

Congress of the United States
House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

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MEMORANDUM

December 21, 2021

To: Members of the Select Subcommittee on the Coronavirus Crisis

Fr: Majority Staff

Re: Investigation of One Medical’s Administration of Coronavirus Vaccines

This memorandum describes evidence obtained by the Select Subcommittee on the Coronavirus Crisis in its investigation into One Medical’s administration of coronavirus vaccinations beginning in December 2020. The Select Subcommittee launched this investigation in March 2021 after public reporting indicated that One Medical flouted vaccination prioritization guidelines and diverted vaccine doses away from vulnerable populations to benefit concierge clients and friends and family members of the company’s executives.¹ New documents reveal:

- **One Medical took advantage of its access to scarce coronavirus vaccines to promote the company’s business interests and push vaccine seekers toward paying for One Medical memberships.** Emails and internal chat messages show that One Medical sought to use the public health emergency and the administration of free coronavirus vaccinations to pad the company’s bottom line by increasing memberships for its concierge medical services. In one internal chat message, a senior One Medical executive said, “**maybe i’m being too opportunistic, but we should be really focused on how to capitalize on this visibility ... how can we take advantage of the vaccine [sic] interest to conver [sic] to our other company objectives.**” In that conversation, another senior executive suggested that “**the only way people can get a vaccine is if they are a member....so we need to make it easy to sign up....and cheap possibly.**” One Medical made it easy to sign up for a vaccination by becoming a paying member and difficult to sign up for free, even as it subsequently succeeded in convincing at least 399 individuals who initially signed up for free to become paying members.

¹ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Amir Dan Rubin, Chair, Chief Executive Officer, and President, One Medical (Mar. 1, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-03-01.Clyburn%20to%20Rubin%20re%20One%20Medical.pdf>).

- **One Medical and its employees prioritized vaccinations for friends, family, and non-patient-facing employees, including remote staff.** One Medical enabled a flood of patients, some of whom were ineligible, to get early access to vaccinations. One executive instructed staff: “[W]e don’t want to put into writing our **distribution philosophy in the event it went viral but we need to thread that needle.**” Despite repeated complaints, internal messages show that One Medical’s leadership was slow to act and inconsistent in upholding vaccine eligibility guidelines. One employee wrote about the company’s policy: “[W]e **turn nobody away. We aren’t gate keeping.**” Even so, One Medical helped VIPs, enterprise clients, and other business contacts as well as family members of One Medical’s Chief Executive Officer and President, Amir Dan Rubin, get through the vaccination gate ahead of others.
- **One Medical’s failure to administer coronavirus vaccines equitably reflects broader struggles to reach vulnerable communities that plagued the early vaccine rollout.** One Medical employees raised concerns about the company’s failure to ensure that vaccine doses were distributed equitably. One employee reported: “I’ve given a lot of vaccines, very few POC, and no black people. **That really hit me on Friday and it didn’t feel good.**” Officials in Berkeley, California expressed concern to One Medical that vulnerable community members designated by the city to receive vaccinations at One Medical were not able to actually schedule their appointments, writing, “**I thought we were clear ... all doses sent to OM were to be reserved for people identified by the City of Berkeley. ... Given what has transpired I do not have confidence that is happening[.]**” One Medical’s willful disregard of proper vaccination prioritization contributed to a delay in vaccination of members of vulnerable communities—leaving them at heightened risk from the coronavirus in the early months of 2021 while vaccines remained in short supply.

I. BACKGROUND

One Medical is a concierge primary care practice that provides medical services at over 100 locations across 16 major U.S. markets.² The company operates on a membership model in which members pay an annual fee for access to the One Medical platform in addition to any fees for service charged for appointments, laboratory services, or other medical services. One Medical members include “consumer” members who register and pay for membership individually and “enterprise” members whose membership is sponsored by an employer or other third party. One Medical currently charges \$199 for annual individual memberships. As of December 31, 2020, nearly 60% of One Medical members received their membership through their employers, including companies such as Google, Airbnb, and Nasdaq.³

² One Medical, *About Us* (online at www.onemedical.com/about-us/) (accessed Dec. 19, 2021); One Medical, *Locations* (online at www.onemedical.com/locations/) (accessed Dec. 19, 2021).

³ Letter from Counsel for One Medical to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Mar. 15, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.03.15%20Letter%20to%20Chairma>

One Medical touts the growth of its membership base as a “key metric” for assessing the company’s performance, noting that “growth in the number of members is an important indicator of expected revenue growth.”⁴ In each of the quarterly investor reports issued since the company’s initial public offering in January 2020, One Medical has highlighted increases in membership and, in turn, the resulting increases in net revenue.⁵ For instance, One Medical touted the 40% year-over-year growth in its membership in a recent press release announcing its results for the third quarter of 2021, highlighting as the first of its “financial highlights” that “Total membership count as of quarter-end was 715,000 compared to 511,000, a 40% increase.”⁶ During a May 12, 2021 earnings conference call, One Medical’s CEO and President Amir Dan Rubin similarly extolled the company’s record increase in membership over the first quarter of 2021, stating:

[W]e ended Q1 with 598,000 members, growing our membership base 31% year-over-year. Q1 was our strongest quarter ever of net new membership addition as we added 49,000 members during the quarter and as we have added more than 140,000 members over the past 12 months.⁷

Starting in November 2020, One Medical engaged in discussions with state and local public health departments regarding the allocation of coronavirus vaccine doses in some of the areas in which the company provides medical services.⁸ The company entered into standard vaccination provider agreements with numerous jurisdictions, some of which expressly required adherence to allocation and eligibility guidelines. For instance, One Medical’s Chief Medical Officer Andrew Diamond signed a COVID-19 Vaccine Distribution Agreement with San Mateo County, California on January 19, 2021, which provided:

As an express condition of receiving a direct or indirect allocation or distribution of COVID-19 vaccines from the County, Recipient hereby agrees that it shall ...
(f) Ensure Recipient only vaccinates persons currently eligible to be vaccinated at

n%20Clyburn_Redacted.pdf); One Medical, *Business* (online at www.onemedical.com/business/) (accessed Dec. 19, 2021).

⁴ One Medical, *Press Release: One Medical Announces Results for Third Quarter 2021* (Nov. 3, 2021) (online at <https://investor.onemedical.com/node/8351/pdf>).

⁵ See, e.g., *id.*; One Medical, *Press Release: One Medical Announces Results for Second Quarter 2021* (Aug. 4, 2021) (online at <https://investor.onemedical.com/node/8056/pdf>); One Medical, *Press Release: One Medical Announces Results for Fourth Quarter and Full Year 2020* (Feb. 25, 2021) (online at <https://investor.onemedical.com/node/7506/pdf>).

⁶ One Medical, *Press Release: One Medical Announces Results for Third Quarter 2021* (Nov. 3, 2021) (online at <https://investor.onemedical.com/node/8351/pdf>).

⁷ The Motley Fool, *1life Healthcare Inc (ONEM) Q1 2021 Earnings Call Transcript* (May 13, 2021) (online at www.fool.com/earnings/call-transcripts/2021/05/13/1life-healthcare-inc-onem-q1-2021-earnings-call-tr/).

⁸ Letter from Counsel for One Medical to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Mar. 15, 2021) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.03.15%20Letter%20to%20Chairman%20Clyburn_Redacted.pdf); *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).

the time the vaccine is administered, as determined by the County in its implementation of direction from CDPH [California Department of Public Health] and the CDC [Centers for Disease Control and Prevention] or otherwise consistent with County guidance on vaccine administration among eligible tiers.⁹

In the early months of the coronavirus vaccine rollout, One Medical was allocated thousands of doses of coronavirus vaccines to administer to members of the public in numerous cities and counties across the country. Due to limited supplies of coronavirus vaccines in late 2020 and early 2021, CDC and local public health departments recommended prioritizing vaccinations for certain high-risk populations. While specific guidelines varied by state and locality, priority groups generally included senior citizens, long-term care facility residents and staff, health care workers, and other essential workers.¹⁰

In February 2021, reports emerged that One Medical had repeatedly disregarded vaccine eligibility requirements across multiple jurisdictions.¹¹ On March 1, 2021, the Select Subcommittee launched an investigation into One Medical's vaccine distribution practices.¹²

⁹ COVID-19 Vaccine Distribution Agreement Between the County of San Mateo and One Medical Group, Inc. (Jan. 19, 2021) (OM-SSCC-0000053 – 56) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.19%20OM-SSCC-0000053_Redacted.pdf); *see also* Addendum A to the Memorandum of Understanding Regarding COVID-19 Vaccine Administration between the New York State Department of Health and One Medical (Jan. 11, 2021) (OM-SSCC-0000106 – 07) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.11%20OM-SSCC-0000106-7_Redacted.pdf) (“Authorized Vaccine Provider agrees to adhere to all New York State and DOH guidelines concerning the allocation, eligibility criteria and administration of the COVID-19 vaccine. Authorized Vaccine Provider shall only administer COVID-19 vaccine to individuals who meet the eligibility guidelines established by New York State and DOH, which as of January 9, 2021 includes only members delineated as meeting NYS Phase 1A and NYS Phase 1B ... and shall take all steps necessary to ensure that no COVID-19 vaccine is misallocated or administered to individuals outside of such eligibility guidelines. ...”).

