

# California regulators investigate wait time for mental health care at Kaiser Permanente amid strike

Complaints that appointments exceeded a limit set by state law increased after the start of the strike by healthcare workers.



BY: **VICTORIA COLLIVER** | 08/24/2022 06:00 PM EDT



Kaiser Permanente mental health workers and supporters march outside a Kaiser facility in Sacramento, Calif., on Aug. 15, 2022. | Rich Pedroncelli/AP Photo

California health regulators have launched an investigation into complaints that Kaiser Permanente is failing to schedule mental appointments within a limit set by state law, a probe that comes amid a strike by mental health care workers at the health maintenance organization.

The Department of Managed Health Care confirmed Wednesday that it opened an investigation into the complaints and is concerned about "the potential for immediate harm" because of the "very serious nature" of the allegations, according to a statement from the agency.

**The strike:** The National Union of Healthcare Workers — which represents more than 2,000 psychologists, social workers, marriage and family counselors, behavioral counselors and substance-use disorder counselors — launched an open-ended strike on Aug. 15 at Kaiser's Northern California and Central Valley locations.

The clinicians have agreed to a wage offer from Kaiser's management. But union officials say the two sides remain divided around provisions that increase staffing and reduce wait times for appointments. They also disagree on the amount of time in the 40-hour week that clinicians can spend on administrative work. The NUHW contract expired in September.

**The allegations:** DMHC Director Mary Watanabe said at [a special Senate committee hearing before the strike](#) that Kaiser would have to comply throughout the strike with [CA SB221\(21R\)](#), a state law that went into effect July 1 and requires, with some exceptions, that mental health patients receive follow-up appointments within 10 business days of an initial visit.

DMHC officials said Wednesday its consumer help center received 19 access complaints against Kaiser from Aug. 15 through Aug. 20. From July 1 until just a few days before the strike began, the agency received two complaints. NUHW also [filed a complaint accusing Kaiser of illegally canceling appointments](#) in advance of the strike. Kaiser officials said some non-urgent appointments had to be rescheduled.

State law requires health plans to arrange for out-of-network care at in-network rates if such care is not available within the time limit set by the law. Kaiser officials told state regulators they planned to replace the striking workers with managers and employees who choose not to strike and 50-100 contracted licensed mental health clinicians from outside agencies, [according to a document provided to POLITICO](#).

Kaiser officials did not respond to requests for comment.

**The backstory:** Kaiser has long been under scrutiny for failing to provide timely access to behavioral health services. The health system was fined \$4 million by state regulators in 2013, and [is now the focus of a special probe by the state Department of Managed Health Care](#) based on complaints.

**The outlook:** DMHC officials said they did not have a timeline for the enforcement investigation or the special probe. Meanwhile, the strike continues with no end in sight.

“The goal is to move as quickly as possible to ensure enrollees’ health care rights are protected,” Rachel Arrezola, DMHC’s deputy director of communications and planning, said in an email. “The Department will follow the evidence, and take all appropriate actions to protect enrollees.”

[View this article online.](#)

You received this POLITICO Pro content because your customized settings include: *State Legislatures*. You can customize all of your alert criteria on your [settings page](#).