

Congress of the United States
Washington, DC 20515

March 1, 2021

Mr. Amir Dan Rubin
Chair, Chief Executive Officer, and President
One Medical
One Embarcadero Center
Suite 1900
San Francisco, CA 94111

Dear Mr. Rubin:

Prioritizing the vaccination of Americans who are at higher risk from the coronavirus is critical to saving lives and controlling the pandemic as vaccine manufacturing and distribution ramp up. Yet reports indicate that One Medical has repeatedly and intentionally disregarded vaccine eligibility requirements in multiple cities and states over the past two months—diverting vital vaccine doses away from vulnerable populations to benefit wealthy concierge clients and friends and family members of your company’s executives who are not eligible under state and local guidelines. Despite being warned that the company’s lax oversight of vaccine eligibility rules was allowing ineligible patients to jump the line, One Medical has reportedly failed to promptly implement an effective protocol to verify eligibility and instructed staff not to police eligibility. As a result of these irresponsible practices, numerous authorities have now halted distributions of vaccine doses to the company. I write today to seek documents and information on One Medical’s vaccination practices and to urge you to comply with state and local prioritization guidelines.

During the coronavirus vaccine rollout, One Medical—a membership-based medical practice that provides primary care services to more than 500,000 members in ten states and the District of Columbia¹—has been allocated thousands of doses by several jurisdictions to support community vaccination efforts.² Due to limited supplies, the Centers for Disease Control and Prevention has recommended the prioritization of vaccinations for certain populations facing

¹ One Medical, *About Us* (online at www.onemedical.com/about-us/) (last accessed Mar. 1, 2021); One Medical, *Locations* (online at www.onemedical.com/locations/) (last accessed Mar. 1, 2021); *San Francisco Cuts Off COVID Vaccine Doses to One Medical for Vaccinating Ineligible Patients: Report*, MarketWatch (Feb. 24, 2021) (online at www.marketwatch.com/story/san-francisco-cuts-off-covid-vaccine-doses-to-one-medical-for-vaccinating-ineligible-patients-report-11614226159).

² One Medical, *Updates on COVID-19 Vaccination Efforts in Your Area* (Feb. 20, 2021) (online at www.onemedical.com/blog/live-well/updates-covid-19-vaccinations-efforts-your-area); *One Medical Let People Jump the Line for Covid-19 Vaccines*, Forbes (Feb. 3 2021) (online at www.forbes.com/sites/leahrosenbaum/2021/02/03/one-medical-let-people-jump-the-line-for-covid-19-vaccines); *High-End Medical Provider Let Ineligible People Skip COVID-19 Vaccine Line*, National Public Radio (Feb. 24, 2021) (online at www.npr.org/2021/02/24/970176532/high-end-medical-provider-let-ineligible-people-skip-covid-19-vaccine-line).

increased risk of exposure to and severe complications from the virus. State and local authorities have required providers, including One Medical, to prioritize vaccinations for such high-risk groups. While precise prioritization guidelines have varied by state and locality, prioritized groups have included healthcare workers, long-term care facility staff and residents, senior citizens, and frontline essential workers.³

Medical providers around the country have designed protocols to verify eligibility under state and local vaccination prioritization guidelines. These protocols ensure that the highest risk groups have rapid access to vaccines and that vital doses are not diverted to lower-risk individuals who attempt to skip the line. Many providers have been able to successfully verify eligibility without sacrificing the important goals of accelerating the pace of vaccinations, avoiding unnecessary barriers to vaccines, and ensuring that vaccine doses are not wasted.

According to media reports, One Medical locations in multiple states have flagrantly disregarded prioritization guidelines in several ways. One Medical reportedly prioritized appointments for friends and family of the company's leadership, an executive at a partner organization, and work-from-home staff at the company's headquarters—none of whom were eligible under state and local guidelines. One Medical has also reportedly allowed some of the company's ineligible concierge patients to skip the line and get vaccinated. Prior to January 14, 2021, the company failed to require patients to answer a question about eligibility when registering for vaccination appointments. Since then, the company reportedly has not enforced requirements to provide proof of eligibility and has even allowed some patients who stated they were not in an eligible category to still book vaccination appointments.⁴

Public reporting raises questions about the reason for these practices, which apparently continued despite repeated warnings from company employees. In San Francisco, one media report indicated that people paid One Medical's \$199 membership fee in order to take advantage of the company's vaccination appointment system.⁵ In Washington, D.C., some individuals who made vaccination appointments with One Medical through the District of Columbia Department of Health believed they were required to pay the membership fee in order to be vaccinated.⁶ These reports raise concerns that the company may be exploiting the federally funded vaccine

³ See Centers for Disease Control and Prevention, *COVID-19: Vaccine Rollout Recommendations* (Feb. 19, 2021) (online at www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations.html); see also Kaiser Family Foundation, *State COVID-19 Vaccine Priority Populations* (Feb. 22, 2021) (online at www.kff.org/other/state-indicator/state-covid-19-vaccine-priority-populations/).