¹⁰ *See* Centers for Disease Control and Prevention, *COVID-19: Vaccine Rollout Recommendations* (online at www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations.html) (accessed Dec. 19, 2021); *see also* Kaiser Family Foundation, *State COVID-19 Vaccine Priority Populations* (online at www.kff.org/other/state-indicator/state-covid-19-vaccine-priority-populations/) (accessed Dec. 19, 2021).

¹¹ *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).

¹² Select Subcommittee on the Coronavirus Crisis, *Press Release: Select Subcommittee Launches Investigation into One Medical's Flouting of Vaccine Prioritization Guidelines* (Mar. 2, 2021) (online at <https://coronavirus.house.gov/news/press-releases/select-subcommittee-launches-investigation-one-medical-s-flouting-vaccine>).

II. ONE MEDICAL EXPLOITED ITS ACCESS TO SCARCE CORONAVIRUS VACCINES TO PROMOTE ITS BUSINESS INTERESTS AND GROW ITS MEMBERSHIP BASE

a. One Medical Executives Explicitly Sought to Steer Individuals Seeking Free Vaccines Toward Paid Memberships

Internal documents show that One Medical’s executive leadership sought to use the company’s administration of coronavirus vaccinations as a tool to increase memberships for its concierge medical services and thereby increase the company’s revenue. On December 9, 2020—just two days before the first coronavirus vaccine was authorized in the United States—a senior One Medical executive overseeing product management and the company’s Chief Strategy Officer Jenni Vargas communicated via an internal chat platform about ways to capitalize on the new customer base seeking vaccines. The product management executive stated: “[W]e need to start tinkering [sic] about how we convert people to primary care when they come for vaccines. [I]t’s so much work to get vaccines moving that it could be easy to forget layering in conversion[.]”¹³

In response, Ms. Vargas proposed that “the only way people can get a vaccine is if they are a member so we need to make it easy to sign up ... and cheap possibly.” The product management executive replied, “the issue is that how do you get them to then book a revenue appt and not just cancel at the end” and noted that vaccinations presented a “great opportunity”:

[C]ovid emails were the most successful emails we’ve ever had[.] [W]e know vaccines will be ... so why not send something about vaccine info that says “you can’t get a vaccine [sic] yet, but while you are waiting we strongly recommend booking your first Live Well Appointment” ... [M]aybe i’m being too opportunistic, but we should be really focused on how to capitalize on this visibility ... how can we take advantage of the vaccine [sic] interest to convert [sic] to our other company objectives[.]¹⁴

While One Medical offered free trial memberships for coronavirus vaccination appointments, the company’s marketing and public relations team discussed limiting access to the required promotion codes. In internal messages on January 12, 2021, a member of One Medical’s communications staff discussed with Chief Marketing Officer Doug Sweeny how to frame the company’s public messaging regarding free access to vaccines—making clear that the intent was to limit access to free trial membership codes to help drive growth in paid memberships. The staff member explained:

¹³ Internal chat messages between One Medical senior executive and Jenni Vargas, Chief Strategy Officer, One Medical (Dec. 9, 2020) (OM-SSCC-0026778 – 80) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.12.09%20OM-SSCC-0026778_Redacted.pdf).

¹⁴ *Id.*

I'm getting conflicting guidance on how (or if) we mention providing free access to the general public for those who meet vaccine criteria. ... [I] know we need to keep those codes on the down low.....and i don't want to unnecessarily create more attention/more people looking for them[.]¹⁵

The staff member stated that she would try to “strike a balance” in a draft press release, noting that she “def do[es] not want to unnecessarily draw attention to promo codes that aren't gated by CC [credit card]” because that would be “terrible for true member acquisition.” She added, “I will see if i can toe the line on language int [sic] he [sic] release to not get us too far down the ‘open to the general public’ path.”¹⁶

In another internal chat message on January 20, 2021, Dr. Diamond wrote to the same communications staff member that someone had tweeted at him asking about “registering their elderly patients to get vaccinated. They want to know if there's a way to bypass the \$200 reg [registration].” He asked for advice on how to respond, stating: “But the question is, should I ask them to DM [direct message] me on Twitter, or should I post it for everyone to see?” The staff member replied, saying “do not post for everyone” and “the goal is to really limit the use of that link.”¹⁷

b. One Medical's Sign-up Process Caused Some Users to Pay for Unwanted Memberships or Forgo the Opportunity to Get Vaccinated

Intending to maximize revenue rather than free vaccinations, One Medical maintained a confusing sign-up process for vaccination appointments that prompted multiple complaints from consumers and local public health departments across the country in January and February 2021. On February 10, 2021, a One Medical employee reported to Dr. Diamond that the company “received a high volume of questions and complaints” on social media from teachers and childcare providers in Washington, D.C. who were “confused about how to book appointments.”¹⁸ For example, one user expressed frustration in a message to One Medical that they could not sign up for a vaccination appointment without signing up for a paid membership:

¹⁵ Internal chat messages between Doug Sweeny, Chief Marketing Officer, One Medical, and One Medical communications employee (Jan. 12, 2021) (OM-SSCC-0035691 – 93) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.12%20OM-SSCC-0035691-0035693_Redacted.pdf).

¹⁶ *Id.*

¹⁷ Internal chat messages between Andrew Diamond, Chief Medical Officer, One Medical, and One Medical communications employee (Jan. 20, 2021) (OM-SSCC-0029521 – 22) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.20%20OM-SSCC-0029521_Redacted.pdf).

¹⁸ Email from Andrew Diamond, Chief Medical Officer, One Medical, to One Medical employee (Feb. 10, 2021) (OM-SSCC-0004972 – 82) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.02.10%20OM-SSCC-0004972%20%200004982_Redacted.pdf) (noting that one individual stated: “I'm a DC charter school employee. How can I schedule an appointment for the vaccine without paying the @onemedical \$200 membership? Communication regarding the vaccine has been egregious”).

I am an organizer in Washington DC helping Spanish speaking child care providers sign up for vaccine slots. When we try to sign up, the portal doesn't allow us to complete the registration unless we pay the \$199 fee. Is there a way to bypass this? They weren't able to make the last round because of this issue and will be unable to again on Monday unless clearer instructions are given. We don't even know what time these slots will be released so we can't even be ready when those come up.¹⁹

Another individual stated, "These ppl are asking one of the lowest paid professions in DC and across the country to pay \$199 to sign up for a free vaccine. I'll pass."²⁰

The confusion caused by One Medical's website led some seeking a free vaccine to pay One Medical \$199 for a membership.²¹ A Los Angeles vaccine seeker demanded his mother's account be canceled in a January 21, 2021, email:

It appears I mistakenly signed my mother up for this about 30min ago – I'm just trying to get her the COVID vaccine and I was referred to this website from the LAC DPH [Los Angeles County Department of Public Health] website to get a COVID vaccine – I DO NOT want to sign her up for One Medical (as it is not clear from the website what it even is) – I'm requesting that my mother's sign-up/account is immediately cancelled, as it was created in error – the website is very confusing and not upfront as to what it is. We are just looking to get her the COVID vaccine and NOTHING MORE!²²

Another user expressed a similar sentiment on social media, stating:

I was tricked into a membership with the company when I was trying to get my appointment fir [sic] my second dose of my COVID vaccine. They had an offer that indicated that the fee would be waived as I was referred through the health department. Then that same day they charged me \$199 for a membership that I don't need. ... I believe they are taking advantage of the COVID crisis to increase their membership and deceiving people into their program.²³

¹⁹ *Id.*

²⁰ *Id.*

²¹ *See, e.g.*, Internal chat messages between One Medical employees (Jan. 21, 2021) (OM-SSCC-0008094 – 111) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.21%20OM-SSCC-0008094_Redacted.pdf); Email to Feedback@onemedical.com (Jan. 23, 2021) (OM-SSCC-0007677) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.23%20OM-SSCC-0007677.pdf>).

