

COVID-19 Daily Update

April 21, 2020

Summary

The United States has 804,194 confirmed COVID-19 cases and 43,200 reported related deaths. There are more than 2.5 million COVID-19 cases reported worldwide. President Trump said he will sign an executive order to temporarily suspend immigration to the United States, citing “the attack from the Invisible Enemy” and the need to protect American jobs. Food and Drug Administration approved the first COVID-19 test that allows patients to collect nasal samples at home. Once patients self-swab, they can mail their sample in an insulated package to LabCorp for testing. LabCorp intends to make home collection kits available to consumers in most states in the coming weeks. The test may be purchased only with a physician’s prescription.

Governors in Georgia, Tennessee, South Carolina and Ohio have decided to relax stay-at-home orders and allow some businesses to reopen. Georgia is allowing gyms, hair and nail salons, bowling alleys, and tattoo parlors to resume normal operations on Friday, April 24. Some Georgia mayors are urging residents to ignore the governor’s decision; the Mayor of Atlanta asked residents to “continue to stay home, follow the science and exercise common sense.” Unions are seeking new arrangements for teachers, calling for restrictions on the number of hours and days that teachers could be required to work from home during the pandemic. Teachers unions have also pushed back against the expectation that teachers conduct lessons live at fixed times, and on the ability of principals to sit in on lessons conducted over video platforms. The Spanish city of Pamplona canceled its annual running of the bulls. The Scripps National Spelling Bee will not be held for the first time since 1945. Munich has canceled Oktoberfest, despite current plans in Germany to ease restrictions gradually.

New York State has more than 250,000 confirmed COVID-19 cases. New York reported 481 COVID-19 related deaths on Tuesday. The State’s overall death toll is 14,828. The total number of hospitalized patients in the State fell for the eighth day in a row on Tuesday, and the number of new hospitalizations was the lowest in more than three weeks. Governor Cuomo is scheduled to meet with President Trump at the White House on Tuesday afternoon. Cuomo and Trump have clashed over New York’s need for ventilators, stimulus aid, and whether governors have the authority to re-open state economies. New York City plans to purchase 3,000 bridge ventilators for \$10 million, as part of a strategic stockpile of medical supplies for potential future pandemics.

General/Employer Guidance

Presidential updates

- [Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing](#), April 20
 - President Trump insisted the United States has sufficient COVID-19 testing capacity. The President framed the debate around testing in political terms, stating that Democrats who once asked him for ventilators now raised the availability of testing “because they want to be able to criticize.” Several members of the Coronavirus Task Force, including Dr. Birx, gave detail regarding why they believe that there is a surplus of testing capacity.
 - A recent [estimate](#) by Harvard researchers suggested that the United States could not safely ease social distancing restrictions unless it triples the number of tests it is currently conducting from 146,000 per day to nearly 500,000 to 700,000. Although testing capacity has improved in recent weeks, some state health officials [report](#) a shortage of the supplies needed to process the tests, including chemical reagents, swabs, and pipettes.
- [Trump says he will suspend immigration, but provides few details about the plan](#), April 21
 - President Trump [tweeted](#) that he plans to sign an executive order to “temporarily suspend immigration into the United States.” The President justified the suspension as a necessary step to protect American workers from foreign competition.
- [Memorandum on Providing Continued Federal Support for Governors’ Use of the National Guard to Respond to COVID-19 and to Facilitate Economic Recovery](#), April 20
 - President Trump issued an order directing the Secretary of Defense to request that the governors of the following states order National Guard forces to engage in emergency COVID-19 assistance: Alabama, Alaska, and Delaware.
 - The President also directed FEMA to fund 100% of the emergency assistance activities undertaken by the National Guard in these states. The federal cost share is effective for orders of any length authorizing duty through May 31, 2020.

World Health Organization (WHO)

- [COVID-19 Situation Report – 91](#), April 20
 - WHO and UNICEF released a [joint statement](#) on the importance of maintaining routine immunization services during the COVID-19 pandemic.
 - WHO Director-General Tedros [stressed](#) that “easing restrictions is not the end of the epidemic in any country” and that countries must ensure they can detect, test, isolate and care for every case. Early data suggests that a relatively small percentage, no more than two to three percent, of the population has been infected with COVID-19 – even in heavily affected areas.

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

- [Disinfectant Chemical Exposures and Temporal Associations with COVID-19](#), April 20
 - A recent study, published by CDC as an early release, assessed whether there is an association between COVID-19 cleaning recommendations from public health agencies and the number of chemical exposures reported to the National Poison Data System.
 - From January to March 2020, poison centers received 45,550 exposure calls related to cleaners and disinfectants, representing overall increases of 20.4% and 16.4% from the same period in 2019 and 2018, respectively. While the data do not show a definite link between exposures and COVID-19 cleaning efforts, there appears to be a temporal association with the increased use of these products.

- [COVID-19 Laboratory Testing and Specimen Collection Guidance](#), April 20
 - CDC updated its [Q&A](#) about COVID-19 testing to include guidance for laboratories on COVID-19 testing and reporting. CDC also updated its [specimen collection guidance](#) to clarify proper testing procedures for different swab types (i.e., nose swabs or throat swabs).
- [Safety Practices for Critical Infrastructure Workers With Potential Exposure to COVID-19](#), April 20
 - CDC issued interim [guidance](#) for implementing safety practices to protect critical infrastructure workers across 16 different sectors including food service, custodial services, law enforcement, and transportation.

