

HEALTH & MEDICINE

## Why Kaiser therapists launched an open-ended strike while California patients wait for care

BY CATHIE ANDERSON  
AUGUST 17, 2022 6:00 AM



Kaiser Permanente's mental health clinicians sent a warning shot at their employer in past contract negotiations. They'd walk out for a few days or a week to protest working conditions. This time, they hit the picket lines without setting a date for when they will return to work, an escalation that signals the strike will likely continue until the two sides reach a tentative contract agreement.

Labor experts Jane McAlevey and Kate Bronfenbrenner described this shift in strike strategy as a significant change for the National Union of Healthcare Workers. "What it does mean is that they've exhausted themselves attempting to solve this problem," said McAlevey, author of "Raising Expectations and Raising Hell." "When you make the decision to do open-ended, it means the members are ready. It means they're frustrated. It means their level of preparedness is significant."

Bronfenbrenner, director of labor education research at the Cornell University School of Industrial and Labor Relations, told The Bee: "They're striking because they feel that everything else they've done, short of striking, has not pushed Kaiser to make a change. ... They're striking to force Kaiser to make sure it doesn't deteriorate further."

In an interview on the picket line, union representative and psychologist Kenneth Rogers said his peers came to him fed up with incremental changes that failed to improve retention or ensure that therapists can see patients for follow-up appointments in a timely manner.

The strike comes as Kaiser faces an unexpected investigation into its mental health services by California's Department of Managed Health Care, and patients report weeks-long waits for follow-up appointments. "We can't do it anymore," Rogers said. "They've promised that, 'Oh, it'll get better. We'll hire more people, We'll do this; we'll do that. And it just doesn't work because the conditions within the hospital are not good enough to keep (staff) there. I've seen it with my own eyes. People are leaving. They don't want to work here."

Rogers said that Kaiser's 2,000 behavioral health workers want a meaningful improvement in working conditions to keep clinicians from burning out and leaving and to make it easier to recruit new employees. While Kaiser's patient rolls have expanded significantly, Rogers said, the growth in clinicians hasn't kept up, especially as the need for mental health services exploded during the COVID-19 pandemic.

### **Mental health at Kaiser Permanente**

Kaiser executive Deb Catsavas said in a statement earlier this week that demand for mental health services has increased by 30% amid the pandemic and that the union's response has been to propose cutting the time clinicians would have for direct patient care. "Under the current collective bargaining agreement, a 40 hour per week therapist whose only job is to provide patient therapy would spend 34 hours seeing patients with 6 hours reserved for administrative tasks," said Catsavas, senior vice president of human resources at Kaiser Permanente Northern California.

"We have proposed increasing the time for administrative tasks in this example to 7.2 hours, leaving 32.8 hours to see patients. The union is demanding 9 hours for administrative work, which would leave only 31 hours to see patients." She also noted that the company hired hundreds of new mental health clinicians, including adding nearly 200 new clinicians since January 2021. She said Kaiser has adopted new ways to make its personnel more accessible, including telehealth sessions and embedding clinicians in primary care offices.

Rogers said that the time therapists spend connecting their patients to other services and writing notes from their sessions are as critical to their care as the sessions.

The union and the company have negotiated over these issues before, McAlevey and Bronfenbrenner said, but since then, California has enacted laws that hold health plans to specific benchmarks.

### **New California laws help union**

A 2020 law, for instance, requires that insurers provide the comprehensive, medically necessary care needed by individuals who have mental health and substance use disorders. Another new law that took effect last month makes clear that these individuals have a right to timely access to care, including follow-up appointments within 10 business days if a therapist recommends it.

"They're now fighting to implement a law," McAlevey said. "Now they're demanding their employer functionally, essentially, follow the law, which is different than a contract demand, where you may be attempting to make your employer do something above the law or better than the law."

Health care workers, McAlevey and Bronfenbrenner said, are mission-driven workers who rarely walk off the job over pay. When they strike, McAlevey said, what they're trying to do is to force

their employer to do what's needed to allow them to deliver the type of quality care services that will help their patients get well.

“People say, ‘Well, isn't that weird? They're walking off the job because they're demanding better staffing levels.,’” McAlevey said. “It's like, no, actually, the crisis is now so bad that they have been pushed to the brink, and the only way they believe that they can get this policy in force is actually by walking off the job.”