²² Email to Feedback@onemedical.com (Jan. 21, 2021) (OM-SSCC-0007687) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.21%20OM-SSCC-0007687.pdf>).

²³ Email from Andrew Diamond, Chief Medical Officer, One Medical, to Social Media Associate, One Medical (Feb. 10, 2021) (OM-SSCC-0004972 – 82) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.02.10%20OM-SSCC-0004972%20%200004982_Redacted.pdf).

Starting in early January 2021, officials from multiple public health departments contacted One Medical following reports that consumers were being asked to provide credit card information at the time of sign-up for vaccination appointments. On January 8, 2021, the San Francisco Department of Public Health (SFDPH) wrote to One Medical to report that the company’s website was “asking for credit card info” after a medical practitioner complained that she was unable to register for a vaccination appointment without inputting payment information.²⁴ Similarly, on January 11, the webmaster from the Los Angeles County Department of Public Health (LADPH) attempted a test registration but was unable to do so without providing credit card information. The following day, LADPH officials sent an email to One Medical, stating:

It sounds like it’s really easy to get dead ended into having to provide CC [credit card] info. For instance, each and every single link on your website that leads to COVID Vaccine now takes me right back to the CC Info screen. Basically, providing you my CC info [is] now the only thing I can ever do on your website. This is problematic and only serves as a barrier to what we are collectively trying to achieve.²⁵

Although One Medical acknowledged public health departments’ concerns and suggested that the company intended to look into these issues,²⁶ significant confusion persisted among individuals seeking to sign up for free vaccination appointments at One Medical locations during this period. In late February 2021, an official from the Washington State Department of Health (WADOH) sent an email to One Medical, stating that “the Department has decided that in the context of vaccine access, any type of subscription requirement (trial or otherwise) in [sic] not consistent with creating equitable access to the COVID vaccine.”²⁷ The WADOH stated that “[i]n order to continue receiving vaccine” under the program, One Medical was required to “Remove all phrasing around membership related to COVID-19 vaccine appointments on your

²⁴ See Email from Deputy Director Emergency Preparedness & Response, San Francisco Department of Public Health, to Strategy Director, One Medical, et al. (Jan. 8, 2021) (OM-SSCC-0000824 – 30) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.08%20OM-SSCC-0000824%20-%200000830_Redacted.pdf).

²⁵ Email from County of Los Angeles Department of Health to District Operations Manager, One Medical, et al. (Jan. 12, 2021) (OM-SSCC-0003930 – 32) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.12%20OM-SSCC-0003930%20-%2000003932_Redacted.pdf).

²⁶ See, e.g., Email from Deputy Director Emergency Preparedness & Response, San Francisco Department of Public Health, to Strategy Director, One Medical, et al. (Jan. 8, 2021) (OM-SSCC-0000824 – 30) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.08%20OM-SSCC-0000824%20-%200000830_Redacted.pdf).

²⁷ Email from Strategy Director, One Medical, to COVID-19 Vaccine Accountability Supervisor, Washington State Department of Health, et al. (Feb. 23, 2021) (OM-SSCC-0002693 – 96) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.02.23%20OM-SSCC-0002693%20-%200002696_Redacted.pdf).

website,” “Make it more clear on your website what link is the right link,” and “Make it more clear on your website ... that a person’s cc [credit card] info will not be collected.”²⁸

New evidence obtained by the Select Subcommittee demonstrates that despite this high volume of complaints, One Medical executives were pleased with their revenue-maximizing results. One internal communication indicates that numerous individuals may have signed up for paid One Medical memberships in the hope of obtaining early access to coronavirus vaccines. On January 27, 2021, a One Medical finance employee reported to Chief Financial Officer Bjorn Thaler: “[W]e are seeing a huge influx of standard paying consumer members, but that might only be signing up to get the vaccine. We’re investing [sic] as we speak.”²⁹ Moreover, even as the company sought to minimize the use of free trials, at least 399 free trial customers subsequently became paying members by June 14, 2021.³⁰ The membership fees from these individuals alone would have generated nearly \$80,000 in annual revenue for the company, even before these individuals or their insurance carriers paid for One Medical services.

III. ONE MEDICAL AND ITS STAFF ENABLED INDIVIDUALS—INCLUDING NON-PATIENT-FACING EMPLOYEES, FRIENDS, AND FAMILY—TO GAIN EARLY ACCESS TO VACCINES, WHILE ALSO PRIORITIZING VIPS AT ENTERPRISE CLIENTS

Internal documents obtained by the Select Subcommittee reveal that One Medical enabled a flood of patients, some of whom were ineligible, to get early access to vaccinations. The company prioritized scarce coronavirus vaccines for non-patient-facing employees, friends and family members, and enterprise clients—putting the company’s interests ahead of public health priorities and resulting in well-connected patients and employees receiving priority access to coronavirus vaccines at a time when they were in short supply. New documents show that the company was aware of these problems, but that One Medical’s leadership was slow to act and inconsistent in upholding vaccine eligibility guidelines.

²⁸ *Id.*; *see also* Email from Strategy Director, One Medical, to Andrew Diamond, Chief Medical Officer, One Medical, et al. (Feb. 20, 2021) (OM-SSCC-0008447 – 53) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.02.20%20OM-SSCC-0008447_Redacted.pdf) (noting that “The vaccine is to be distributed in fair and equitable manner. This does NOT include behaviors such as ... Holding back doses for privileged groups, such as donors, members (requiring credit card information), or employees”) (emphasis omitted).

²⁹ Email from Finance Employee, One Medical, to Bjorn Thaler, Chief Financial Officer, One Medical, et al. (Jan. 27, 2021) (OM-SSCC-0035988) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.27%20OM-SSCC-0035988_Redacted.pdf).

³⁰ Letter from Counsel for One Medical to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (July 2, 2021) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.07.02%20Letter%20to%20Chairman%20Clyburn_Redacted.pdf).

a. One Medical Provided Early Vaccines to Non-Patient-Facing Employees Despite Internal Concerns—and Instructed Employees Not to Discuss the Plan in Emails to Avoid Public Disclosure

Documents obtained by the Select Subcommittee suggest that One Medical used many of the vaccine doses allocated to the company to vaccinate its own employees, including teams of employees who did not have patient-facing roles and who were working remotely. Although certain other health care providers in the United States similarly vaccinated non-patient-facing staff in January 2021, many public health professionals criticized these decisions and expressed concern that the vaccinations may have violated CDC, state, and local guidance.³¹ While vaccines remained in short supply, public health officials stressed that health care providers had an ethical obligation to administer early vaccines only to those most at risk—specifically, health care workers, residents and staff of long-term care facilities, individuals older than 75, and essential workers.³²

Internally, some One Medical employees expressed concern about the optics of vaccinating One Medical’s “clubhouse” employees—those in corporate and support functions who do not interact with patients—ahead of health care workers and first responders.³³ Employees also raised concerns that One Medical’s administration of vaccines to employees ran afoul of local public health directives to vaccinate only residents of designated jurisdictions.³⁴

For instance, in late December 2020, One Medical informed the SFDPH that the company sought to vaccinate 940 of its employees with its initial allotment of vaccine doses—a number that included all of One Medical’s non-patient-facing “clubhouse” employees. On December 23, 2020, an employee raised concerns about One Medical’s use of the first allotment to Dr. Diamond, stating:

³¹ See e.g., *At Elite Medical Centers, Even Staff Who Don’t Qualify Are Vaccinated*, New York Times (Jan. 10, 2021) (online at www.nytimes.com/2021/01/10/health/coronavirus-hospitals-vaccinations.html); *Some Early Doses of COVID-19 Vaccine Meant for Health Care Workers Go to Researchers Working from Home*, Chicago Tribune (Jan. 6, 2021) (online at www.chicagotribune.com/coronavirus/ct-coronavirus-vaccine-health-worker-debate-20210106-etrbwtjbbvc2db3cocvm66xyua-story.html).

