

County of Santa Clara

Public Health Department



Public Health Administration
976 Lenzen Avenue, 2nd Floor
San José, CA 95126
408.792.5040

January 22, 2021

Good Samaritan Hospital
2425 Samaritan Dr
San Jose, CA 95124

Re: Good Samaritan's Offer to Vaccinate Staff of Los Gatos Unified School District

Dear Mr. Gary Purushotham,

As you know, the County received a forwarded communication sent to staff of Los Gatos Unified School District ("LGUSD") stating that Good Samaritan Hospital ("Good Samaritan") offered LGUSD staff the ability to obtain COVID-19 vaccination appointments and vaccinations as healthcare workers under Phase 1A. This offer followed and referenced LGUSD staff raising funds to provide Good Samaritan workers meals.

Good Samaritan Hospital's actions are inconsistent with both the letter and spirit of the State's direction on vaccine eligibility. The State has instructed that vaccination providers should:

1. Continue vaccinating all persons in Phase 1A.
2. Begin vaccinating persons 65 years of age or older, targeting those who are 75 years or older, those with occupational risk exposure, and those with residence in vulnerable communities.
3. Offer doses to people in lower priority groups when, after focused and appropriate efforts to reach the individual groups currently prioritized, demand subsides in those groups.

Good Samaritan Hospital publicly states, including on its vaccination appointment form, that it can only currently vaccinate persons in Phase 1A, in particular healthcare workers. It requires people scheduling an appointment to state that they can attest, under penalty of perjury, that they are a healthcare worker. As a result, Good Samaritan has not begun to broadly vaccinate persons 65 years of age or older, much less made focused and appropriate efforts to reach that group.

Nonetheless, Good Samaritan offered to LGUSD that its staff, who are not healthcare workers, could make appointments and obtain vaccinations through Good Samaritan. It appears to have further instructed LGUSD that its staff could do so by misrepresenting in Good Samaritan's attestation form that they are healthcare workers that live or work in Santa Clara County. The communication to LGUSD staff also referenced the fundraising work that LGUSD had done to provide meals at Good Samaritan.

Good Samaritan's actions are problematic for multiple reasons. As an initial matter, as stated above, they do not adhere to the State's direction on prioritization of persons for vaccination, and the level of outreach that must be done before lower-priority groups can be offered vaccination. Good Samaritan's decision to offer vaccination only to LGUSD staff also rewarded employees of a school district that had provided fundraising that assisted Good Samaritan employees, rather than prioritizing older educators or those from areas of the County with high prevalence of COVID-19. And by offering vaccination only to staff of a particular school district, Good Samaritan's actions have created further confusion regarding the categories of persons eligible to be vaccinated countywide, causing other educators to understandably but incorrectly expect that they will be able to access vaccination through Good Samaritan and/or other vaccine providers in the county.

As you know, the County's vaccine distribution agreement with Good Samaritan requires Good Samaritan to comply with all relevant California Department of Public Health and County requirements and guidance for administration of the vaccine and to ensure that the vaccine is only administered to persons currently eligible to be vaccinated. The County will provide Good Samaritan with sufficient second vaccine doses to complete vaccination of those people who Good Samaritan has already administered a first vaccine dose for, but the County will not provide Good Samaritan with any additional vaccine doses unless and until Good Samaritan provides sufficient assurances it will follow State and County direction on vaccine eligibility and provides the County with a concrete plan through which Good Samaritan will do so.

Sincerely,

A handwritten signature in black ink, appearing to read "Marty Fenstersheib". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Marty Fenstersheib, MD MPH
Testing and Vaccine Officer
Emergency Operations Center
County of Santa Clara