

/

**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
DIVISION 18. BOARD OF BEHAVIORAL SCIENCES**

**FINAL STATEMENT OF REASONS**

**Subject Matter of Proposed Regulations:** Advertising

**Section(s) Affected:** Section 1811 of Division 18 of Title 16 of the California Code of Regulations (CCR).

**Updated Information:**

The Initial Statement of Reasons is included in the file. The information contained therein is updated as follows.

The 45-day public comment period began on March 14, 2025 and ended on April 28, 2025. The Board of Behavioral Sciences (Board) received a request for hearing and written comments as described below. The comments received as well as the responses to those comments are summarized in the “Objections or Recommendations/Responses” section below. The Board considered the comments at its May 8, 2025 meeting and authorized modified text changes as indicated in the next section. The Board also conducted a hearing requested by a commenter on May 8, 2025 as described in the next section.

The Board made an error in the Notice of Second Modified Text, stating that the Board had approved the proposed changes at its meeting on May 9, 2025, when it was actually approved on at its meeting on May 8, 2025 (a two-day Board meeting).

**Hearing**

On May 8, 2025 the Board held a hearing in Sacramento, California as requested by a commenter. The Board provided an opportunity to participate via WebEx online and in person. There was one attendee, Shanti Ezrin with the California Association of Marriage and Family Therapists, who provided a comment that was substantively the same as the written comment they submitted on April 21, 2025, as described in the hearing transcript.

**Modified Text**

On its own motion and in response to some of the written comments received (see comments “accepted”), the Board made changes to the noticed proposed regulations as described below.

/

Subsection (a)(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.

On May 8, 2025, the Board delegated to the Executive Officer the authority to adopt the proposed modified text, as written, if no adverse comments were received and delegated to the Executive Officer the authority to make any technical or nonsubstantive changes that may be required in completing the rulemaking file.

The Board issued a Notice of Modified Text on June 16, 2025 to make these changes, and that public comment period closed on July 1, 2025. Comments received during the 15-day comment period as well as the responses to those comments are summarized in the “Objections or Recommendations/Responses” section below. The Board considered the comments at its meeting on August 22, 2025.

A summary of the comments received, along with the Board’s responses, is included below.

### **Second Modified Text**

On its own motion and in response to some of the comments received (see comments “accepted”), the Board made changes to the noticed proposed regulations as described below.

Subsection (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.

The Board issued a Notice of Second Modified Text on September 3, 2025 to make these changes, and that public comment period closed on September 18, 2025. No comments were received during the 15-day comment period.

On August 22, 2025, the Board delegated to the Executive Officer the authority to adopt the proposed modified text, as written, if no adverse comments were received and delegated to the Executive Officer the authority to make any technical or nonsubstantive changes that may be required in completing the rulemaking file.

A summary of the comments received, along with the Board’s responses, is included below.

## OBJECTIONS OR RECOMMENDATIONS/RESPONSES

### Summary and Response to Comments Received During 45- Day Public Comment Period

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)

In an email to the Board received on April 21, 2025, titled “Proposed changes to Advertising: Division 18 of Title 16 of the California Code of Regulations (CCR) Section 1811”, CAMFT provides two comments in regard to the proposed regulatory action, each of which serve as a separate comment. They are as follows:

**COMMENT 1: “Clarifying “Full Name.”** The proposed text in 16 CCR Section 1811 states that “(a) All persons regulated by the board who advertise their services shall include all of the following information in any advertisement. (1) The full name of the licensee or registrant as filed with the board.” CAMFT has received many questions from members related to “full name” and if that includes their middle name. To avoid confusion for providers and any unintentional violation of this requirement, we propose the BBS consider specifying “first and last name” in lieu of “full name.””

Board Response: The Board accepted this comment as it relates to licensee confusion and proposes the following amendment to subsection (a)(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.

However, the Board declined to make the recommended text change of striking “full name” and replacing it with “first and last name.” The Board requests the full name of the applicant on its initial application for registration or licensure to verify the identity of the applicant and ensure accuracy in the licensing process. 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 an individual’s license status so that a consumer can make a fully informed decision about their mental health care.