³² 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 Centers for Disease Control and Prevention, *The Advisory Committee on Immunization Practices’ Ethical Principles for Allocating Initial Supplies of COVID-19 Vaccine — United States, 2020* (Nov. 27, 2020) (online at www.cdc.gov/mmwr/volumes/69/wr/mm6947e3.htm).

³³ Internal chat messages between Andrew Diamond, Chief Medical Officer, One Medical, and Vice President, One Medical (Dec. 23, 2020) (OM-SSCC-0019834 – 35) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.12.23%20OM-SSCC-0019833%20-%200019835_Redacted.pdf).

³⁴ *Id.*; Internal chat messages between Andrew Diamond, Chief Medical Officer, One Medical, and Christine Morehead, Chief People Officer, One Medical (Dec. 30, 2020) (OM-SSCC-0019848 – 52) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.12.30%20OM-SSCC-0019848%20-%200019852_Redacted.pdf).

[S]hould we ask about the clubhouse? that's included in the 940 number. not sure if that's ok or not. this clubhouse issue is giving me heartburn – could imagine bad PR[.]

Dr. Diamond responded, “get over it. 😊” The employee warned, “some 26 year old engineer is going to post it on instagram and the media may eat that up that they got it before teachers, first responders, etc.” Dr. Diamond stated, “I’ll have their back. They’re literally making it possible for folks over 74 to get vaccinated next.”³⁵

In the days that followed, One Medical implemented a plan to systematically vaccinate all of its “clubhouse” employees residing in San Francisco. Internal messages show that One Medical employees were specifically instructed not to discuss this plan by email. As one employee wrote in an internal chat: “[W]e don’t want to put into writing our distribution philosophy in the event it went viral but we need to thread that needle.”³⁶ On January 6, 2021, another employee described the plan as follows:

Here is what I know about Clubhouse vaccination progress - - no mass emails - - ... There are 181 CH [clubhouse] folks who list a home address as SF. So far 50 of them have received the vaccination thru this process while 152 of them were contacted. Andrew [Diamond] confirmed that we have enough doses left over from the initial allocation to offer it to all remaining SF residents who are also CH employees... they were not planning to do any mass emailing comms given the sensitivity around emails.³⁷

As part of its agreement to administer vaccines for the SFDPH, those receiving the vaccines supplied by the SFDPH had to actually reside in San Francisco.³⁸ In internal messages, Dr. Diamond said that disregarding this directive could put One Medical’s “future [vaccine] supply” and his “medical license at risk.” Nevertheless, Dr. Diamond expressed a willingness to ignore the residency rules mandated by the SFDPH to “vaccinate clubhouse people who lives [sic] outside of SF.”³⁹

³⁵ Internal chat messages between Andrew Diamond, Chief Medical Officer, One Medical, and Vice President, One Medical (Dec. 23, 2020) (OM-SSCC-0019834 – 35) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.12.23%20OM-SSCC-0019833%20-%200019835_Redacted.pdf).

³⁶ Internal chat messages between Christine Morehead, Chief People Officer, One Medical, and One Medical human resources employee (Jan. 6, 2021) (OM-SSCC-0018471 – 76) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.06%20OM-SSCC-0018471%20-%200018476_Redacted.pdf).

³⁷ *Id.*

³⁸ Email from Vice President, One Medical, to Andrew Diamond, Chief Medical Officer, One Medical, et al. (Dec. 24, 2020) (OM-SSCC-0000772) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.12.24%20OM-SSCC-0000772_Redacted.pdf).

³⁹ Internal chat messages between Andrew Diamond, Chief Medical Officer, One Medical, and Christine Morehead, Chief People Officer, One Medical (Dec. 30, 2020) (OM-SSCC-0019848 – 52) (online at

In the weeks that followed, One Medical employees conveyed concerns about their “remote” co-workers being “given priority over [One Medical’s] higher risk patients” in internal emails and chat messages.⁴⁰ For instance, on January 12, 2021, One Medical’s Chief Marketing Officer said he was “confused” by the fact that some members of the marketing team had already received vaccines, writing: “Members of my team – young, working remotely were vaccinated which confused me.”⁴¹ On January 22, a One Medical employee expressed concern, stating that they “find it problematic that members of the product team and remote staff who do not fall into phase 1 a and 1 b received the vaccine due to being OM employees. ... Those people were given priority over our higher risk patients.”⁴² On February 4, a Washington state-based One Medical employee observed that: “[L]ocal Clubhouse/Treehouse employees who do not have in-office patient facing roles were signing up with the field staff to receive dose one.”⁴³

b. One Medical Employees Used Their Positions to Help Friends and Family Get Vaccinated Before They Were Eligible

On January 12, 2021, a One Medical health care provider in Washington state asked a phlebotomist co-worker to put the health care provider’s spouse on a waitlist to get access to doses leftover at the end of the day:

Are we really doing COVID vax in Bellevue? My hubby is phase 1C so we will wait. But if you have an open vaccine bottle that you need to use otherwise it goes to waste, please let me know and I’ll ask him to head over. Only if the alternative is that the vaccine bottle will go to waste.⁴⁴

In response, the phlebotomist agreed to help and further suggested that the health care provider’s spouse could go ahead and schedule a vaccination appointment at One Medical rather than

https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.12.30%20OM-SSCC-0019848%20-%200019852_Redacted.pdf.

⁴⁰ Internal chat messages between One Medical employees (Jan. 22, 2021) (OM-SSCC-0027627 – 29) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.22%20OM-SSCC-0027627_Redacted.pdf).

⁴¹ Email from Doug Sweeny, Chief Marketing Officer, One Medical, to Jenni Vargas, Chief Strategy Officer, One Medical, et al. (Jan. 12, 2021) (OM-SSCC-0007054 – 58) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.12%20OM-SSCC-0007054%20-%200007058_Redacted.pdf).

⁴² Internal chat messages between One Medical employees (Jan. 22, 2021) (OM-SSCC-0027627 – 29) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.22%20OM-SSCC-0027627_Redacted.pdf).

⁴³ Email from Vice President, One Medical, to operations employees, One Medical, et. al (Feb. 5, 2021) (OM-SSCC-0007333 – 36) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.02.05%20OM-SSCC-0007333%20-%200007336_Redacted.pdf).

⁴⁴ Internal chat messages between One Medical employees (Jan. 12, 2021) (OM-SSCC-0007813 – 15) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.12%20OM-SSCC-0007813%20-%2015_Redacted.pdf).

simply wait to use leftover doses that would go to waste, despite being ineligible at that time under the local prioritization guidelines:

OMG OMG YES WE ARE! Lemme find out how we can get him on our recall list. woo wee! ([W]e turn nobody away. We aren't gate keeping. So should he happen to book we will not unbook him no matter the phase but you didn't hear it from me ♥).⁴⁵

A week later, another One Medical employee alerted a One Medical district operations manager in the San Francisco Bay area that a “high volume” of One Medical employees had requested vaccine appointments for family members. On January 19, 2021, the employee reported to the district operations manager:

I wanted to see if we can possibly escalate or send out messaging. It seems like we are having a high volume of team members requesting we book their family members into vax slots. I don't think this is appropriate. A few admins got pings requesting to know when our appts were going live so they could register their fam and send them our way. Sounds like its [sic] happening at other vax hubs as well.⁴⁶

While well-connected ineligible patients were receiving preferential access to vaccination appointments, internal communications revealed that the company was aware that other individuals in the highest priority group, “1A”—essential health care workers and the elderly—were struggling to find vaccine appointments at One Medical locations.⁴⁷ On January 18, 2021, a One Medical physician in the San Francisco Bay area noted in an internal company chat: “Patients in 1A are not having luck scheduling appointments for the vaccine. Any guidance for them?” A physician from Washington, D.C. responded: “As far as I know right now the best advice is keep checking.”⁴⁸

Following scrutiny of its vaccine rollout, One Medical conducted an internal investigation into employees using their positions to help others to jump the vaccine line. The investigation confirmed that this problem existed at multiple One Medical locations and resulted

⁴⁵ *Id.*; Briefing by Counsel for One Medical to Majority Staff, Select Subcommittee on Coronavirus Crisis (June 11, 2021).

⁴⁶ Internal chat messages between One Medical employees (Jan. 19, 2021) (OM-SSCC-0029330 – 31) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.19%20OM-SSCC-0029330_Redacted.pdf).

