

COVID-19 Daily Update

April 13, 2020

Summary

The United States has 560,891 confirmed COVID-19 cases and 22,861 reported related deaths. CDC asserted that cases across the country are “stabilizing” and that the country is “nearing the peak” of the outbreak. CDC Director Redfield expects the economy to reopen gradually and on a “community by community basis.” CDC warns that easing social distancing requirements will require the country to “substantially augment our public health capacity to do early case identification, isolation, and contact tracing.” The Supreme Court announced that it will hear oral arguments by telephone conference in May in a limited number of previously postponed cases. One of the nation’s largest pork processing facilities closed after 293 workers in South Dakota tested positive for COVID-19. Company executives warned that the growing list of plant closures could threaten the U.S. meat supply.

New York State reported 671 new deaths on Monday, bringing the state’s overall death toll to more than 10,000. Governor Cuomo is encouraged that the “curve continues to flatten” and declared that “the worst is over,” so long as residents continue to follow rigid behavior guidelines. New York officials are communicating with authorities in Connecticut, Delaware, New Jersey, Pennsylvania and Rhode Island about plans to reopen the region. In New York City, Mayor de Blasio released statistics that indicated that the outbreak could be plateauing. The number of virus patients admitted to the City’s hospitals dropped by 17% from Saturday to Sunday. The number of patients in intensive-care units in City public hospitals also dropped, though only slightly. The Governor and Mayor are still at odds over New York City’s school shutdown. On Monday, De Blasio reiterated an earlier plan to close New York City schools for the remainder of the school year. He urged parents to plan on the fact that schools will be closed for in-person classes until September. The Governor doubled down on his assertion that the decision should be coordinated regionally and suggested that de Blasio stepped out of line.

General/Employer Guidance

Presidential updates

- [*Trump Tweet Prompts Speculation He Could Fire Fauci*](#), April 13
 - President Trump rejected criticism that he was slow to respond to the pandemic, stating that he “banned China long before people spoke up.” The President [reposted](#) a Twitter message from a former Republican congressional candidate that said, in part, “Time to #FireFauci.”

- Dr. Fauci and the president have publicly disagreed on several issues, including how long it will take to develop a vaccine and the President’s aggressive promotion of the anti-malaria drug hydroxychloroquine.
- The tweet prompted speculation about whether the President would move to fire his top public health expert. White House Spokesman Hogan Gidley [confirmed](#) that President Trump is not firing Dr. Fauci, noting that “Dr. Fauci has been and remains a trusted advisor to President Trump.”
- [Trump claims he can overrule states on ending COVID-19 shutdowns](#), April 13
 - President Trump [tweeted](#) that it is incorrect to say “it is the Governors decision to open up the states, not that of the President of the United States & the Federal Government.” He [continued](#) and asserted that “it is the decision of the President, and for many good reasons.... A decision by me, and in conjunction with the Governors and input from others, will be made shortly.”
 - Others [dispute](#) the President’s authority to “open up the state” and have labeled the President’s position as “advisory.” Governors have made clear in recent days that they will make individualized decisions for their states based on their own public health assessments.

World Health Organization (WHO)

- [Bacille Calmette-Guérin \(BCG\) vaccination and COVID-19](#), April 12
 - WHO does not recommend Bacille Calmette-Guérin (BCG) vaccination for the prevention of COVID-19. WHO continues to recommend neonatal BCG vaccination in countries with a high incidence of tuberculosis.
 - WHO reviewed available evidence on the BCG vaccine. Three pre-print studies compared the incidence of COVID-19 in countries where the BCG vaccine is used with the incidence of COVID-19 in countries where it is not used. The studies observed that countries that routinely used the vaccine had fewer reported cases of COVID-19. WHO warns that ecological studies are prone to significant bias from confounders, including differences in national demographics, disease burdens, COVID-19 testing rates, and the stage of the pandemic in each country.

