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Patients File Class Action Lawsuit against Kaiser Permanente for Systemic Denial of Timely Access to Mental Health Services

October 24, 2013 – Today, the law firm of Siegel LeWitter Malkani served a class action lawsuit against Kaiser Foundation Health Plan, Inc. on behalf of three named plaintiffs and thousands of other Kaiser members who have been harmed by Kaiser's systemic denial of timely access to mental health services.

The lawsuit alleges that Kaiser routinely violates state law by refusing to provide critical mental health services to its members within the timeframe set by law. As a result, Kaiser members have been denied urgent services, forced to wait for long periods of time to receive needed services, discouraged from seeking services altogether, or compelled to incur out-of-pocket expenses for treatment outside of the Kaiser system.

Lead plaintiff Susan Futterman's husband, Fred Paroutaud, was a Kaiser member when he suffered a mental health crisis and was diagnosed with bipolar disorder. Among other acts, Kaiser refused to provide him with individual therapy and when Ms. Futterman desperately requested an urgent appointment for her husband, Kaiser told her he had to wait for his psychiatrist to return from vacation. While waiting for Kaiser to make that appointment, Mr. Paroutaud committed suicide. Ms. Futterman explains, "I believed then, as I believe now, that if my husband had received appropriate and timely care from Kaiser he might well still be alive. We asked Kaiser for that care. I pleaded with Kaiser for that care. He did not receive it."

Plaintiff Megan Mortensen requested mental health services from Kaiser to help her cope with the loss of her brother but Kaiser refused to provide her with timely therapy appointments, forcing her to seek and pay for services outside of Kaiser. Plaintiff Acianita Lucero made repeated requests for Kaiser to provide her with an urgent mental health appointment but Kaiser refused to see her within the 48 hours required by law.

This lawsuit follows a report released by the California Department of Managed Health Care in June which details serious deficiencies in Kaiser's provision of mental health services. As a result of both the seriousness of the deficiencies and the failure of Kaiser to promptly correct them, Kaiser was fined $ 4 million – the second largest fine issued by the Department – and issued a Cease and Desist Order to correct the problems.

With more than 9 million enrollees across the United States, Kaiser is the largest HMO in California, reporting more than $10.2 billion in profits since 2009.

The class action lawsuit seeks compensatory and statutory damages for class members as well as an injunction requiring Kaiser to comply with the law.

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