommends that the Board review the proposed regulatory text shown in **Attachment A** and consider whether to approve it as written, or to suggest changes to the proposed modified text. After review and discussion, consider one of the following motions:

Motion A: (To be used if the Board has **no** suggested changes for the proposed modified regulatory text):

Approve the proposed modified regulation text for CCR section 1811 as set forth in **Attachment A**, and direct staff to take all steps necessary to complete the rulemaking process, including preparing modified text for notice of a 15-day public comment period. If after that 15-day comment period, the Board does not receive any objections or adverse recommendations specifically directed at the modified text, the notice, or to the procedures followed by the Board in proposing or adopting this action, authorize the Executive Officer to make any non-substantive changes to the proposed regulations and rulemaking file, and adopt amendments to Title 16, CCR, section 1811 as set forth in **Attachment A**.

Motion B: (To be used if the Board **does** have suggested changes for the proposed modified regulatory text)

Approve the proposed modified regulatory text for CCR section 1811 as set forth in **Attachment A** with the following changes: *[specify the proposed changes to the proposed text]* and direct staff to take all steps necessary to complete the rulemaking process, including preparing modified text for notice of a 15-day public comment period. If after that 15-day comment period, the Board does not receive any objections or adverse recommendations specifically directed at the modified text, the notice, or to the procedures followed by the Board in proposing or adopting this action, authorize the Executive Officer to make any non-substantive changes to the proposed regulations and rulemaking file, and adopt amendments to Title 16, CCR, section 1811 as set forth in **Attachment A**.

Attachments

Attachment A: Board-Approved Regulatory Language with Second Modified Text for 15-day Notice

Attachment B: Board-Approved Regulatory Language Previously Noticed for 15-Day Notice

Attachment C: Comment from the California Association of Marriage and Family Therapists

Attachment A

TITLE 16. BOARD OF BEHAVIORAL SCIENCES DEPARTMENT OF CONSUMER AFFAIRS

SECOND MODIFIED TEXT Title 16, Division 18, California Code of Regulations Section 1811

Originally proposed amendments to the regulatory language are shown in single underline for text to be added and ~~single strikethrough~~ for text to be deleted.

Modifications to the proposed regulatory language are shown in double underline for new text and ~~double strikethrough~~ for newly proposed deletions.

Second modifications to the proposed regulatory language are shown in *italicized double underline* for new text and ~~*italicized double strikethrough*~~ for deleted text.

AMEND § 1811. IN TITLE 16 OF DIVISION 18 OF THE CALIFORNIA CODE OF REGULATIONS TO READ AS FOLLOWS:

§ 1811. Advertising.

(a) All persons ~~or referral services~~ regulated by the board who advertise their services shall include all of the following information in any advertisement.

(1) The full name (First Name, and Last Name, and any Middle Name and/or Suffix) of the licensee, or registrant, ~~or registered referral service~~ as filed with the board.

(2) The complete title of the license or registration held or an acceptable abbreviation, as follows:

(A) Licensed Marriage and Family Therapist, or MFT, or LMFT.

(B) Licensed Educational Psychologist or LEP.

(C) Licensed Clinical Social Worker or LCSW.

(D) Registered Associate Marriage and Family Therapist or Registered Associate MFT. The abbreviation "AMFT" shall not be used in an advertisement unless the title ~~"registered associate marriage and family therapist"~~ "Registered Associate Marriage and Family Therapist" appears in the advertisement.

(E) Registered Associate Clinical Social Worker ~~or Registered Associate CSW~~. The abbreviation "ASW" shall not be used in an advertisement unless the title ~~"registered associate clinical social worker"~~ "Registered Associate Clinical Social Worker" appears in the advertisement.

~~(F) Registered MFT Referral Service.~~

~~(G)(F)~~ Licensed Professional Clinical Counselor or LPCC.

~~(H)(G)~~ Registered Associate Professional Clinical Counselor or Registered Associate PCC. The abbreviation "APCC" shall not be used in an advertisement unless the title ~~"registered associate professional clinical counselor"~~ "Registered Associate Professional Clinical Counselor" appears in the advertisement.

(3) The license or registration number.

(b) Registrants must include both of the following in any advertising: the name of his or her employer in an advertisement, or if not employed, the name of the entity for which he or she volunteers.

(1) The name of their employer, or if not employed, the name of the entity for which they volunteer.

(2) That they are supervised by a licensed person.

(c) Licensees may use the words "psychotherapy" or "psychotherapist" in an advertisement provided that all the applicable requirements of subsection (a) are met.

