

Congress of the United States  
House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

Phone (202) 225-4400

<https://coronavirus.house.gov>

February 23, 2022

Mr. Roque Espinal-Valdez  
Chief Executive Officer  
Cadence Health, LLC  
1100 NW Loop 410  
Suite 700  
San Antonio, TX 78213

Dear Mr. Espinal-Valdez:

The Select Subcommittee on the Coronavirus Crisis is investigating online entities that are spreading misinformation and facilitating access to disproven and potentially hazardous coronavirus treatments, putting lives at risk and hindering our nation's response to the coronavirus pandemic. As part of this investigation, the Select Subcommittee sent document requests to SpeakWithAnMD.com and America's Frontline Doctors (AFLDS) on October 29, 2021, to obtain information on how these entities have profited by offering paid telehealth consultations and off-label prescriptions for discredited coronavirus treatments.<sup>1</sup> Since Cadence Health provided a platform for SpeakWithAnMD.com and AFLDS to conduct these consultations, certain information critical to the Select Subcommittee's investigation is in Cadence Health's exclusive possession. Accordingly, I write today to request information from Cadence Health that is necessary for the Select Subcommittee to complete its investigation.

Since at least the summer of 2020, SpeakWithAnMD.com and AFLDS have collaborated to offer telehealth appointments and facilitate prescriptions for disproven coronavirus treatments like ivermectin and hydroxychloroquine.<sup>2</sup> Cadence Health, established in February 2021, provided the telemedicine platform used by SpeakWithAnMD.com to connect its medical providers with patients. Cadence Health charged SpeakWithAnMD.com—reportedly its first and only customer—a total of \$17,500. According to public reporting, approximately 281,000

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<sup>1</sup> See Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Dr. Simone Gold, Founder, America's Frontline Doctors (Oct. 29, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.10.29%20Letter%20to%20%20AFLDS%20re%20Misinformation.pdf>); Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to SpeakWithAnMD.com (Oct. 29, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.10.29%20Letter%20to%20SpeakWithAnMD%20re%20Misinformation.pdf>).

<sup>2</sup> How 'America's Frontline Doctors' Sold Access to Bogus COVID-19 Treatments – and Left Patients in the Lurch, Time (Aug. 26, 2021) (online at <https://time.com/6092368/americas-frontline-doctors-covid-19-misinformation/>).

patient profiles were added to the Cadence Health database utilized by SpeakWithAnMD.com between July 16, 2021, and September 12, 2021. The vast majority of these patients were referred to SpeakWithAnMD.com from AFLDS. Approximately 72,000 of these individuals paid for consultations, and thousands received off-label prescriptions for coronavirus treatments, facilitated in part by Cadence Health's platform.<sup>3</sup> According to press reports, Cadence Health terminated SpeakWithAnMD.com's service and canceled its contract in September 2021 after it learned about SpeakWithAnMD.com's practices.<sup>4</sup>

On December 9, 2021, counsel for SpeakWithAnMD.com and Encore Telemedicine informed Select Subcommittee staff that the companies do not have access to information related to the coronavirus consultations provided through Cadence Health's telemedicine platform, and that this information is instead in Cadence Health's exclusive possession.<sup>5</sup> The Select Subcommittee needs this information to understand the reach and impact of online entities pushing discredited treatments in order to fully understand the extent to which they may have put American lives at risk and set back our nation's efforts to combat the pandemic.

For these reasons, please provide the following information to the Select Subcommittee by March 9, 2022:

1. All documents reflecting any formal or informal arrangement between Cadence Health and SpeakWithAnMD.com, Encore Telemedicine, and/or AFLDS.
2. The total number of patients referred to SpeakWithAnMD.com and/or Encore Telemedicine for consultations related to COVID-19 using Cadence Health's platform, including the date of referral, the source of referral, and the date of any resulting consultation.
3. The total number of consultations related to COVID-19 performed by SpeakWithAnMD.com and/or Encore Telemedicine using Cadence Health's platform, including the total number of patients who received consultations and the total amount patients paid for these consultations.
4. The total number of prescriptions related to the prevention or treatment of COVID-19 written by physicians or other medical providers affiliated with SpeakWithAnMD.com, Encore Telemedicine, and/or AFLDS, including the types of medication prescribed, whether these were first-time prescriptions or refills, the average price for each medication, and the states in which these prescriptions were filled or sent.

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<sup>3</sup> *Network of Right-Wing Health Care Providers Is Making Millions off Hydroxychloroquine and Ivermectin, Hacked Data Reveals*, The Intercept (Sept. 28, 2021) (online at <https://theintercept.com/2021/09/28/covid-telehealth-hydroxychloroquine-ivermectin-hacked/>).

<sup>4</sup> *Id.*

<sup>5</sup> Call with Brian McEvoy, Counsel for SpeakWithAnMD.com and Encore Telemedicine, and Staff, Select Subcommittee on the Coronavirus Crisis (Dec. 9, 2021); *see also* Letter from Brian McEvoy, Counsel for SpeakWithAnMD.com and Encore Telemedicine, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Feb. 7, 2022).

5. The total number of physicians or other medical providers affiliated with SpeakWithAnMD.com, Encore Telemedicine, and/or AFLDS that performed medical or other services related to COVID-19 using Cadence Health's platform.
6. A detailed description of the services Cadence Health provided to SpeakWithAnMD.com, Encore Telemedicine, and/or AFLDS, including the dates Cadence Health provided these services and the reason(s) Cadence Health decided to terminate its relationship with any of these companies.
7. A detailed description of Cadence Health's total revenue for each quarter since its founding derived from offering or selling telemedicine services related to COVID-19, including the total amount Cadence Health charged for any services offered to SpeakWithAnMD.com, Encore Telemedicine, and/or AFLDS.

These requests are consistent with the House of Representatives' authorization of the Select Subcommittee on the Coronavirus Crisis "to conduct a full and complete investigation" of "issues related to the coronavirus crisis," including the "response to the coronavirus crisis" and "reports of waste, fraud, abuse, price gouging, profiteering, or other abusive practices related to the coronavirus crisis."<sup>6</sup>

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

Sincerely,



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James E. Clyburn  
Chairman

Enclosure

cc: The Honorable Steve Scalise, Ranking Member

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<sup>6</sup> H.Res. 8, sec. 4(f), 117th Cong. (2021); H.Res. 935, 116th Cong. (2020).

## Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
  - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - b. Document numbers in the load file should match document Bates numbers and TIF file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:  
  
BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,  
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.