

# Understanding SB 221: Timely Access to Nonurgent, Nonphysician Mental Health and Substance Use Disorder Appointments

## What is SB 221 Health Care Coverage: Timely Access to Care?

Effective July 1, 2022, health plans are now required to offer a nonurgent, nonphysician mental health care or substance use disorder treatment appointment within 10 business days of the prior appointment, unless the treating provider determines – with appropriate supporting documentation – that a longer interval is appropriate and won't negatively impact the patient's health.

*Kaiser Permanente supports the intent behind SB 221. The new law aligns with Kaiser Permanente's long-standing commitment to provide timely, high-quality mental health care and substance use disorder treatment to our members.*

## What has Kaiser Permanente done to meet these new requirements?

*We worked diligently to meet the requirements of the new law and integrate these new requirements into our model of mental health care and substance use disorder treatment.*

The implementation of SB 221 is challenging for all health plans given the overall demand for mental health care and substance use disorder services and the shortage of trained professionals both nationally and in California. At Kaiser Permanente, we continue to actively recruit more health care professionals and invest in training and education to expand the number of mental health and substance use disorder professionals, while providing industry-leading wages and benefits, professional opportunities, and a supportive work environment.

- We have **invested \$30 million to expand the pipeline for new, culturally diverse mental health clinicians** across California. This includes offering eligible Kaiser Permanente employees the opportunity to pursue masters and doctorate degrees in mental health fields through our own and affiliated degree programs, with a focus on increasing diversity and representation in the mental health workforce.
- We **added 170 new behavioral health providers** in 2021, amid the pandemic.
- We continue to **expand our mental health care services** to provide our members with a broad range of treatment solutions within our integrated system and increase access to timely care, including:
  - **Embedding mental health and substance use disorder providers in primary care**, where up to 60% of treatment for mental health and substance use disorders occurs across the country, and in emergency care settings
  - **Emphasizing preventive care**, recovery and social support
  - **Increasing the number of providers** through recruitment and retention
  - **Expanding virtual care capabilities**, inpatient services and intensive outpatient programs
  - **Deploying an array of evidence-based digital tools** and telehealth services to expand options for members
- We have **updated appointment scheduling procedures** by providing a streamlined mechanism to confirm members are offered a return appointment within 10 business days, and to document instances where a member declines an offered appointment or where a provider feels it is clinically appropriate for the member to be seen on a different interval.
- We **meet regularly with the California Department of Managed Health Care** to ensure we understand the evolving requirements of SB 221, especially regarding documentation and reporting.

*With more than 4,000 psychiatrists and therapists on staff, Kaiser Permanente is one of the largest mental health care providers and employers in California, with a 5-star rating for behavioral and mental health care – the highest in the state – according to the California Office of the Patient Advocate's 2021 report card.*

## Is it permissible to schedule a follow-up appointment outside the 10-day standard?

Follow-up appointments may be scheduled outside the 10-day standard to accommodate either a provider's clinical judgment or patient preference. In each instance, the decision should be fully documented in the patient's record along with a statement that the later appointment will not have a detrimental impact on the health of the member.