

## CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

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**BILL NUMBER: SB 373**                      **VERSION: AMENDED APRIL 20, 2023**

**AUTHOR: MENJIVAR**                      **SPONSOR: NUMEROUS - SEE BELOW**

**RECOMMENDED POSITION: NONE**

**SUBJECT: BOARD OF BEHAVIORAL SCIENCES, BOARD OF PSYCHOLOGY, AND MEDICAL BOARD OF CALIFORNIA: LICENSEES' AND REGISTRANTS' ADDRESSES**

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### **Summary**

This bill would prohibit the Board of Behavioral Sciences and the Board of Psychology from disclosing the full address of record of licensees and registrants on their internet web site. Instead, only the city, state, county, and zip code of a licensee or registrant must be disclosed by each board on the internet. This does not apply to secondary documents linked to a board's website that may contain an address of record. Each board must still provide a licensee or registrant's full address upon request in specified circumstances.

### **Existing Law:**

- 1)** Requires specified boards and bureaus under the Department of Consumer Affairs (DCA), including the Board of Behavioral Sciences (Board) and the Board of Psychology, to provide information on the internet regarding the status of every license it has issued. (Business and Professions Code (BPC) §27(a) and (c)(13), (16))
- 2)** Requires this information to be provided in accordance with the California Public Records Act and the Information Practices Act of 1977. (BPC §27(a))
- 3)** Requires the information to include information on suspensions and revocations of issued licenses, and other enforcement action including accusations. (BPC §27(a))
- 4)** Prohibits the information from including personal information, including home telephone number, date of birth, or social security number. (BPC §27(a))
- 5)** Requires an address of record to be disclosed. However, specifies that in lieu of a home address, a licensee may provide a post office box number or other alternate address for disclosure on the internet. (BPC §27(a))

- 6) The Board may still require a licensee to provide a physical business or residential address for the Board's internal administrative use only, even if they have opted to provide a P.O. Box or alternate mailing address for public disclosure. (BPC §27(a))

**This Bill:**

- 1) Prohibits the Board of Behavioral Sciences from disclosing the full address of record of its licensees and registrants on the internet. Requires the Board to disclose the city, state, county, and zip code of the address of record on the internet. This prohibition does not apply to secondary documents linked to the board's internet website which may contain an address of record. (BPC §§27(f), 4990.11)
- 2) Prohibits the Board of Psychology from disclosing the full address of record of its licensees and registrants on the internet. Requires the board to disclose the city, state, county, and zip code of the address of record on the internet. This prohibition does not apply to secondary documents linked to the board's internet website which may contain an address of record. (BPC §§27(g), 2937)
- 3) Requires the Board of Behavioral Sciences and the Board of Psychology to establish a process for providing a licensee or registrant's complete address if the board receives a request that is either (BPC §§2937(b), 4990.11(b)):
  - Related to a court proceeding against the licensee or registrant; or
  - A request for records from the licensee or registrant

The boards must complete a request for an address within 10 business days.

**Comments:**

- 1) **Author's Intent.** The author is seeking to protect the well-being and safety of licensees and registrants who perform psychotherapy by limiting access to their home addresses. They note that having personal home addresses easily accessible via the internet can make these professionals vulnerable to stalking and harassment, particularly for those who provide therapy in areas such as domestic violence or child welfare.

The author notes that there are 12 boards under DCA, including some healing arts boards such as the Board of Pharmacy, Board of Occupational Therapy, and the Board of Physical Therapy, that are not included in BPC §27 and are therefore not required to provide a full address on the internet license lookup. These boards only disclose a city, state, county, and zip code on their internet licensee lookup.

For the Board's licensees, because they are included in BPC §27, an address must be disclosed by law, with the option of utilizing a P.O. Box in place of a personal address. However, the author argues that this is an added expense that could serve as a barrier to licensure for some.

- 2) Legislative History.** BPC §27 requires some, but not all, DCA boards and bureaus to post a licensee's address of record on its internet web site. The Board is one of the DCA entities required to do this. In lieu of a home address, the law permits the licensee to instead provide another alternate address or a P.O. box for internet posting.