⁴⁷ *See, e.g.*, Email to Feedback@onemedical.com (Jan. 23, 2021) (OM-SSCC-0007677) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.23%20OM-SSCC-0007677.pdf>) (health care practitioner referred to One Medical for vaccine “tried making an appointment by calling but could also never get through”); Internal chat messages between One Medical employees (Jan. 14, 2021) (OM-SSCC-0028027 – 61) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.14%20OM-SSCC-0028027%20-%2000028061_Redacted.pdf).

⁴⁸ Internal chat messages between One Medical employees (Jan. 18, 2021) (OM-SSCC-0027712 – 14) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.18%20OM-SSCC-0027712%20-%2000027714_Redacted.pdf).

in the company taking adverse employment action against several employees. For example, in Los Angeles, One Medical terminated a health care provider and a phlebotomist who used an “extra vaccine dose” to vaccinate the health care provider’s husband “in the parking lot outside of the One Medical vaccination site.” One Medical also terminated its former Director of Strategic Operations for facilitating vaccinations for friends and family.⁴⁹ In Washington state, One Medical also disciplined another employee for providing “left-over” doses to family members of One Medical employees.⁵⁰

c. Despite Internal Complaints, One Medical Failed to Stop Ineligible Patients from Using its Self-Booking Platform to Receive Early Vaccinations

During the early vaccine rollout, many health care providers—including One Medical—failed to adequately monitor patients signing up for and receiving vaccinations to ensure their eligibility under prioritization guidelines. As a result, too many individuals around the country were able to take advantage of gaps in screening processes and get vaccinated before they were eligible—diverting doses away from vulnerable seniors, health care providers, and other frontline workers who struggled to get access to vaccines that remained in short supply throughout the early months of 2021.⁵¹ This conduct undermined public health priorities and fueled the chaos of the early vaccine rollout.⁵²

Health care providers responsible for administering vaccines generally were not well equipped to monitor eligibility under local prioritization guidelines. As an initial matter, verification procedures take time and resources—something in short supply for many state and local public health departments and health care providers already stretched thin by the demands of the pandemic. Determining whether a patient was eligible for a vaccination under local prioritization guidelines could require verifying age, home address, employment, medical

⁴⁹ Letter from Counsel for One Medical to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Apr. 23, 2021) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.04.23%20Letter%20to%20Chairman%20Clyburn_Redacted.pdf); Letter from Counsel for One Medical to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (May 14, 2021) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.05.14%20Letter%20to%20Chairman%20Clyburn_Redacted.pdf).

⁵⁰ Briefing by Counsel for One Medical to Majority Staff, Select Subcommittee on the Coronavirus Crisis (June 11, 2021).

⁵¹ See, e.g., *Cutting, Bribing, Stealing: Some People Get COVID-19 Vaccines Before It's Their Turn*, USA Today (Feb. 3, 2021) (online at www.usatoday.com/story/news/health/2021/02/03/covid-vaccine-some-people-cutting-bribing-before-their-turn/4308915001); *Sarasota Seniors Say Technology Gap Blocking Many from Accessing COVID-19 Vaccine*, NBC News WFLA Channel 8 (Jan. 4, 2021) (online at www.wfla.com/news/sarasota-county/sarasota-seniors-say-technology-gap-blocking-many-from-accessing-covid-19-vaccine/).

⁵² See, e.g., *With Demand Far Exceeding Supply, It Matters that People Are Jumping the Vaccine Line*, Kaiser Health News (Feb. 2, 2021) (online at <https://khn.org/news/article/with-demand-far-exceeding-supply-it-matters-that-people-are-jumping-the-vaccine-line/>); *What Went Wrong with COVID-19 Vaccine Distribution and How It Has Tarnished the 'Miracle,'* USA Today (Feb. 2, 2021) (online at www.usatoday.com/story/news/health/2021/01/31/covid-vaccine-what-went-wrong-distribution-whats-being-changed/4275954001).

conditions, and/or other personal information. Due to insufficient planning and guidance from the Trump Administration, state and local governments and health care providers were forced to roll out their own systems, technology, and guidelines for administering vaccines and verifying eligibility.⁵³ Disparate processes emerged ranging from making no attempt to verify a patient's eligibility, to requiring patients to fill out self-attestation forms indicating that they fall within an eligible group, to checking substantiating documentation such as a state driver's license, property tax bill, or doctor's note to confirm eligibility.⁵⁴ There was considerable debate in the medical community—including at One Medical⁵⁵—about policing eligibility, with some experts warning that onerous verification procedures could have the effect of slowing vaccinations and deterring some eligible people away from getting vaccinated.⁵⁶

On January 11, 2021, One Medical began allowing its members to self-book appointments through the company's website. The website indicated that appointments were available for "COVID Vaccine (Eligible Tier Only)," but the sign-up process did not initially require patients to confirm eligibility. On January 14, One Medical added an eligibility attestation page where patients had to select their eligibility phase before finalizing their appointments.⁵⁷ Despite these features, a flood of ineligible patients booked vaccine appointments at One Medical—and the company's leadership provided mixed messages privately to staff on adherence to public health guidelines.

In internal chats, One Medical's health care providers reported in real time that many ineligible patients were signing up for vaccination appointments at One Medical and that the company was failing to ensure that the vaccine prioritization guidance was followed. For example, on January 14, 2021, a pediatrician based in the San Francisco Bay area questioned,

⁵³ See generally *What Went Wrong with COVID-19 Vaccine Distribution and How It Has Tarnished the 'Miracle,'* USA Today (Feb. 2, 2021) (online at www.usatoday.com/story/news/health/2021/01/31/covid-vaccine-what-went-wrong-distribution-whats-being-changed/4275954001); *States Are 'Diverging from CDC Guidance,' Resulting in an Unequal Vaccine Rollout, Experts Say,* Fortune (Feb. 17, 2021) (online at <https://fortune.com/2021/02/17/covid-vaccine-cdc-guidelines-us-states-unequal-rollout-coronavirus-vaccines-pfizer-biontech-moderna/>); *How People Are Jumping the COVID-19 Vaccine Line,* National Public Radio (Feb. 9, 2021) (online at www.npr.org/sections/health-shots/2021/02/09/965841419/does-loose-enforcement-of-vaccine-eligibility-rules-encourage-line-jumping).

⁵⁴ See, e.g., *With Florida Requiring Doctor's Note for Many, Pace of COVID Vaccination Slows in Miami,* Miami Herald (Mar. 18, 2021) (online at www.wlrn.org/local-news/2021-03-18/coronavirus-live-updates-more-pop-up-vaccine-sites-are-opening-across-broward-county); *How Florida's COVID-19 Vaccine Rollout Is Leaving Essential Farmworkers Behind,* PBS (Apr. 28, 2021) (online at www.pbs.org/newshour/nation/how-floridas-covid-19-vaccine-rollout-is-leaving-essential-farmworkers-behind).

⁵⁵ See, e.g., Internal chat messages between One Medical employees (Jan. 14, 2021) (OM-SSCC-0028027 – 61) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.14%20OM-SSCC-0028027%20-%2000028061_Redacted.pdf).

⁵⁶ See *id.*; Muriel Jean-Jacques & Howard Bauchner, *Vaccine Distribution—Equity Left Behind?*, JAMA (Jan. 29, 2021) (online at <https://jamanetwork.com/journals/jama/fullarticle/2776053>) (noting that registration that requires proof of citizenship "is likely to deter individuals from immigrant communities from seeking vaccination").

⁵⁷ Letter from Counsel for One Medical to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Mar. 15, 2021) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.03.15%20Letter%20to%20Chairman%20Clyburn_Redacted.pdf).

