

Class Action lawsuit filed against Kaiser over mental health care wait times

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A lawsuit served at Kaiser Permanente's Oakland headquarters Thursday alleges that Kaiser Foundation Health Plan facilities, including Vallejo's, routinely deny its members timely access to mental health services.

Kaiser officials call the suit a ploy in ongoing contract negotiations.

The Oakland-based law firm of Siegel LeWitter Malkani that works closely with the National Union of Healthcare Workers (NUHW) — which represents Kaiser's mental health professionals and optical workers — filed the suit earlier this month on behalf of "three named plaintiffs and thousands of other Kaiser members who have been harmed" by this alleged practice, attorney Jonathan Siegel said Thursday.

The union represents some 70 members at Kaiser Permanente Vallejo Medical Center. The firm has sued Kaiser before, Siegel said.

Kaiser officials called the suit the "NUHW's latest attempt to use inaccurate claims about our mental health care services to apply pressure in their protracted labor negotiations with Kaiser Permanente."

The union's actions do "nothing to further the negotiations that should be taking place at the table," they said.

The lawsuit alleges that Kaiser routinely violates state law by refusing to provide critical mental health services to its members within the time frame 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," according to the suit.

The lead plaintiff, Point Richmond resident Susan Futterman, said her husband, Fred Paroutaud, killed himself after "desperate" requests for an urgent mental health appointment were delayed until his psychiatrist returned from vacation.

Los Angeles area plaintiff Megan Mortensen wound up seeking an urgent mental health appointment outside the system after Kaiser allegedly "refused" her request for a timely appointment after the loss of her brother. The third plaintiff, Acianita Lucero of Oakland, allegedly "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," according to the suit.

The suit follows a report from earlier this year by the California Department of Managed Health Care which suggested Kaiser needed to reduce mental health appointment wait times. Kaiser was fined \$ 4 million — the second largest fine issued by the Department — and issued a Cease and Desist Order to correct the problems, Siegel said.

Kaiser officials say the report did not fault Kaiser's mental health care quality or member's ability to obtain urgent or emergency mental health care.

"What was identified in the DMHC survey were some areas where our non-urgent appointment wait times and data tracking needed improvement," officials said. "We took the findings seriously, have submitted a corrective action plan to the DMHC, and have worked to correct the issues identified in the survey."

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

"We're suing for Kaiser to clean up there act and provide mental health services to their clients that complies with the law," he said. "And we want damage compensation for the tens of thousands of Kaiser members who have been victimized by this."

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