BPC §27 was established in law via SB 492 (Chapter 661, Statutes of 1997). BBS was included in the law at that time. This early version stated that a home address was not to be disclosed, unless used as a business address. SB 492 did not explain why some DCA boards were included in its provisions but not others. At one point, one of the Legislature's committee analyses questioned that, but no explanation was offered.

BPC §27 was amended to require an address of record more explicitly for the included DCA boards via SB 1889 (Chapter 927, Statutes of 2000). SB 1889 permitted a licensee to use a P.O. Box or other alternative address in lieu of a home address for internet posting.

**3) Clarification May be Needed Regarding Which Address to Disclose.**

Two clarifications may be helpful regarding address disclosure:

- a) BPC §27(a) permits a licensee or registrant to provide an alternate address as the address of record for disclosure.

Currently, the bill requires the board to establish a process for providing a licensee or registrant's complete address upon request under specified circumstances. It may be helpful to specify which address the Board must disclose if requested: the one provided to the Board for internal use, or the alternative one for public disclosure (if they have provided an alternate address.)

- b) It may also be helpful to amend the sentence in the bill that states the following: *"This section shall not apply to secondary documents linked to the board's internet website which may contain an address of record."*

The Board does not have complete control over which address is disclosed in a court document. Therefore, staff suggests the term "address of record" be replaced with "address."

- 4) Fiscal Impact.** Staff estimates that the fiscal impact for this bill would be minor. The Breeze system would need to be modified for the Board's license types so that the license lookup no longer showed a street address.

## 5) Support and Opposition.

### Support:

- California Association for Licensed Professional Clinical Counselors (sponsor)
- California Association of Marriage and Family Therapists (sponsor)
- California Association of Social Rehabilitation Agencies (sponsor)
- California Council of Community Behavioral Health Agencies (sponsor)
- California Psychological Association (sponsor)
- California State Association of Psychiatrists (sponsor)
- National Association of Social Workers, California Chapter (sponsor)
- Psychiatric Physicians Alliance of California (sponsor)
- California Access Coalition
- Community Solutions for Children, Families and Individuals
- Depression and Bipolar Support Alliance
- Pathpoint
- Tarzana Treatment Centers, Inc.

### Opposition:

- Medical Board of California

## 6) History

- 04/20/23 Read second time and amended. Re-referred to Com. on APPR.
- 04/19/23 From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 11. Noes 0.) (April 18).
- 04/13/23 Read second time and amended. Re-referred to Com. on JUD.
- 04/12/23 Set for hearing April 18.
- 04/12/23 From committee: Do pass as amended and re-refer to Com. on JUD. (Ayes 13. Noes 0.) (April 10).
- 03/23/23 From committee with author's amendments. Read second time and amended. Re-referred to Com. on B., P. & E. D.
- 03/06/23 Set for hearing April 10.
- 02/22/23 Referred to Coms. on B., P. & E. D. and JUD.
- 02/10/23 From printer. May be acted upon on or after March 12.
- 02/09/23 Introduced. Read first time. To Com. on RLS. for assignment. To print.

AMENDED IN SENATE APRIL 20, 2023

AMENDED IN SENATE APRIL 13, 2023

AMENDED IN SENATE MARCH 23, 2023

**SENATE BILL**

**No. 373**

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**Introduced by Senator Menjivar**

February 9, 2023

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An act to amend Section 27 of, and to add Sections 2937 and 4990.11 to, the Business and Professions Code, relating to professions and vocations.

**legislative counsel's digest**

SB 373, as amended, Menjivar. Board of Behavioral Sciences, Board of Psychology, and Medical Board of California: licensees' and registrants' addresses.

Existing law creates the Department of Consumer Affairs, which is composed of various boards that license and regulate specified professions deemed to engage in activities that have potential impact upon the public health, safety, and welfare. Existing law requires the Board of Behavioral Sciences and Board of Psychology, among other boards, to post information regarding the status of every license issued by those boards on the board's internet website. Existing law exempts personal information of licensees from this disclosure requirement, including home telephone number, date of birth, and social security number.