“Why do we have a list of essential workers if we are ignoring it and allowing self booking with no triage system in place?” The pediatrician noted that “we have a public health obligation in addition to an obligation to our members who are essential workers, and currently we are not fulfilling either and setting a poor example.”⁵⁸

That same day, a One Medical nurse practitioner reported that older patients and health care workers were reaching out directly to book vaccine appointments, only to be placed on waitlists because ineligible people took available slots: “[H]ealthcare workers and high risk 77 year olds etc are messaging us asking for the vaccine and they are put on a list. Meanwhile we have ineligible people self booking and using up the appointments before anyone calls the list.” The employee noted that One Medical had “an obligation to follow the DPH’s [sic] and CDC’s guidelines and provide vaccines in the tiers that are recommended. [O]therwise the people who don’t follow the rules and those who are tech savvy get an unfair advantage.”⁵⁹

Firsthand accounts from those administering vaccines suggest that problems with One Medical’s self-booking platform persisted for weeks. For instance, on February 10, 2021, a One Medical nurse practitioner based in San Francisco reported:

I am having difficulty getting my older, sicker patients vaccinated (because of supply issues and appointment issues) while hearing about younger ineligible patients having been vaccinated because they said self-reported that they were a “healthcare provider” but were actually a nanny. ... I really don’t understand how it is working right now even after I spent a day in an SF vaccine office.⁶⁰

Internal messages suggest that widespread failures of the self-booking platform were well known to One Medical’s senior leadership. After some internal complaints were publicized by the media, One Medical leaders claimed that the problem was a “limited number of bad actors” who “abuse[d] our trust.” In an internal message to operations employees on February 26, 2021, Dr. Diamond and other One Medical executives stated that the company would “continue our robust processes which include self-attestation through our website and app as well as schedule scanning,” and would also roll out new coronavirus vaccine eligibility verification procedures.⁶¹ Similarly, in a public blog post responding to media reports, Dr. Diamond claimed:

⁵⁸ Internal chat messages between One Medical employees (Jan. 15, 2021) (OM-SSCC-0027685 – 708) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.15%20OM-SSCC-0027685%20-%200027708_Redacted.pdf).

⁵⁹ Internal chat messages between One Medical employees (Jan. 14, 2021) (OM-SSCC-0028027 – 61) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.14%20OM-SSCC-0028027%20-%200028061_Redacted.pdf).

⁶⁰ Internal chat messages between One Medical employees (Feb. 10 – Mar. 4, 2021) (OM-SSCC-0027846 – 55) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.02.10%20OM-SSCC-0027846%20-%200027855_Redacted.pdf).

⁶¹ Email from Vice President, One Medical, to Andrew Diamond, Chief Medical Officer, One Medical, et al. (Feb. 26, 2021) (OM-SSCC-0006200) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.02.26%20OM-SSCC-0006200_Redacted.pdf).

We have numerous checkpoints in place – online at the time of appointment booking, prior to the appointment via a labor-intensive “schedule scanning” process, and in-person verification at the point of care as needed – to mitigate abuse of our vaccine booking system.⁶²

However, internal documents suggest that up until that point, these processes had been inconsistently implemented.

One Medical purportedly instituted a process of “schedule scanning” on January 25, 2021, by which One Medical employees were tasked with scanning upcoming appointments and canceling appointments that were “identified to be missing an eligibility attestation or accompanied by an attesting for a tier that is not currently eligible for a vaccine.”⁶³ However, One Medical’s leadership provided mixed messages about enforcing eligibility requirements by schedule scanning in internal messages. For instance, on January 26, a One Medical Vice President told employees in a “covid-vaccine-strategy” chat group that there were “no plans to schedule scan, and like almost everything covid related, we cant [sic] control everything”—a statement that Dr. Diamond seemingly endorsed by giving it a “plus-1.” Dr. Diamond suggested to the same group that there was only a need to perform sporadic schedule scanning, noting “Some managers are, however, ‘schedule scanning’ on an as-needed basis ... It’s like ‘spot checking.’”⁶⁴ That same day, a One Medical Director wrote to a colleague that “scanning schedules and cancelling appointments is not recommended.”⁶⁵

One Medical did not require eligibility attestations for all patients to receive their shots during the early rollout. In mid-February 2021, in response to media reports that One Medical had administered vaccines to ineligible members, the SFDPH requested that the company provide proof of the eligibility of a group of approximately 70 patients below the age of 65 who had been vaccinated at One Medical. In a February 17, 2021, email, a One Medical employee explained that these patients “do not have an attestation on file” and a “quick Googling of them indicates many are engineers/not eligible.” Following a brief investigation, another One Medical employee acknowledged that some of these patients “were members that clearly had been trying to book appointments all over the bay for vaccines and were turned away multiple times or were abusing the system,” and blamed “human error” for One Medical’s failure to obtain attestations

⁶² *The Facts About One Medical’s COVID-19 Vaccination Efforts*, One Medical Blog (Feb. 24, 2021) (online at www.onemedical.com/blog/healthy-living/the-facts-about-one-medicals-covid-19-vaccination-efforts).

⁶³ Letter from Counsel for One Medical to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Mar. 15, 2021) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.03.15%20Letter%20to%20Chairman%20Clyburn_Redacted.pdf).

⁶⁴ Internal chat messages between One Medical employees (Jan. 26 – 27, 2021) (OM-SSCC-0011773 – 79) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.27%20OM-SSCC-0011773_Redacted.pdf).

⁶⁵ Internal chat messages between Director, One Medical, and One Medical employee (Jan. 26, 2021) (OM-SSCC-0000007) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.26%20OM-SSCC-0000007_Redacted.pdf).

for these patients.⁶⁶ One week later, after One Medical reported it was unable to determine the eligibility of this cohort, the SFDPH announced it would stop allocating doses to One Medical.⁶⁷

Following the release of public reporting regarding One Medical's failure to enforce eligibility guidelines, One Medical implemented new policies and procedures governing coronavirus vaccinations. For instance, on February 16, 2021, One Medical changed its online vaccination appointment scheduling and eligibility attestation process to include an additional page directing patients who attested to an ineligible phase to cancel their appointments. On February 26, One Medical revised its coronavirus vaccination procedures to require staff to conduct identification and employment verification at the point of care to verify eligibility under relevant prioritization guidance before vaccination. On February 27 and 28 respectively, One Medical added language to its attestation process making clear that patients would be asked for documentation of eligibility upon arrival for a vaccination appointment and requiring patients attesting to eligibility on the basis of their employment to identify their occupation and employer. The company also conducted trainings for on-site staff in all One Medical facilities administering coronavirus vaccinations, which included guidance on eligibility criteria, acceptable verification materials, and other topics.⁶⁸

d. One Medical's CEO and Other Employees Gave Personal and Business Contacts Priority Access to Vaccination Appointments

Documents obtained by the Select Subcommittee provide new detail of the central role CEO Amir Dan Rubin played in facilitating early vaccinations for his personal and business contacts. Internal emails and chat messages reveal that in January and February 2021—when access to coronavirus vaccines remained extremely limited—Mr. Rubin tasked subordinates with helping to set up vaccination appointments for enterprise clients, business connections, and family members. Although these patients appear to have been eligible under relevant priority guidelines, Mr. Rubin saw to it that they received immediate appointments at One Medical locations. Recipients included senior employees of One Medical's enterprise clients as well as members of Mr. Rubin's own family.⁶⁹

⁶⁶ Email from strategy employee, One Medical, to operations employees, One Medical, et al. (Feb. 17, 2021) (OM-SSCC-0008356 – 58) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.02.17%20OM-SSCC-0008356_Redacted.pdf) (emphasis omitted).

⁶⁷ *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/2476846/).

⁶⁸ Letter from Counsel for One Medical to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Mar. 15, 2021) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.03.15%20Letter%20to%20Chairman%20Clyburn_Redacted.pdf).

⁶⁹ *See, e.g.*, Email from Amir Dan Rubin, Chief Executive Officer, One Medical, to One Medical employees (Jan. 17, 2021) (OM-SSCC-0000722-R) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.17%20OM-SSCC-0000722-R_Redacted.pdf); Email from operations employee, One Medical, to senior manager, One Medical, et al. (Jan. 21, 2021) (OM-SSCC-0006786 – 88) (online at

Mr. Rubin personally helped well-connected VIPs receive coronavirus vaccinations immediately. For example, on January 25, 2021, Mr. Rubin asked a One Medical employee: “Can you facilitate getting a COVID vaccination scheduled ... [NAME REDACTED] is the [TITLE REDACTED] of [COMPANY NAME REDACTED], one of our enterprise accounts, and is 68 years old?”⁷⁰ Mr. Rubin also facilitated vaccinations for employees of another enterprise client, a national company. On January 18, 2021, Mr. Rubin wrote to an employee of that company:

It was great connecting. Given the age of [NAME REDACTED] your [TITLE REDACTED] of [COMPANY NAME REDACTED], he is eligible for vaccination as the supply becomes available in San Francisco. My colleagues ... can assist in trying to get him scheduled as soon as possible.⁷¹

The next day, an employee of that company confirmed to Mr. Rubin that these individuals “have successfully received their first dose—they said the process was extremely efficient and we cannot thank you enough.” In the same message, the employee asked for help getting another person connected to the client vaccinated, noting: “We realize this is another huge ask but anything you can do would be greatly appreciated.” Mr. Rubin responded: “We’re pleased this worked out well and will endeavor to assist here as well.”⁷²

In February 2021, One Medical continued to give employees of the company special access to vaccine appointments. In return for getting employees to the front of the line, another company employee appears to have sent a One Medical employee a gift, writing to the One Medical employee on February 8:

Last week I sent you a package as a token of appreciation for your help, hopefully you received and found some time to enjoy. Additionally, I wanted to ask if I could ask for your help to schedule a few appointments this week. Each of the colleagues listed below are One Medical clients and qualify for the vaccination.⁷³

https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.21%20OM-SSCC-0006786_Redacted.pdf.