The Board believes this amendment fulfills CAMFT’s request to ensure the language provides clearer guidance to practitioners while ensuring that complete and accurate information is provided to the public about who is legally authorized to practice. Licensees or registrants who have questions about how their full name “as filed with the board” should be listed on any advertising should access the Board’s license look up feature on the Board’s website entitled “Verify a License” which shows the full name filed with the Board (see Business and

Professions Code [BPC] section 4990.13, which authorizes the public to rely on information as it is displayed on the Board's internet website).

**COMMENT 2: "Guidance and Sample Advertising Formats for Listing Nickname or Former Legal Name.** CAMFT appreciates the addition of language that permits the use of a nickname or formal legal name in an advertisement if the full name is also included in the advertisement. To ensure proper understanding of this new provision, we ask that the BBS update their [licensee and registrant advertising factsheet](#) to include further guidance that defines the parameters of an appropriate nickname and sample for how a nickname or formal legal name should be listed in any advertisement."

Board Response: The Board declined to make any changes due to this comment as it was merely a request for the Board to update its advertising fact sheet. This fact sheet simply recites the requirements of existing Section 1811 and other related statutes and provides sample formats for advertising consistent with Section 1811. The sample formats are suggestions and not the only methods for meeting the requirements of Section 1811. Therefore, the Board does not consider the fact sheet relevant to this regulatory proposal. The Board will revise the fact sheet consistent with amendments to Section 1811 once these regulations have been approved.

Natalie Chen, LMFT

In an email to the Board received on March 14, 2025, titled "Title 16 regulation Division 1811 comment", the commenter stated that they "strongly oppose the proposed change to Title 16 regulation division 1811 section 3G allowing registrants to disclose past "nicknames and legal names." Having folks use former legal names is dangerous for trans folks who have changed their names and is not necessary for confirming the identity of the provider. At best, the wording is unclear and will lead to trans folks being pressured to share deadnames, and at worst is blatantly transphobic. At the very least update the wording to ensure the protection of those using new legal names to not disclose dead names to avoid possible outing and digital database that could target transgender registrants."

Board Response: The Board rejected this comment and declined to make any changes due to this comment. The Board believes the commenter is referring to proposed subsection (g), which states, "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."

This comment appears to be a misunderstanding as subsection (g) does not require use of a nickname or former legal name in advertising but permits it should the licensee or registrant choose to do so. An individual using a "new legal name" may simply use their new legal name in their advertisement, once that new legal name has been filed with the Board in accordance with BPC section 27.5 (please see responses below for further discussion).

*Del Phoenix-Wilcox, MSW, ACSW*

In an email to the Board received on March 17, 2025, titled "Title 16 regulation Division 1811 comment", the commenter stated "This proposal for the publication of nicknames and former legal names in advertising is unfair to women who have been married and dangerous for Transgender licensees. The publication of former names is already listed on the BBS website when looking up a registrant's license, which has been problematic for the Transgender community by outing its' members. It is unfair to women who have been married, especially those who have been married multiple times, because they may be targeted as "immoral" for multiple marriages, regardless of whether prior marriages ended in divorce or death. Men rarely change their name when getting married, making women the default gender group impacted by this proposal.

Furthermore, this proposal may endanger Transgender community members as the Transgender community is no longer recognized as valid by the federal government because of multiple executive orders issued since January 20th, 2025, targeting the identities, activities, healthcare, and legal status of Transgender individuals. As such, the publication of former names of Transgender people on business websites other than the California government websites may make it easier for Transgender licensees to be found in wide-range searches of the internet and to be targeted for their identity. With the removal of protections for vulnerable classes by the federal government, this proposed regulatory action opens the door to many forms of discrimination and harm to members of the Transgender community. This exposure is unnecessary, potentially harmful, and violates the state of California's commitment as a sanctuary state to vulnerable communities.

