



May 5, 2015

Page 1 of 3

Mr. Bernard Tyson, CEO
Dr. Robert Pearl, Executive Director, The Permanente Medical Group
Mr. Greg Adams, President, N. California Region
Kaiser Permanente
One Kaiser Plaza, 27th Floor
Oakland, CA 94612

VIA ELECTRONIC MAIL

RE: ILLEGAL RETALIATION AGAINST MENTAL HEALTH CLINICIANS

Dear Mr. Tyson, Dr. Pearl and Mr. Adams:

We're writing to express our outrage at Kaiser's ongoing retaliation against mental health clinicians for reporting problems that put our patients' health at risk and violate state and federal laws. As you know, we and our colleagues are licensed providers who are legally and ethically responsible for the care of our patients. Kaiser has repeatedly instructed us and other staff to report concerns about substandard care so they can be corrected. In news articles, for example, Mr. Tyson says he keeps an American flag in his office in order to underscore employees' "freedom to speak" about care problems affecting our patients.

Despite these statements, your managers have repeatedly retaliated against mental health clinicians for reporting our patients' excessive wait times for appointments, the falsification of appointment records, the provision of clinically substandard care to our patients, and other violations of clinical and ethical standards.

Our concerns about our patients' care are neither imagined nor contrived. They have been validated by two separate years-long investigations by the California Department of Managed Health Care (DMHC), a state agency which has already fined Kaiser \$4 million for its violations of state law. In addition, Kaiser's own patients have filed four class-action lawsuits alleging that Kaiser's mental health violations have caused severe care failures including tragic suicides by Kaiser members. Three sitting public officials have stepped forward to report that their loved ones committed suicide while experiencing excessive appointment delays at Kaiser.

Despite this evidence of the systemic problems affecting Kaiser's mental health services, your managers continue to retaliate against clinicians who report care problems. Last month, Kaiser terminated Dr. Alex Wang, a Psychologist at Fremont Medical Center, after earlier disciplining him for writing "patient needs to be seen sooner" in the medical chart of a patient whom he triaged but who was facing a three-week wait time for his first in-person psychiatric appointment. As you know, a three-week wait violates California law. Rather than welcoming Dr. Wang's report, your managers disciplined him on the pretext that his clinical statement ("patient needs to be seen sooner") was an act of "political speech." Both the California Attorney General and



NATIONAL UNION OF HEALTHCARE WORKERS

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the Department of Managed Health Care are investigating a complaint filed by Dr. Wang and NUHW alleging that Kaiser's retaliation against him are violations of California's whistleblower protection laws.

Three years ago, when clinicians represented by NUHW first came to Kaiser with our serious concerns about Kaiser's understaffing and its failure to give patients timely access to care, Kaiser administrators dismissed our concerns out of hand. NUHW then communicated our concerns to the DMHC. We hoped that the DMHC's findings would result in a change in Kaiser's willingness to listen to the serious concerns of its professional clinicians. The actions against Dr. Wang indicate otherwise.

We hereby demand that Kaiser reinstate Dr. Wang and cease its retaliation against other mental health clinicians. Kaiser's actions not only violate Kaiser's own internal policies, they also apparently contravene a variety of federal and state laws as well as the ethical and clinical guidelines that govern the practice of licensed psychologists. We will take any and all steps to ensure that the rights and licenses of NUHW-represented professional clinicians are protected so that we may continue to uphold our responsibilities as patient advocates.

Sincerely,

NUHW IBHS Stewards

cc: Don Mordecai
Judy White
Ben Chu, MD
Chuck Columbus
Connie Wilson
Gay Westfall
Arlene Peasnell

	
	
	
	
	
	
	
	

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