⁷⁰ Email from Amir Dan Rubin, Chief Executive Officer, One Medical, to One Medical employee, et al. (Jan. 25, 2021) (OM-SSCC-0000726-R) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.25%20OM-SSCC-0000726-R_Redacted.pdf).

⁷¹ Email from representative of enterprise client to Amir Dan Rubin, Chief Executive Officer, One Medical, et al. (Jan. 21, 2021) (OM-SSCC-0010639 – 46) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.21%20OM-SSCC-0010639%20-%200010646_Redacted.pdf).

⁷² *Id.* (emphasis in original).

⁷³ Email from operations employee, One Medical, to operations employee, One Medical (Feb. 11, 2021) (OM-SSCC-0019061 – 63) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.02.11%20OM-SSCC-0019061%20-%200019063_Redacted.pdf).

The One Medical employee forwarded the request to a colleague, saying: “Let me know if you have any ability to add this VIP for a vaccine appointment. If it is a hard no, that’s totally fine. I’m happy to push back.”⁷⁴ The One Medical employee’s acceptance of the gift from the client, in return for allowing the client’s employees early access to vaccines, may violate One Medical’s Code of Business Conduct, which provides that One Medical employees should not accept gifts “intended to influence a business transaction” or an employee’s “performance of job duties.”⁷⁵

Mr. Rubin also helped to facilitate early vaccination appointments for his relatives. On January 15, 2021, a One Medical employee wrote a colleague on Mr. Rubin’s behalf:

[NAME REDACTED] and [NAME REDACTED] live in Los Angeles and are older than 75. They would like to learn more about the possibility of getting COVID vaccines through one medical and I was hoping you might be able to reach out to them directly to share what you know about one medical’s plan and approach in LA county.⁷⁶

On January 18, a One Medical employee connected Mr. Rubin’s relatives to a colleague to “help get you both scheduled for vaccine appointments soon.”⁷⁷

As requests to get to the front of the vaccine line came in from his network, Mr. Rubin tasked a One Medical employee with serving as a “go to contact” to facilitate the requests. On January 17, 2021, Mr. Rubin wrote: “I am reaching out to see if you or someone can be a go to contact to offer vaccine scheduling support for enterprise key accounts and other people.” Mr. Rubin explained that “some key ONEM [One Medical] members and enterprise leaders above 75+ have already reached out,” noting: “Booking these folks at some point this week in SF would be great some time later in the day or otherwise.”⁷⁸

⁷⁴ *Id.*

⁷⁵ One Medical’s “Code of Business Conduct” states that “Accepting or giving common, non-cash courtesies is acceptable, provided that: (a) the value of the gift is nominal (\$15 or less) in relation to the circumstances in which it was offered and accepted; and (b) it is not intended to influence a business transaction or your performance of job duties.” It further instructs employees, “we can only accept gifts of appropriate value from a patient when it is clear that the motivation for the gift is to thank the employee for providing excellent customer service.” One Medical, *Code of Business Conduct* (online at <https://investor.onemedical.com/static-files/7f07ec51-2709-4f6e-905f-4b3903408be5>) (accessed Dec. 19, 2021).

⁷⁶ Email from operations employee, One Medical, to senior manager, One Medical, et al. (Jan. 21, 2021) (OM-SSCC-0006786 – 88) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.21%20OM-SSCC-0006786_Redacted.pdf).

⁷⁷ *Id.*

⁷⁸ Email from Amir Dan Rubin, Chief Executive Officer, One Medical, to One Medical employees (Jan. 17, 2021) (OM-SSCC-0000722-R) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.17%20OM-SSCC-0000722-R_Redacted.pdf).

At Mr. Rubin’s direction, One Medical staff gave immediate priority to Mr. Rubin’s personal referrals. In internal messages, One Medical employees scrambled to open up vaccination appointments for Mr. Rubin’s “VIP” referrals. For example, on January 26, 2021, a One Medical employee wrote a colleague: “[A]ny chance we can squeeze in a vaccine referral for amir?” The colleague responded: “Yes! I’m sure we can get him in this week.” Later that day, the same employee wrote a colleague: “[T]his is the other VIP for amir if there is still availability [sic] to get her in later this week. [J]ust book the slot and ill [sic] let them know where we can slot her in.” The colleague responded: “If we need to get this person in right away, I can try to see if I can Jimmy-wrench (crowbar) my way into adding more slots.” A few minutes later, the colleague confirmed: “I got the patient in!”⁷⁹

These problems were not unique to One Medical during the early vaccine rollout. Numerous other health care providers also reportedly gave priority access to vaccination appointments to personal and business contacts when vaccines remained in short supply.⁸⁰ However, the pervasiveness of this conduct at One Medical, the involvement of the company’s senior leadership, and the possible business motivation underlying the desire to provide prioritized access to One Medical’s enterprise and concierge clients raises serious questions about the company’s stewardship of vaccines.

IV. ONE MEDICAL’S FAILURE TO ADMINISTER CORONAVIRUS VACCINES EQUITABLY REFLECTS STRUGGLES TO REACH VULNERABLE COMMUNITIES THAT PLAGUED THE EARLY VACCINE ROLLOUT

The coronavirus has disproportionately impacted minority, low-income, and rural communities, which have had higher rates of infection, hospitalization, and death than white, higher-income, and urban and suburban populations.⁸¹ Despite facing increased risk from the

⁷⁹ Internal chat messages between One Medical employees (Jan. 26, 2021) (OM-SSCC-0018933 – 35) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.26%20%20OM-SSCC-0018933%20-%200018934_Redacted.pdf).

⁸⁰ See, e.g., *Wealthy Donors Received Vaccines Through Florida Nursing Home*, Washington Post (Jan. 5, 2021) (online at www.washingtonpost.com/health/2021/01/05/florida-nursing-home-covid-vaccine/); *‘Special Invitation Only’ COVID-19 Vaccination Clinics at Seattle-Area Hospitals Raise Concerns of Equity*, The Seattle Times (Jan. 29, 2021) (online at www.seattletimes.com/seattle-news/times-watchdog/special-invitation-only-covid-19-vaccination-clinics-at-seattle-area-hospitals-raise-concerns-of-equity/); *Rome Hospital Execs Allowed Employees’ Families to Jump Vaccine Line*, The Atlanta Journal-Constitution (Feb. 5, 2021) (online at www.ajc.com/news/investigations/rome-hospital-execs-allowed-employees-families-to-jump-vaccine-line/54NJLCIM7JBNLARXK5RLTD43GI/); *Pennsylvania Health Network Prioritized Vaccines for Employees’ Relatives*, The Hill (Feb. 24, 2021) (online at <https://thehill.com/policy/healthcare/540344-health-network-prioritized-employees-relatives-for-vaccines>).

