

# Kaiser hit with second California probe after complaints surge during mental health strike

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Listen to 3 Sacramento Kaiser mental health care workers talk about why they are on strike

Kaiser mental health clinicians represented by the National Union of Healthcare Workers strike Aug. 15, 2022, at Kaiser Permanente on Morse Avenue in Arden Arcade. About 2,000 will to strike in Northern California, according to the NUHW. BY [SARA NEVIS](#)

The California Department of Managed Health Care has opened a targeted enforcement investigation into whether Kaiser Permanente is providing timely access to appointments during a strike by its mental health clinicians, the agency told The Sacramento Bee on Wednesday.

Over a six-day period from Aug. 15-20, the state department's help center received 19 complaints from people who said they were not able to get access to mental health services.

"The DMHC is concerned about the potential for immediate harm to enrollees based on the very serious nature of allegations that the plan is not providing timely appointments to enrollees required by the law," regulators said in a

written statement. "The DMHC will continue to monitor the plan closely during the strike to ensure the plan is in compliance with the law."

The National Union of Healthcare Workers launched the strike Aug. 15 with a principal goal of reducing the workload for the nearly 2,000 mental health clinicians it represents at Kaiser. Picketing workers, who plan to rally at 12:30 p.m. Thursday at the state Capitol, said improvements to workload are crucial to reducing turnover and ensuring patients have enough therapists to serve them.

Kaiser Permanente did not immediately respond Wednesday to a request for comment.

A new state law that took effect in July requires health plans to provide follow-up appointments to patients within 10 business days if a therapist recommends it. At a recent legislative hearing, Department of Managed Health Care Director Mary Watanabe specified that the plan must connect the patient to a clinician rather than giving the patient a list and leaving it to them to call around and find someone.

Prior to the strike, Watanabe sent a questionnaire to Kaiser to learn how the company was preparing for the labor action. In one section, Watanabe asked how Kaiser would "ensure all enrollees have access to all covered services in compliance with timely and geographic access requirements"

### **KAISER DRAWS ON MANAGERS, CONTRACTS DURING STRIKE**

Kaiser said it would rely upon clinicians who choose not to go on strike. It said it would also leverage its psychiatrists, clinical managers, contingency professionals, and external contract providers from the community.

The company noted it had 64 licensed mental health clinicians working during the strike in Kaiser's mental health departments and that it would "source" 50-100 licensed clinicians.

When asked how it would handle patients who already had appointments scheduled amid the strike, Kaiser said it might need to reschedule some nonurgent-appointments with in-network or out-of-network providers. In some cases, the company said, it would offer group sessions facilitated by managers, directors, and clinicians.

"The plan is working quickly to put into place a comprehensive plan to ensure continuity of care for our mental health patients," Kaiser stated in its response to DMHC regulators. "24/7 coverage in our emergency rooms and hospitals will be provided by our mental health clinicians who decide to continue providing care for our enrollees, psychiatrists, and clinical managers who are all licensed clinical social workers, marriage family therapists or psychologists."

The union's research director, Fred Seavey, said the five-page response to the state regulators shows how unprepared Kaiser was to meet the needs of a complex system that typically provides crisis services; intensive outpatient treatment; addiction medicine and counseling; programs for postpartum depression, thought disorders, behavioral medicine, neuropsychological testing, transgender care and more.

"They say in this plan that they are replacing the work of 2,068 clinicians who are engaged in a work stoppage with just 60 to 100 licensed mental health clinicians on a temporary basis," Seavey said. "These would be people they hire in from out of state or elsewhere. It's just vastly inadequate. The newcomers are unfamiliar with Kaiser's care protocols, their electronic record system, their charting templates, their appointment setting systems, so their ability to do work is very limited."

## **PATIENTS ASKED IF THEY CAN RESCHEDULE**

The company also said it would provide clerical staff at its call centers and clinics “with talking points to help answer member inquiries.”

The union got a copy of the talking points that Kaiser employee Melanie R. Williams had provided to employees, and Seavey sent it to state regulators as part of a complaint it lodged against the company. In the document, clerical staff are advised to ask patients: Do you feel you can wait for your provider to call you back to reschedule your appointment?”

David Lloyd, a senior policy adviser with The Kennedy Forum, has worked to get mental health parity laws passed in California and the rest of the nation. He said California’s laws do not allow health plans to evade restrictions on wait times by asking the patients whether they could wait. “

That’s not actually a mechanism that the law allows,” Lloyd said. “The treating clinician has to say that (It’s) OK, and it has to be .... consistent with good professional practice and within their training. The patient can’t just self-assert that they can wait.”

Kaiser already was the target of a surprise probe into its mental health services division after complaints over access had increased at the DMHC’s help center. Consumers can reach the DMHC at 888-466-2219 or at [www.healthhelp.ca.gov](http://www.healthhelp.ca.gov). FOLLOW MORE OF OUR REPORTING ON HEALTH CARE WORKERS

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