⁴ *High-End Medical Provider Let Ineligible People Skip COVID-19 Vaccine Line*, National Public Radio (Feb. 24, 2021) (online at www.npr.org/2021/02/24/970176532/high-end-medical-provider-let-ineligible-people-skip-covid-19-vaccine-line); *One Medical Let People Jump the Line for Covid-19 Vaccines*, Forbes (Feb. 3, 2021) (online at www.forbes.com/sites/leahrosenbaum/2021/02/03/one-medical-let-people-jump-the-line-for-covid-19-vaccines).

⁵ *SF Penalizes One Medical for Vaccinating Ineligible Patients*, NBC Bay Area (Feb. 24, 2021) (online at www.nbcbayarea.com/investigations/sf-penalizes-one-medical-for-vaccinating-ineligible-patients/).

⁶ *"It's Making Me Register for One Medical? Does This Seem Right?"*, Popville (Feb. 26, 2021) (online at www.popville.com/2021/02/dc-register-vaccine-one-medical/).

rollout to increase membership rates and generate fees, regardless of whether prospective fee-paying members are actually eligible for vaccination.

National Public Radio recently released excerpts from internal emails between One Medical staff expressing concern about lax oversight and inappropriate vaccination scheduling practices within the company. For instance, a medical professional noted that One Medical was scheduling vaccination appointments for healthy, young customers ahead of healthcare workers, writing: “Why are young patients without health problems, on a trial membership ... allowed to book and receive a covid vaccine while healthcare workers are being waitlisted? I just saw two appointments for such.” A medical provider at a California facility warned colleagues about One Medical’s repeated failure to screen for vaccine eligibility, stating:

I’ve had a few patients straight up tell me that once they realized there was no screening that they would be telling their friends ... My partner and I were shocked when we got ours through One Med ... that at no point were we asked if we met criteria—let alone asked to prove it.⁷

Another California doctor explained the potentially dire consequences of One Medical’s failure to screen for eligibility, writing: “It seems if you don’t screen out those jumping the [queue], then many will jump in the line and push those that need the vaccine further behind, delaying a potentially life saving injection. This could impact MANY members.”⁸

Although many jurisdictions require medical providers to confirm vaccine eligibility, One Medical employees reportedly were instructed by management not to enforce vaccination prioritization rules. One Medical’s Director of Clinical Education Spencer Blackman wrote to staff, “We are not policing” vaccine eligibility and noted, “Scanning schedules and cancelling appointments [for ineligible patients] is not recommended.” He wrote in a separate message to a doctor, “If this person sees themselves in a tier that is being vaccinated they can attest to that and make an appointment. You don’t get to make the decision if someone ‘gets’ [a] vaccine or not.”⁹

Although One Medical has denied that the company “broadly and knowingly disregard[ed] eligibility guidelines,” the company has reportedly terminated several members of their clinical staff for their “intentional disregard” of applicable eligibility requirements.¹⁰

Following complaints that ineligible patients were receiving coronavirus vaccinations at One Medical facilities, the Washington State Department of Health, the San Francisco

⁷ *High-End Medical Provider Let Ineligible People Skip COVID-19 Vaccine Line*, National Public Radio (Feb. 24, 2021) (online at www.npr.org/2021/02/24/970176532/high-end-medical-provider-let-ineligible-people-skip-covid-19-vaccine-line).

⁸ *Id.*

⁹ *Id.*

¹⁰ Kate Larsen (@KateABC7), Twitter (Feb. 25, 2021) (online at www.twitter.com/KateABC7/status/1364829075445977088); *One Medical Loses Vaccine Partnerships with 5 Bay Area Counties After Complaints Allege Ineligible Patients ‘Jumped the Line’*, ABC 7 (Feb. 26, 2021) (online at www.abc7news.com/society/5-bay-area-counties-cut-off-vaccine-supply-to-one-medical/10371640/).