⁸¹ See, e.g., Centers for Disease Control and Prevention, *COVID-19: COVID-19 Hospitalization and Death by Race/Ethnicity* (Nov. 22, 2021) (online at www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html); *Income Emerges as a Major Predictor of Coronavirus Infections, Along with Race*, Washington Post (June 22, 2020) (online at www.washingtonpost.com/health/income-emerges-as-a-major-predictor-of-coronavirus-infections-along-with-race/2020/06/22/9276f31e-b4a3-11ea-a510-55bf26485c93_story.html); Centers for Disease Control and Prevention, *COVID Data Tracker: Trends in COVID-19 Cases and Deaths in the United States, by County-level Population Factors* (online at https://covid.cdc.gov/covid-data-tracker/#pop-factors_totaldeaths) (accessed Dec. 19, 2021).

coronavirus, these communities lagged significantly behind in initial coronavirus vaccinations compared to their shares of the total population, coronavirus cases, and deaths.⁸² Examples abounded of cities and states where vaccination rates in wealthier, whiter zip codes far outstripped rates in surrounding communities of color that were hit particularly hard by the coronavirus.⁸³ The causes of these inequities included inadequate planning for the distribution of the coronavirus vaccines by the Trump Administration; access barriers, such as lack of access to or familiarity with technology necessary to schedule appointments (including smartphones, computers, and broadband internet), lack of access to private transportation or inability to travel to vaccination appointments (including due to disability or an inability to take time off from work), vision and hearing impairments, as well as language issues, that impaired the ability to schedule appointments or get vaccinated; and unmet informational needs.⁸⁴

Internal documents reveal that One Medical employees raised concerns regarding the company's failure to ensure that vaccine doses were distributed equitably and failure to stop ineligible patients from signing up for appointments during the early vaccine rollout. For instance, on January 22, 2021, One Medical employees discussed some of the challenges that the company was facing with its vaccination program:

One Medical Employee 1: [J]ust want to throw out there that I am really worried about equity issues as OM ramps up on vaccines. [T]he messages about vaccines in arms being the priority above other issues and the gaming of the system by tech-savvy health young affluent people that we are seeing are really concerning to me.

One Medical Employee 2: This is very concerning....particularly the self-booking. I have already had so many ppl asking to get to the front of the line when they are not eligible at this point, so unfortunately I don't think we can trust patients to self book. ... this will definitely become problematic, no doubt about it...⁸⁵

⁸² See, e.g., *The 4 Main Fault Lines that Divide the Vaccinated and the Unvaccinated*, Vox (July 29, 2021) (online at www.vox.com/22587443/covid-19-vaccine-refusal-hesitancy-variant-delta-cases-rate).

⁸³ See, e.g., *The Wealthy Are Getting More Vaccinations, Even in Poorer Neighborhoods*, New York Times (Feb. 2, 2021) (online at www.nytimes.com/2021/02/02/health/white-people-covid-vaccines-minorities.html); *New York City's Hardest Hit Areas Have Lowest COVID-19 Vaccination Rates, New Data Shows*, Spectrum News NY1 (Feb. 16, 2021) (online at www.ny1.com/nyc/all-boroughs/news/2021/02/16/city-data-shows-vaccine-zip-code-disparities).

⁸⁴ See generally Select Subcommittee on the Coronavirus Crisis, *Press Release: At Briefing, Experts Warn Disparities in Vaccinations Could Put Pandemic Recovery at Risk* (Feb. 19, 2021) (online at <https://coronavirus.house.gov/news/press-releases/briefing-experts-warn-disparities-vaccinations-could-put-pandemic-recovery-risk>).

⁸⁵ Internal chat messages between One Medical employees (Jan. 22, 2021) (OM-SSCC-0027627 – 29) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.22%20OM-SSCC-0027627_Redacted.pdf).

One Medical employees also raised concerns that few people of color appeared to be getting vaccination slots at One Medical locations. For instance, on January 24, 2021, a physician assistant in Washington state reported:

I've given a lot of vaccines, very few POC, and no black people. That really hit me on Friday and it didn't feel good. POC are disproportionately affected by COVID-19 for many reasons.⁸⁶

In January 2021, officials in Berkeley, California raised concerns that vulnerable community members identified by the city for vaccinations were not able to make appointments at One Medical. On January 16, 2021, an official from the City of Berkeley sent an email to One Medical confirming that 400 vaccine doses to be provided to One Medical the following week be used for “eligible Phase 1b, Tier 1 populations who are 75 years or older.” The city official asked for a referral link that could be used to direct eligible Berkeley residents identified by the City of Berkeley to sign up for free vaccination appointments at One Medical locations, which One Medical provided the following day. On January 20, an employee from the City of Berkeley sent an email to One Medical emphasizing the importance of prioritizing doses for the most vulnerable city residents:

We would like to provide the OneMedical [sic] link to community members who sign up on our interest list, using an equity lens to help prioritize those who are most vulnerable. We are hoping that OneMedical [sic] can fill any gaps with their members.⁸⁷

In an internal email, a One Medical employee expressed concern to Dr. Diamond and other One Medical staff that the company failed to be “good stewards” of their partnership with the City of Berkeley. On January 21, 2021, the employee wrote: “I am concerned however the vaccine is not getting to the folks for whom Berkeley has intended and that even with the landing page distributed to their list it may be a challenge for those patients to secure a visit.” The employee explained that numerous individuals who lived outside of Berkeley and were under the age requirement had received vaccinations at One Medical, noting:

Out of the 20+ patients booked, only 2 are age 75+ and residents of Berkeley ... 10 are SF residents ranging in age from 29-86 ... The remaining folks are spread from across the Bay Area (San Mateo, San Jose, Atherton, RWC) but all under the age requirement. I know we're not turning people away and everyone needs a

⁸⁶ Internal chat messages between One Medical employees (Jan. 24, 2021) (OM-SSCC-0007790 – 91) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.25%20OM-SSCC-0007790_Redacted.pdf).

⁸⁷ Email from City of Berkeley official to Andrew Diamond, Chief Medical Officer, One Medical, et al. (Jan. 20, 2021) (OM-SSCC-0007079 – 87) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.23%20OM-SSCC-0007079%20-%200007087_Redacted.pdf) (emphasis omitted).

vaccine, but also want to ensure that we're being good stewards of this partnership.⁸⁸

When City of Berkeley officials reviewed One Medical's record of vaccination, they expressed concern that One Medical used vaccines for their own members and not the members of the broader community who were designated to get them. On January 26, 2021, the Deputy City Manager for the City of Berkeley wrote to Dr. Diamond:

[W]e have significant concern with the inability of many Berkeley people to get vaccine appointments through OM. Our public health department heard many complaints from people who we sent the sign up link to who couldn't get an appointment. I heard several complaints from two City Council members of the same nature. ... I thought we were clear and all agreed that after last Friday all doses sent to OM were to be reserved for people identified by the City of Berkeley. If we send 400 more doses of vaccine to OM and 400 appointment links to Berkeley residents then those 400 people need to be able to sign up promptly and painlessly and get on the schedule. Given what has transpired I do not have confidence that is happening and I am sufficiently concerned that I am reaching out to other potential partners.⁸⁹

The following month, it was announced that the City of Berkeley had cut off all vaccine supply to One Medical.

In February 2021, the WADOH also raised concerns that One Medical was not administering vaccinations in an equitable manner. In a February 18, 2021, email, a WADOH official stated: "We have received reports that your facilities have been offering exclusive appointments for COVID-19 vaccine or reserving doses for privileged groups." The official made clear that "VIP scheduling, reserving doses for inequitable or exclusive access, and similar practices will not be tolerated," warning that "[i]f you continue to give out vaccine inequitably ... we may reduce or stop your vaccine allocations." The official also explained the importance of equitable allocation of the vaccines:

Limiting public access to the vaccine continues barriers experienced regularly by vulnerable communities rather than working to overcome them. This is not fair to the people of Washington. ... We developed Washington's framework for vaccine allocation and prioritization through an ongoing, robust public process. The framework balances federal guidance with the unique needs of our state and seeks to address health inequities that stem from historical injustices. When you

⁸⁸ *Id.* (emphasis omitted).

⁸⁹ Email from Deputy City Manager, City of Berkeley, to Andrew Diamond, Chief Medical Officer, One Medical (Jan. 26, 2021) (OM-SSCC-0001672) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.26%20OM-SSCC-0001672_Redacted.pdf).

distribute vaccine preferentially, you continue rather than address these inequities.⁹⁰

On February 24, it was reported that WADOH halted vaccine distribution to One Medical.⁹¹

Multiple other localities also ceased distributions to One Medical in the wake of reports that the company allowed vital vaccine doses to be diverted away from vulnerable populations during the early vaccine rollout.⁹² Due to the company's failure to ensure an equitable vaccine distribution, some particularly vulnerable community members may have been delayed in getting vaccinated—leaving them at heightened risk from the coronavirus in the early months of 2021 while vaccines remained in short supply.

⁹⁰ Email from COVID-19 Vaccine Accountability Supervisor, Washington State Department of Health, to One Medical employee, et al. (Feb. 18, 2021) (OM-SSCC-0008447 – 53) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.02.20%20OM-SSCC-0008447_Redacted.pdf) (emphasis omitted).

⁹¹ *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).

⁹² *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/).