(d) It is permissible for a person to include academic credentials in advertising as long as the degree is earned, and the representations and statements regarding that degree are true and not misleading and are in compliance with Section 651 of the Code. For purposes of this subdivision, "earned" shall not mean an honorary or other degree conferred without actual study in the educational field.

(e) The board may issue citations and fines containing a fine and an order of abatement for any violation of Section 651 of the Code.

(f) For the purposes of this section, "acceptable abbreviation" means the abbreviation listed in subsection (a)(2) of this Section.

(g) In addition to including the information required by subsection (a), a licensee or registrant may use a nickname or former legal name to advertise services for which a license or registration is required. If a nickname is used, the nickname shall not be false, fraudulent, misleading, or deceptive as specified by section 651 of the Code.

Note: Authority cited: Sections 137, 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 125.9, 137, ~~650.4~~, 651, 4980.03, 4980.09, 4980.44, 4982, 4989.49, 4989.54, 4992.2, 4992.3, 4999.12, 4999.12.5 and 4999.90, Business and Professions Code.

**TITLE 16. BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS**

MODIFIED TEXT

**Title 16, Division 18, California Code of Regulations
Section 1811**

Originally proposed amendments to the regulatory language are shown in single underline for text to be added and ~~single strikethrough~~ for text to be deleted.

Modifications to the proposed regulatory language are shown in double underline for new text and ~~double strikethrough~~ for newly proposed deletions.

AMEND § 1811. IN TITLE 16 OF DIVISION 18 OF THE CALIFORNIA CODE OF REGULATIONS TO READ AS FOLLOWS:

§ 1811. Advertising.

(a) All persons ~~or referral services~~ regulated by the board who advertise their services shall include all of the following information in any advertisement.

(1) The full name (First Name, Last Name, and any Middle Name and/or Suffix) of the licensee, or registrant, ~~or registered referral service~~ as filed with the board.

(2) The complete title of the license or registration held or an acceptable abbreviation, as follows:

(A) Licensed Marriage and Family Therapist, or MFT, or LMFT.

(B) Licensed Educational Psychologist or LEP.

(C) Licensed Clinical Social Worker or LCSW.

(D) Registered Associate Marriage and Family Therapist or Registered Associate MFT. The abbreviation "AMFT" shall not be used in an advertisement unless the title ~~"registered associate marriage and family therapist"~~ "Registered Associate Marriage and Family Therapist" appears in the advertisement.

(E) Registered Associate Clinical Social Worker ~~or Registered Associate CSW~~. The abbreviation "ASW" shall not be used in an advertisement unless the title ~~"registered associate clinical social worker"~~ "Registered Associate Clinical Social Worker" appears in the advertisement.

~~(F) Registered MFT Referral Service.~~

~~(G)(F)~~ (F) Licensed Professional Clinical Counselor or LPCC.

~~(H)~~(G) Registered Associate Professional Clinical Counselor or Registered Associate PCC. The abbreviation “APCC” shall not be used in an advertisement unless the title ~~“registered associate professional clinical counselor”~~ “Registered Associate Professional Clinical Counselor” appears in the advertisement.

(3) The license or registration number.

(b) Registrants must include both of the following in any advertising: ~~the name of his or her employer in an advertisement, or if not employed, the name of the entity for which he or she volunteers.~~

(1) The name of their employer, or if not employed, the name of the entity for which they volunteer.

(2) That they are supervised by a licensed person.

(c) Licensees may use the words “psychotherapy” or “psychotherapist” in an advertisement provided that all the applicable requirements of subsection (a) are met.

(d) It is permissible for a person to include academic credentials in advertising as long as the degree is earned, and the representations and statements regarding that degree are true and not misleading and are in compliance with Section 651 of the Code. For purposes of this subdivision, “earned” shall not mean an honorary or other degree conferred without actual study in the educational field.

(e) The board may issue citations and fines containing a fine and an order of abatement for any violation of Section 651 of the Code.

(f) For the purposes of this section, “acceptable abbreviation” means the abbreviation listed in subsection (a)(2) of this Section.

(g) In addition to including the information required by subsection (a), a licensee or registrant may use a nickname or former legal name to advertise services for which a license or registration is required. If a nickname is used, the nickname shall not be false, fraudulent, misleading, or deceptive as specified by section 651 of the Code.

Note: Authority cited: Sections 137, 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 125.9, 137, ~~650.4~~, 651, 4980.03, 4980.09, 4980.44, 4982, 4989.49, 4989.54, 4992.2, 4992.3, 4999.12, 4999.12.5 and 4999.90, Business and Professions Code.