

## **SUMMARY OF FINDINGS**

### **Introduction**

This an executive summary of the opinions and conclusion of Daniel Horowitz, Attorney at Lawyers in Lafayette regarding the vaccine clinic held on January 16-17, 2021 at the Stanley Middle School in Lafayette, California. (Hereinafter called the “Stanley Clinic”)

All findings establish beyond any reasonable dispute that the Stanley Clinic provided over 500 vaccinations in a safe, lawful and regulation compliant manner. There were no adverse medical events and the vaccinations were delivered to the vulnerable and older age populations required by State and County Regulations. Any deviations were unintentional and out the control of the providers. The County considers the program a success. There is currently a shortage of vaccine material so that small and medium clinics are not currently receiving vaccines but when supplies are available they will be provided to Dr. Rebecca Parish and Comprehensive Wellness.

### **Summary**

The investigation included interviews with participants including those obtaining vaccinations, staff, review of non-HIPAA protected records and interviews with relevant parties and participants. Persons interviewed included those from community organizations, physicians, representatives from the Chamber of Commerce and others. Over a hundred letters and e-mails from vaccine recipients were also reviewed as well as comprehensive summaries prepared by physicians who participated in the Stanley Clinic.

### **Summary of Conclusions**

1. The vaccinations were administered in a medical approved manner compliant with state and local regulations in terms of both age and job qualification.
2. Patients of Comprehensive Wellness were not favored in the scheduling or selection process.
3. Staff of Comprehensive Wellness were not favored in the scheduling or selection process.
4. Self reporting of selection criteria by vaccine recipients was imperfect and no computer based method of policing were available to the vaccine providers.

HIPAA and privacy protections inherently limit an age based restriction process beyond patient self reporting. Procedures followed by pharmacy providers such as Rite Aid in Orinda have similar limitations.

There is no central data base or system by which a non-law enforcement or non-county medical practice can access public records without violating statutory and constitutional privacy protections.

For this reason, pharmacies and clinics such as the Stanley Clinic must rely primarily upon self reporting by patients which has inherent flaws. Despite these inherent limitations, the January 16, 2021 Stanley Clinic vaccination program was compliant with the generally accepted standards in this community.

The number of vaccinations administered in the limited period of time far exceeded the average number of vaccinations per hour that other small programs have achieved and reflects an excellent organizational structure.

5. Quality of care and safety of administration was excellent. There were no reported side effects or adverse incidents. The program had full emergency equipment and far more trained medical staff than is required by state or county rules or regulations. While no adverse events occurred, the Stanley Clinic was highly qualified to address any medical issues if they did arise.

6. The vaccines were properly utilized and additional doses per medically accepted standards were obtained from the Pfizer bottles. There were no wasted vaccinations.

## **Discussion**

The success of the Stanley Clinic was attested to by over a hundred e-mails, letters and testimonials from patients, doctors and volunteers. The results were also reviewed by Dr. Ori Tzvieli is the Medical Director, Public Health Division, Contra Costa County Health Services.

Dr. Tzvieli is on the clinical faculty at UCSF School of Medicine. He obtained his medical degree at UCSF and he also holds a Masters in Public Health from the University of California, Berkeley. Dr. Tzvieli is responsible for administering and supervising the distributions of vaccines in Contra Costa County.

Dr. Tzvieli has reviewed the vaccination procedures and performance of the Stanley Clinic on January 16-17, 2021. He has expressed directly to this writer, his appreciation for the fact that hundreds of people were successfully vaccinated. He has indicated that on that date he had more vaccination supplies than he had trained professionals to administer the vaccine. He was highly appreciative of the donation of time by Dr. Rebecca Parish, Comprehensive Wellness and the other physicians and volunteers who made it possible to deliver the vaccine to those who would not otherwise have received it.

Dr. Tzvieli reviewed Stanley Clinic to ensure that there was a fair and equitable distribution of

the vaccine. He did this as is standard role in his role as Medical Director and in response to a reported complaint. Dr. Tzvieli found that while allocation was not perfect, the goals of the program and the County were met and any deviations from the strict 65 year old + rule was unintentional on the part of Comprehensive Wellness and Dr. Rebecca Parish.

Our investigation confirms this and based upon both public and confidential information, finds that any deviation was consistent with those throughout vaccination centers in this area.

Dr. Tzvieli did necessarily and correctly suspend any vaccination activity during the time that a complaint was made and investigated. This was reported in the press and incorrectly gave the impression that this suspension was in some manner punitive or conclusion based. That is inaccurate. The suspension is required in order to protect the public and it reflects only the fact that a complaint was made. The resolution in favor of Dr. Parish and Comprehensive Wellness is not a reportable event which is to some degree unfortunate as the automatic suspension is a public event. As the paradigm for vaccine administration has now shifted to large institutions only, the limitations on individual medical practices providing vaccinations is a systemic public health choice and unrelated to the unfounded complaint.

Since the vaccination clinic of January 16-17, 2021 there are now sufficient facilities to administer the vaccine (e.g. John Muir Health) and he now faces an oversupply of technicians and doctors to administer and shortage of actual vaccine supply. For this reason, he has suspended vaccination programs of the type that Dr. Rebecca Parish has sponsored until additional supply is available. When he obtains additional vaccine supplies, he intends to reinstate the program for small and medium providers to vaccinate and Dr. Parish / Comprehensive Wellness will be included in that allocation.

Dr. Tzvieli guarantees that all patients receiving vaccinations at the January 16-17, 2021 clinic will receive their second vaccination in timely and proper manner. He has staff directing contacting all patients to give this assurance. It is likely that the vaccine will be through John Muir Health or a county facility, unless the supply of vaccine expands. The same vaccine administered on January 16-17, 2021 will be available as the second dose.

### **Additional Issues**

The vaccine distribution and availability issues and the unfounded complaint of unfair distribution at the Stanley clinic underscores real and critical issues relating to vaccine distribution. Without regard to the political or social issues which underlie distribution inequalities, it is a fact that African-American, Hispanic and other identifiably minority populations are not receiving the vaccine consistent with other identifiable groups.

The team at Comprehensive Wellness has shared this concern with various community groups and is working on taking the lessons learned from the Stanley Clinic and applying them to underserved communities. While small and medium sized programs can only supplement large scale public health projects, Dr. Rebecca Parish believes that a well organized and community

organization supported clinic could vaccinate 1000 people a day. Comprehensive Wellness is in the process of reaching out to community leaders to develop this program and to share their expertise. Implementation will be limited vaccine supply.

Dated: January 30, 2021

*Daniel Horowitz*

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