U.S. Centers for Disease Control and Prevention (CDC)

- [CDC Director Expects ‘Community by Community’ Reopening of Economy](#), April 13
 - CDC Director Redfield expects the reopening of the U.S. economy will be a “step-by-step, gradual process” and will happen at different times across the country, based on conditions in each community.
 - CDC asserted that cases across the country are “stabilizing” and that the country is “nearing the peak” of the outbreak.
- [Guidance for Child Care Programs that Remain Open](#), April 12
 - CDC updated guidance for child care programs operating during the COVID-19 pandemic. CDC highlights that anyone with a fever of 100.4 degrees or higher should not be admitted to a child care facility.
 - CDC recommends several methods that child care facilities can use to protect workers while conducting temperature screenings. These include: asking parents to take their

child's temperature before coming to the facility or upon arrival at the facility while standing at least 6 feet away from employees; or having employees stand behind glass or plastic barriers and visually inspecting children for signs of illness.

- If social distancing or barrier/partition controls cannot be implemented during screening, personal protective equipment (PPE) can be used. CDC warns that reliance on PPE alone is a less effective control and more difficult to implement, given PPE shortages and training requirements.
- [Resources for Parks and Recreational Facilities](#), April 11
 - CDC issued guidance on visiting parks and recreational facilities.
 - CDC recommends visiting parks close to home. Traveling long distances to visit a park may contribute to the spread of COVID-19 as most travel requires close contact with others and involves exposure to surfaces contaminated with the virus.
 - CDC cautions against participating in organized sports and using playgrounds, water parks, or hot tubs. CDC recommends staying at least 6 feet away from others at all times, avoiding crowded areas, and avoiding gathering with people from other households.

New York State

- ['The worst is over' if New Yorkers remain resolute, according to Cuomo](#), April 13
 - New York State reported 671 COVID-19 deaths on Monday, the lowest death count in over one week. The number of newly hospitalized patients, 1,958, is the lowest it has been in two weeks. The number of people who tested positive for the virus on Sunday, 6,337, is the lowest it has been in almost three weeks.
 - Governor Cuomo warned that even if the outbreak had reached its apex, it could easily take 12 to 18 months for the state's economy to return to normal.
- [Governor Cuomo Issues Executive Order Directing Employers to Provide Masks to Employees Who Interact with the Public](#), April 12
 - Governor Cuomo signed an [executive order](#) to permit additional individuals to perform testing for COVID-19 or its antibodies. Individuals performing the testing must still meet federal requirements. The executive order also requires essential businesses to provide face coverings to employees who are in contact with members of the public, effective Wednesday, April 15 at 8 PM.
 - Governor Cuomo and National Governors Association Chair Larry Hogan issued a [joint call](#) to Congress to approve \$500 billion in direct aid to states. The Governors complain that the recently passed federal CARES Act did not contain funding to offset dramatic state revenue shortfalls.

New York City

- [Mayor de Blasio Holds Media Availability on COVID-19](#), April 12
 - Mayor de Blasio reiterated the need for expanded testing capabilities. Testing to date has focused on hospitalized patients but the City plans to expand community testing as the supply rises – with special priority for lower income and immigrant communities.
 - The City established a hiring initiative in the Health + Hospitals system, including the immediate creation of 500 new non-clinical positions. These temporary jobs have a 90-

day initial assignment to help hospitals with critical work, such as cleaning and maintenance.

- [Mayor de Blasio's Letter to Peter Navarro](#), April 12
 - Mayor de Blasio wrote a letter to Peter Navarro, Director of Trade and Manufacturing Policy, asking for federal assistance to obtain critical supplies.
 - In the next five days, New York City hospitals anticipate needing 1.2 million isolation gowns, 1 million yards of waterproof fabric to produce isolation gowns, 134,000 face shields, and 110,000 test kits.