Department of Public Health, and other regulators have halted distributions of vaccine doses to the company. The Los Angeles County Department of Public Health and other jurisdictions also have issued warnings to One Medical, reinforcing the need to adhere to vaccine prioritization guidelines and verify vaccine eligibility or else the company will not receive additional distributions.¹¹

As we work together to vaccinate all Americans, it is critical that the populations most at risk from the virus are able to get vaccinated efficiently and equitably. Everyone deserves to be vaccinated, and eligibility verification mechanisms must not create an unnecessary barrier that prevents eligible individuals from getting vaccinated. Nevertheless, I am deeply concerned that medical providers' refusal to adhere to vaccination prioritization guidelines and intentional diversion of doses to individuals in lower priority groups may cost more American lives and delay or even derail containment of the virus across the country.

For all of these reasons, please produce the following documents and information to the Select Subcommittee by March 15, 2021, covering the period from December 1, 2020, to the present:

1. A list of all facilities owned by, operated by, or affiliated with the company, or any of the company's subsidiaries or affiliates, that have administered or are currently administering coronavirus vaccinations in the United States, including the name and address of each facility.
2. For each facility described in response to Request 1:
 - a. The total number of coronavirus vaccinations administered by the facility;
 - b. Demographic breakdowns of the vaccinated population (including age, sex, race and ethnicity, and applicable vaccine priority groups); and
 - c. The dates on which coronavirus vaccinations were administered.
3. All documents and communications relating to compliance with state and local vaccination prioritization guidelines, including but not limited to:
 - a. Policies, protocols, procedures, training materials, and any other formal or informal guidance or instructions relating to scheduling coronavirus vaccination appointments and screening patients for eligibility under vaccination prioritization guidelines; and

¹¹ *Id.*; *SF Penalizes One Medical for Vaccinating Ineligible Patients*, NBC Bay Area (Feb. 24, 2021) (online at www.nbcbayarea.com/investigations/sf-penalizes-one-medical-for-vaccinating-ineligible-patients/); *San Francisco Cuts Off COVID Vaccine Doses to One Medical for Vaccinating Ineligible Patients: Report*, MarketWatch (Feb. 24, 2021) (online at www.marketwatch.com/story/san-francisco-cuts-off-covid-vaccine-doses-to-one-medical-for-vaccinating-ineligible-patients-report-11614226159).

- b. Formal or informal complaints regarding adherence to vaccination prioritization guidelines or oversight of coronavirus vaccination appointment scheduling and patient screening to ensure eligibility.
4. All documents and communications relating to vaccination appointments provided to the company’s executives or their family, friends, or other personal associates; executives at the company’s partner organizations; company staff working from home; or concierge clients who are otherwise ineligible for a vaccine.
5. All documents and communications relating to the generation of memberships or fees in connection with the administration of coronavirus vaccinations.
6. All documents and communications regarding any warning or decision by a government entity to cease distribution of coronavirus vaccine doses to the company or to any facility described in response to Request 1 due to failure to adhere to state and local vaccination prioritization guidelines, improper prioritization of coronavirus vaccination appointments, or any other reason.
7. A detailed description of any adverse employment action taken or considered against any employee, officer, director, or contractor relating to compliance with state and local vaccination prioritization guidelines or vaccination appointments provided to the company’s executives or their family, friends, or other personal associates; executives at the company’s partner organizations; company staff working from home; or concierge clients who are otherwise ineligible for a vaccine.
8. A detailed description of the steps the company plans to take going forward to screen patients for eligibility under vaccination prioritization guidelines.

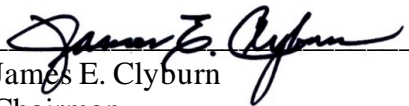
These requests are consistent with the House’s authorization of the Select Subcommittee on the Coronavirus Crisis “to conduct a full and complete investigation” of “issues related to the coronavirus crisis,” including “reports of waste, fraud, abuse, price gouging, profiteering, or other abusive practices related to the coronavirus crisis,” the “preparedness for and response to the coronavirus crisis,” and “any other issues related to the coronavirus crisis.”¹²

An attachment to this letter provides additional instructions for responding to the Select Subcommittee’s request. If you have any questions regarding this request, please contact Select Subcommittee staff at (202) 225-4400.

¹² H.R. 8, sec. 4(f), 117th Cong. (2021); H.R. 935, 116th Cong. (2020).

Mr. Amir Dan Rubin
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Sincerely,


James E. Clyburn
Chairman
Select Subcommittee on the Coronavirus Crisis

Enclosure

cc: The Honorable Steve Scalise, Ranking Member
Select Subcommittee on the Coronavirus Crisis