It is only fair that the public has access to information regarding names under which a license has been held, and the BBS already provides this on its website. The only acceptable regulatory proposals regarding former names must take the safety and well-being of women and Transgender community members into account. This proposed action does not meet these criteria."

**Board Response:** The Board rejected this comment and declined to make any changes due to this comment. The Board believes the commenter is referring to proposed subsection (g), which states, "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."

This comment appears to be a misunderstanding as subsection (g) does not require use of a nickname or former legal name in advertising but permits it should the licensee or registrant choose to do so under specified conditions.

/

Current law at BPC section 27.5, effective January 1, 2024, per Senate Bill 372 (Chapter 225, Statutes of 2023), provides, in pertinent part:

(a) Notwithstanding any other law, if a board within the Department of Consumer Affairs receives **government-issued documentation, as described in subdivision (b)**, from a licensee or registrant demonstrating that the licensee's or registrant's legal name or gender has been changed, the board, **upon request by the licensee or registrant, shall update the individual's license or registration by replacing references to the former name or gender on the license or registration, as applicable, with references to the current name or gender.** (Emphasis added.)

(b) (1) The documentation identified in either of the following is required to demonstrate a legal name change of a licensee or registrant:

(A) A certified court order issued pursuant to a proceeding authorized by subdivision (b) of Section 1277 of the Code of Civil Procedure and a copy of the certificate issued under the Secretary of State's Safe at Home program authorized by Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code reflecting the licensee's or registrant's updated name.

(B) A certified court order issued pursuant to a proceeding authorized by Section 1277.5 of the Code of Civil Procedure or Article 7 (commencing with Section 103425) of Chapter 11 of Part 1 of Division 102 of the Health and Safety Code reflecting the licensee's or registrant's updated name.

(2) Any of the following documents are sufficient to demonstrate a gender change of a licensee or registrant:

(A) State-issued driver's license or identification card.

(B) Birth certificate.

(C) Passport.

(D) Social security card.

(E) Court order indicating a gender change from a court of this state, another state, the District of Columbia, any territory of the United States, or any foreign court.

This proposal would not affect any licensee or registrant's ability to request removal of references to their former name or gender and replacement of their former name or gender with the current name or gender as specified above. Rather, this proposal is limited to authorizing a licensee or registrant, if they so choose, to use their former legal name or nickname in advertising if:

1. The licensee or registrant also includes in the advertisement their full name as filed with the Board; and,
2. If a nickname is used, it also shall not be false, fraudulent, misleading or deceptive as specified in BPC section 651.

These conditions would enable use of a former legal name or nickname but prevent the advertising from being considered false or misleading since the full name under which the licensee or registrant as filed with the Board would also be required to be listed in the advertising. This avoids conflicts with existing law that prohibits the provision of statements to the public that are unlawful, including any statement or claim that is false, misleading, or deceptive as prohibited by Section 651 of the BPC.

BPC section 651(b) specifies what false, fraudulent, misleading, or deceptive means and under what conditions these statements would make the advertising noncompliant. These include, in part:

- (1) Contains a misrepresentation of fact.
- (2) Is likely to mislead or deceive because of a failure to disclose material facts.
- (3)(A) Is intended or is likely to create false or unjustified expectations of favorable results.  
. . . . .
- (5) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. . .
- (8) Includes any statement, endorsement, or testimonial that is likely to mislead or deceive because of a failure to disclose material facts.

Using a name other than the full legal name as filed with the Board in advertising for licensees and registrants of the Board is currently neither lawful nor authorized by Section 1811. This proposal would amend Section 1811 to allow advertising under other names under specified conditions. This would ensure a balanced approach of allowing the use of former legal names or nicknames while ensuring that consumers are not misled as to the licensee or registrant's legal identity with the Board, or their qualifications based on the definition and criteria provided in BPC section 651.

Again, however, this proposal would not require a licensee or registrant to use a nickname or former legal name in advertising. This proposal would also not prevent a licensee or registrant from using the legal process available for changing their name in the Board's records as set forth in BPC section 27.5 and then using their changed name in advertising alone and without reference to their former legal name(s).

