
[kp-ibhs] Kaiser not prepared to comply with SB221

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To: Tara Draper <tdraper@nuhw.org>

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PM

Hi Tara,

SB 221, the new law we sponsored to reduce wait times for behavioral health appointments, will go into effect on July 1 — and Kaiser clearly is unprepared to comply.

The law mandates that health insurers and HMOs, including Kaiser, provide access to return mental health and addiction medicine appointments within 10 business days, unless the treating clinician determines that a longer wait will not be detrimental to the patient's health.

Kaiser quietly fought our bill and lost. It has had eight months to prepare for its implementation since Gov. Newsom signed it last October. But we're now three weeks away from the law going into effect, and Kaiser's this week sent everyone an update email that includes no concrete steps for how it will comply.

Instead of a plan to provide better access to care, Kaiser presented half-facts about staffing, claiming to have added 170 new clinicians in 2021 while ignoring the fact that nearly 300 clinicians have left over the past year. It claims to be working to fill more than 400 openings, neglecting that many of those jobs are open because people left under the weight of crushing workloads.

Kaiser's disregard for retaining staff was laid bare by its proposal in bargaining earlier this month to reduce Indirect Patient Care time for newer clinicians and slightly increase it for more senior clinicians. Indirect Patient Care time isn't something clinicians earn through seniority, it's something clinicians need to be able to adequately care for patients, and Kaiser will never be able to comply with SB 221 if it doesn't take dramatic steps to retain workers.

SB 221 has the potential to force Kaiser to finally adequately staff its behavioral health care system so patients can get the care they're legally entitled to receive. We're working with state officials on regulations to make sure the law will have teeth and be vigorously enforced.

However, we won't get the full benefits of this law if we don't document in Kaiser charting templates when patients can't be seen as quickly as the law requires and give those patients the tools they need to file complaints. Very soon, we'll be revving up our Documentation Project with new streamlined materials and an online training course. If everyone is documenting when Kaiser is violating SB 221, Kaiser will have no choice but to comply with the law by increasing staffing and improving working conditions so patients can finally get the care they need.

In Unity,

Greg Tegenkamp
Kaiser Division Director