This bill would, with certain exceptions, prohibit the Board of Behavioral Sciences and the Board of Psychology from disclosing on the internet the full address of record of certain licensees and registrants, and would require those boards to disclose the city, state, county, and

ZIP Code of the address of record of those licensees and registrants. *The bill would require those boards to establish a process, as specified, for providing a licensee’s or registrant’s complete address upon receipt of a request that is related to a court proceeding against or request for records from the licensee or registrant.*

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 27 of the Business and Professions Code  
 2 is amended to read:  
 3 27. (a) Each entity specified in subdivisions (c), (d), and (e)  
 4 shall provide on the internet information regarding the status of  
 5 every license issued by that entity in accordance with the California  
 6 Public Records Act (Division 10 (commencing with Section  
 7 7920.000) of Title 1 of the Government Code) and the Information  
 8 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)  
 9 of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public  
 10 information to be provided on the internet shall include information  
 11 on suspensions and revocations of licenses issued by the entity  
 12 and other related enforcement action, including accusations filed  
 13 pursuant to the Administrative Procedure Act (Chapter 3.5  
 14 (commencing with Section 11340) of Part 1 of Division 3 of Title  
 15 2 of the Government Code) taken by the entity relative to persons,  
 16 businesses, or facilities subject to licensure or regulation by the  
 17 entity. The information may not include personal information,  
 18 including home telephone number, date of birth, or social security  
 19 number. Each entity shall disclose a licensee’s address of record.  
 20 However, each entity shall allow a licensee to provide a post office  
 21 box number or other alternate address, instead of the licensee’s  
 22 home address, as the address of record. This section shall not  
 23 preclude an entity from also requiring a licensee, who has provided  
 24 a post office box number or other alternative mailing address as

1 the licensee’s address of record, to provide a physical business  
2 address or residence address only for the entity’s internal  
3 administrative use and not for disclosure as the licensee’s address  
4 of record or disclosure on the internet.

5 (b) In providing information on the internet, each entity specified  
6 in subdivisions (c) and (d) shall comply with the Department of  
7 Consumer Affairs’ guidelines for access to public records.

8 (c) Each of the following entities within the Department of  
9 Consumer Affairs shall comply with the requirements of this  
10 section:

11 (1) The Board for Professional Engineers, Land Surveyors, and  
12 Geologists shall disclose information on its registrants and  
13 licensees.

14 (2) The Bureau of Automotive Repair shall disclose information  
15 on its licensees, including auto repair dealers, smog stations, lamp  
16 and brake stations, smog check technicians, and smog inspection  
17 certification stations.

18 (3) The Bureau of Household Goods and Services shall disclose  
19 information on its licensees, registrants, and permit holders.

20 (4) The Cemetery and Funeral Bureau shall disclose information  
21 on its licensees, including cemetery brokers, cemetery salespersons,  
22 cemetery managers, crematory managers, cemetery authorities,  
23 crematories, cremated remains disposers, embalmers, funeral  
24 establishments, and funeral directors.

25 (5) The Professional Fiduciaries Bureau shall disclose  
26 information on its licensees.

27 (6) The Contractors State License Board shall disclose  
28 information on its licensees and registrants in accordance with  
29 Chapter 9 (commencing with Section 7000) of Division 3. In  
30 addition to information related to licenses as specified in  
31 subdivision (a), the board shall also disclose information provided  
32 to the board by the Labor Commissioner pursuant to Section 98.9  
33 of the Labor Code.

34 (7) The Bureau for Private Postsecondary Education shall  
35 disclose information on private postsecondary institutions under  
36 its jurisdiction, including disclosure of notices to comply issued  
37 pursuant to Section 94935 of the Education Code.

38 (8) The California Board of Accountancy shall disclose  
39 information on its licensees and registrants.