Robert Gamboa, MPP, Associate Director of Public Policy and Joey Espinoza-Hernandez,  
Director of Policy and Community Building on Behalf of the Los Angeles LGBT Center



In an email from Robert Gamboa with an attached letter to the Board signed by Joey Espinoza-Hernandez received on March 24, 2025, titled "Title 16 regulation Division 1811 comment", the commenters stated "This policy change creates serious concerns for the safety, privacy, and well-being of mental health professionals, particularly those who are transgender, nonbinary, and gender non-conforming. The proposed amendment, which would require registrants to disclose that they are supervised by a licensed professional and clarify when a licensee or registrant may use a nickname or former legal name, has the potential to force clinicians to use their deadname or inadvertently disclose their transgender or nonbinary identity. This not only violates their right to privacy but also puts them at risk of discrimination, harassment, or even violence. Furthermore, the policy could discourage LGBTQ+ individuals from entering or remaining in the mental health profession, exacerbating the shortage of affirming providers available to serve our communities." The commenter also requested a hearing.

Board Response: A hearing was scheduled for May 8<sup>th</sup> at 9:00 a.m. at the request of this commenter. However, the Board rejected this comment and declined to make any changes due to this comment. The Board believes the commenter's concern is related to the proposed addition of subsection (g), which states, "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."

Current law requires all persons regulated by the Board who advertise their services to include the full name of the licensee or registrant as filed with the board (subsection (a)(1) of section 1811). As discussed in responses to comments above, Senate Bill 372 added BPC section 27.5 to allow a licensee or registrant to notify the licensing board or bureau within the Department of Consumer Affairs (DCA) of a name and/or gender change and request confidentiality of the previous name or gender information, when meeting certain specified requirements.

By law, once the licensee's name or gender is updated, the former name or gender will not be published online, except that if a public search of the online license verification system is performed using the licensee's former name, a statement will appear in connection with the search directing the public to contact the applicable licensing board or bureau for more information about the licensee. As noted above, subsection (g) does not require use of a nickname or former legal name in advertising but permits it should the licensee or registrant choose to do so.

With respect to the proposed requirement that a registrant include in advertising that they are supervised by a licensed person (as proposed in subsection (b)(2)), this change would simply provide additional notice of the individual's status as a supervisee and would not require any further personally identifying information. This is simply a statement that informs



/

the public that the individual is not yet fully licensed and has nothing to do with the registrant's name.

## **COMMENTS RECEIVED DURING THE 15-DAY MODIFIED TEXT PUBLIC COMMENT PERIOD (June 16, 2025 to July 1, 2025)**

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)

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.”

Board Response: The Board accepted this comment, and proposed the following amendment to subsection (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, the Board believes that 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.

## **COMMENTS RECEIVED DURING THE 15-DAY SECOND MODIFIED TEXT PUBLIC COMMENT PERIOD (September 3, 2025 to September 18, 2025)**

No comments were received during the second modified text public comment period.

## **LOCAL MANDATE**

The proposed mandate does not impose a mandate on local agencies or school districts.

## **SMALL BUSINESS IMPACT**

The Board has determined that the proposed regulations will not affect small businesses. Adopting this regulation updates the requirements for information included in an advertisement

/

for licensees or registrants regulated by the Board who advertise their services and individuals in compliance with advertising statutes and regulations will not be affected by the proposed regulations. Permitting the use of a former legal name or nickname in advertising will not affect businesses because licensees or registrants will still be required to provide the first and last name of the licensee or registrant as filed with the Board, their license or registration type and number, and not make any false, fraudulent, misleading, or deceptive statements, all of which are requirements of existing law and regulations. In addition, the proposal requires the licensee or registrant also include the alias (nickname or former name).

## **CONSIDERATION OF ALTERNATIVES**

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board as part of public comments received or at the Board's meetings would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the adopted regulations, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. All recommendations provided during this rulemaking were considered by the Board and accepted or rejected as discussed above.