Other Related Updates

- [Supreme Court Press Release Regarding May Teleconference Oral Arguments](#), April 13
 - The Supreme Court announced that it will hear oral arguments by telephone conference in a limited number of previously postponed cases. The teleconferences will be held on May 4, 5, 6, 11, 12 and 13.
 - The Justices and counsel will all participate remotely. The Court anticipates providing a live audio feed of these arguments to news media.
- [U.S. Meat Supply Is 'Perilously Close' To A Shortage, CEO Warns](#), April 13
 - One of the nation's largest pork processing facilities closed after 293 workers in South Dakota tested positive for COVID-19. The shuttered plant produces about 5% of the country's pork.
 - Smithfield is one of several meat-producing companies that have suspended or cut back on production in recent weeks. Company executives warned that the growing list of plant closures could threaten the U.S. meat supply.
- [Small Chloroquine Study Halted Over Risk of Fatal Heart Complications](#), April 12
 - A COVID-19 research trial in Brazil ended after patients taking a higher dose of chloroquine developed irregular heart rates that increased their risk of a potentially fatal heart arrhythmia. Chloroquine is closely related to the more widely used drug hydroxychloroquine.
 - Roughly half the study participants were given a dose of 450 milligrams of chloroquine twice daily for five days, while the rest were prescribed a higher dose of 600 milligrams for 10 days. Within three days, researchers started noticing heart arrhythmias in patients taking the higher dose. By the sixth day of treatment, 11 patients had died, leading to an immediate end to the high-dose segment of the trial.
 - Infectious disease doctors and drug safety experts said the study provided further evidence that chloroquine causes a dose-dependent increase in an abnormality in the ECG that could predispose people to sudden cardiac death.
- [COVID-19: Purchase and Distribution of Food Eligible for Public Assistance](#), April 12
 - Under the President's emergency declaration and subsequent major disaster declarations for COVID-19, state and local government entities are eligible to apply for FEMA assistance.
 - FEMA issued a new policy allowing for the reimbursement of costs related to food purchase and distribution. Several indicators may demonstrate the need to distribute

food in response to the COVID-19 pandemic, including stay-at-home orders which prevent certain populations from accessing food and disruptions to the typical food supply chain.

- [*Expanded Coverage for Essential Diagnostic Services Amid COVID-19 Public Health Emergency*](#), April 11
 - The Department of Labor (DOL) and the Centers for Medicare & Medicaid Services (CMS) issued guidance to require that private health insurance provide coverage for COVID-19 diagnostic testing and antibody testing with no cost sharing. This includes urgent care visits, emergency room visits, and in-person or telehealth visits to a doctor's office that result in an order for or administration of a COVID-19 test.

- [*DOL Issues Enforcement Guidance For Recording Cases of COVID-19*](#), April 10
 - The Occupational Safety and Health Administration (OSHA) issued interim guidance on the recording of COVID-19 cases as occupational illness. Under OSHA's recordkeeping requirements, COVID-19 is a recordable illness, and employers are responsible for recording cases of COVID-19, if certain conditions are met.
 - In areas where there is ongoing community transmission, employers may have difficulty making determinations about whether workers who contracted COVID-19 did so due to exposures at work.
 - Employers of workers in health care, emergency response, and correctional institutions must continue to make work-relatedness determinations. Until further notice, OSHA will not require other employers to make work-relatedness determinations except where: (1) there is objective evidence that a COVID-19 case may be work-related; and (2) the evidence was reasonably available to the employer.

- [*NIH begins study to quantify undetected cases of coronavirus infection*](#), April 10
 - NIH has begun recruiting for a new study to determine how many adults in the United States without a confirmed history of infection with SARS-CoV-2, have antibodies to the virus. The presence of antibodies in the blood indicates a prior infection. Researchers will collect and analyze blood samples from as many as 10,000 volunteers to provide critical data for epidemiological models.
 - Healthy volunteers over the age of 18 from anywhere in the United States can participate via at-home blood sampling collection kits. Individuals with a confirmed history of COVID-19 or current symptoms consistent with COVID-19 are not eligible to participate.

Other recent events covered in detail elsewhere:

- [*Managing Volatility in a Pandemic? Document your Derivatives Transactions Appropriately*](#), April 13
- [*IRS Extends Filing Deadlines and Other Due Dates for Tax-Exempt Organizations*](#), April 10

Send questions to COVID-19-Implications@ropesgray.com