



November 29, 2011

Brent A. Barnhart, Director
California Department of Managed Health Care
980 9th Street, Suite 500
Sacramento, CA 95814

Re: Kaiser Foundation Health Plan, a/k/a Kaiser Permanente, a/k/a Kaiser

Dear Mr. Barnhart,

We are writing to request that the Department of Managed Health Care (DMHC) investigate Kaiser Permanente's reported violations of California's "timely access" rules as well as other laws and regulations governing its provision of mental health services to California residents.

These reported violations are described in the attached 36-page study authored by the National Union of Healthcare Workers (NUHW) and entitled "Care Delayed, Care Denied: Kaiser Permanente's Failure to Provide Timely and Appropriate Mental Health Services." The study, which contains the results of an NUHW survey of more than 300 mental health professionals practicing at 57 Kaiser facilities in Northern and Southern California, indicates that Kaiser is committing systematic and willful violations of state and federal laws intended to ensure patients' access to timely and appropriate mental health services. Kaiser's practices have an outsized impact on California's consumers as it is the state's largest HMO with more than 6.6 million enrollees, the vast majority of whom belong to health plans regulated by DMHC. On behalf of the small minority of Kaiser enrollees belonging to health plans regulated by the California Department of Insurance, we are filing a parallel request with the Insurance Commissioner today.

As you know, timely and appropriate mental health care is crucial for the well-being of California consumers. Treatment that is delayed can seriously jeopardize the mental health of a client and can accelerate the progression of a mental health condition. This can have very serious consequences not only for patients but for the well being and safety of others.

In January of 2011, the DMHC implemented new "timely access" regulations that require HMOs to provide appointments for both initial patient visits and needed follow-up care within 10 business days unless a licensed health professional has documented that a longer waiting time "will not have a detrimental impact on the health of the enrollee." Additionally, the DMHC is charged with enforcing the California Mental Health Parity Act and other rules intended to ensure consumers' access to appropriate mental health services.

We request that the DMHC employ its full statutory authority to investigate Kaiser's reported violations of California's timely access rules (California Code of Regulations, Title 28, §1300.67.2.2), the California Mental Health Parity Act (California Health and Safety Code, §1374.72 and California Insurance Code §10144.5), the California Knox-Keene Health Care Service Plan Act of 1975, geographic accessibility standards (California Code of Regulations, Title 28, §1300.67.2.1), accessibility of services (California Code of Regulations, Title 28, §1300.67.2), and any other laws and regulations governing Kaiser's provision of mental health services.

We request further that the DMHC make its findings known to the general public and that it seek appropriate relief for Kaiser plan participants if it ultimately determines that Kaiser has breached its responsibilities. We request finally that due to your many years of service as Senior Counsel for Kaiser Permanente, where your duties included assisting in compliance activities involving the DMHC, you refrain from guiding or participating in any investigation pertaining to your former employer.

We and California's consumers thank you in advance for your prompt attention to this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Sal Rosselli".

Sal Rosselli, President