- 1 (9) The California Architects Board shall disclose information  
2 on its licensees, including architects and landscape architects.
- 3 (10) The State Athletic Commission shall disclose information  
4 on its licensees and registrants.
- 5 (11) The State Board of Barbering and Cosmetology shall  
6 disclose information on its licensees.
- 7 (12) The Acupuncture Board shall disclose information on its  
8 licensees.
- 9 (13) The Board of Behavioral Sciences shall disclose  
10 information on its licensees and registrants.
- 11 (14) The Dental Board of California shall disclose information  
12 on its licensees.
- 13 (15) The California State Board of Optometry shall disclose  
14 information on its licensees and registrants.
- 15 (16) The Board of Psychology shall disclose information on its  
16 licensees, including psychologists and registered psychological  
17 associates.
- 18 (17) The Veterinary Medical Board shall disclose information  
19 on its licensees, registrants, and permit holders.
- 20 (d) The State Board of Chiropractic Examiners shall disclose  
21 information on its licensees.
- 22 (e) The Structural Pest Control Board shall disclose information  
23 on its licensees, including applicators, field representatives, and  
24 operators in the areas of fumigation, general pest and wood  
25 destroying pests and organisms, and wood roof cleaning and  
26 treatment.
- 27 (f) Notwithstanding subdivisions (a) and (c), the Board of  
28 Behavioral Sciences shall not disclose on the internet the full  
29 address of record of their licensees and registrants. However, the  
30 board shall disclose the city, state, county, and ZIP Code of the  
31 address of record for its licensees and registrants. This subdivision  
32 shall not apply to secondary documents linked to the board's  
33 internet website which may contain an address of record.
- 34 (g) Notwithstanding subdivisions (a) and (c), the Board of  
35 Psychology shall not disclose on the internet the full address of  
36 record of their licensees and registered psychological associates.  
37 However, the board shall disclose the city, state, county, and ZIP  
38 Code of the address of record for its licensees and registered  
39 psychological associates. This subdivision shall not apply to



1 secondary documents linked to the board’s internet website which  
2 may contain an address of record.

3 (h) “Internet” for the purposes of this section has the meaning  
4 set forth in paragraph (6) of subdivision (f) of Section 17538.

5 SEC. 2. Section 2937 is added to the Business and Professions  
6 Code, to read:

7 2937. (a) Notwithstanding Section 27, the board shall not  
8 disclose on the internet the full address of record of its licensees  
9 and registrants. However, the board shall disclose the city, state,  
10 county, and ZIP Code of the address of record for its licensees and  
11 registrants. This section shall not apply to secondary documents  
12 linked to the board’s internet website which may contain an address  
13 of record.

14 (b) *The board shall establish a process for providing a licensee’s*  
15 *or registrant’s complete address upon receipt of a request that is*  
16 *related to a court proceeding against or request for records from*  
17 *the licensee or registrant. The process shall ensure that the request*  
18 *is completed within 10 business days. This subdivision shall be*  
19 *implemented in compliance with the California Public Records*  
20 *Act (Division 10 (commencing with Section 7920.000) of Title 1*  
21 *of the Government Code).*

22 SEC. 3. Section 4990.11 is added to the Business and  
23 Professions Code, to read:

24 4990.11. (a) Notwithstanding Section 27, the board shall not  
25 disclose on the internet the full address of record of its licensees  
26 and registrants. However, the board shall disclose the city, state,  
27 county, and ZIP Code of the address of record for its licensees and  
28 registrants. This section shall not apply to secondary documents  
29 linked to the board’s internet website which may contain an address  
30 of record.

31 (b) *The board shall establish a process for providing a licensee’s*  
32 *or registrant’s complete address upon receipt of a request that is*  
33 *related to a court proceeding against or request for records from*  
34 *the licensee or registrant. The process shall ensure that the request*  
35 *is completed within 10 business days. This subdivision shall be*  
36 *implemented in compliance with the California Public Records*  
37 *Act (Division 10 (commencing with Section 7920.000) of Title 1*  
38 *of the Government Code).*

39 SEC. 4. The Legislature finds and declares that Section 1 of  
40 this act, which amends Section 27 of the Business and Professions

1 Code, imposes a limitation on the public’s right of access to the  
2 meetings of public bodies or the writings of public officials and  
3 agencies within the meaning of Section 3 of Article I of the  
4 California Constitution. Pursuant to that constitutional provision,  
5 the Legislature makes the following findings to demonstrate the  
6 interest protected by this limitation and the need for protecting  
7 that interest:  
8 This act balances the public’s right to access records of the  
9 entities within the Department of Consumer Affairs with the need  
10 to protect the privacy of licensees.

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