New York State

- [Governor Cuomo to Meet With President Trump at the White House](#), April 21
 - New York State has more than 250,000 confirmed COVID-19 cases. New York reported 481 COVID-19 related deaths on Tuesday. The State's overall death toll is 14,828.
 - The total number of hospitalized patients in the State fell for the eighth day in a row, and the number of new hospitalizations was the lowest in more than three weeks. The number of intubated virus patients fell by 127, the steepest one-day drop to date, and is now below 4,000.
 - New York will allow elective treatments and surgeries to resume in parts of the State. Hospitals in and around New York City, Buffalo, and along the Hudson River up to Albany will remain closed to elective outpatient treatment.
 - Governor Cuomo is scheduled to meet with President Trump at the White House on Tuesday afternoon. In recent weeks, Cuomo and Trump have clashed over New York's need for ventilators, stimulus aid, and whether governors have the authority to re-open state economies. At a White House press briefing on Monday, the President said that the meeting was Governor Cuomo's idea and that he was looking forward to it.
- [New York State Department of Labor Launches Streamlined Application for Pandemic Unemployment Assistance](#), April 20
 - New York State Department of Labor (NYSDOL) launched a separate application for pandemic unemployment assistance. Pandemic unemployment assistance provides benefits to individuals who are ineligible for traditional unemployment insurance, including: self-employed workers, independent contractors, farmers, those diagnosed with COVID-19, and those whose place of employment closed as a direct result of COVID-19.
 - Prior to this new application, New Yorkers were required to apply for and be rejected from regular unemployment insurance before applying for pandemic unemployment assistance.
 - NYSDOL has issued \$2.2 billion in unemployment insurance benefits to 1.1 million New Yorkers since the beginning of the pandemic.
- [Cuomo Calls on Federal Government to Provide Hazard Pay to Essential Public Workers](#), April 20
 - Governor Cuomo called on the federal government to provide hazard pay for essential public workers by rewarding them with a 50% bonus. According to the Center for Economic and Policy Research, 45% of public transit workers, 57% of building cleaning service workers, and 40% of health care workers are people of color. Approximately one third of frontline workers are members of low-income households.
 - The State University of New York (SUNY) system is distributing over 8,800 laptops to students who need to complete spring semester coursework.
- [New York State Council Launches COVID-19 Maternity Task Force](#), April 20
 - The New York State Council on Women and Girls launched a COVID-19 maternity taskforce to authorize dedicated birthing centers as a safe alternative to hospitals during the pandemic.

- The taskforce plans to review literature and issue recommendations on the impact of COVID-19 on pregnancy. The taskforce is comprised of obstetrical providers, pediatric care providers and family planning agencies.

New York City

- [*Mayor de Blasio announces a strategic ventilator reserve*](#), April 21
 - New York City plans to purchase 3,000 bridge ventilators for \$10 million, as part of a strategic reserve of medical supplies that the City plans to stockpile for potential future pandemics. Bridge ventilators are basic machines meant to help less critically ill patients breathe. Bridge ventilators are priced at \$3,300. If patients become sicker, they still need to be placed on standard ventilators, which typically cost more than \$30,000.
 - New York City plans to hold a parade to honor its health care workers, once it is safe to do so.
 - According to a recent CUNY Graduate School of Public Health and Health Policy [survey](#), 51% of New York City residents want nonessential businesses to reopen by the end of April or May, with the other 49% preferring to wait until after June 1. De Blasio and other leaders have warned that if New York rushes to reopen, the outbreak, which has been leveling off in recent days, could spike again.
- [*Updated NYC Department of Health Guidance*](#), April 20
 - The New York City Department of Health (NYCDOH) updated its [FAQ](#) on COVID-19 and animals. For pets with suspected COVID-19, veterinarians should contact state animal health officials to decide whether samples should be collected and tested. When assisting an infected person with pet care, NYCDOH recommends wearing gloves to enter the person's home and handling objects inside the home.
 - NYCDOH issued [guidance](#) on promoting and maintaining physical distancing and self-isolation policies in congregate and supportive living settings.

Other Related Updates

- [*28,000 Missing Deaths: Tracking the True Toll of the Coronavirus Crisis*](#), April 21
 - The New York Times conducted a review of mortality data in 11 countries. The Times found that at least 28,000 more people have died during the COVID-19 pandemic, beyond those reported in official country reports.
 - The excess mortality for each country was calculated by comparing the number of people who died from all causes this year with the historical average during the same period. In many European countries, recent data show 20% to 30% more people have been dying than normal. In Paris, more than twice the usual number of people have died each day. In New York City, the number is now four times the normal amount.
 - The data cast doubt on the theory that many people who have died from the virus may soon have died anyway of other causes.
- [*FDA COVID-19 Update: Daily Roundup*](#), April 21
 - FDA [published](#) information on the use of antibody tests to identify people who may have been exposed to the SARS-CoV-2 virus or have recovered from the COVID-19 infection.
 - FDA issued an [emergency use authorization](#) (EUA) to facilitate the manufacture of facemasks for use by members of the general public, including health care personnel in health care settings, to cover their noses and mouths. Face masks are authorized under the EUA once they meet certain labeling requirements.
 - FDA issued guidance on a [temporary policy](#) on the compounding of drugs for hospitalized patients during the pandemic. FDA does not intend to take action against state-licensed pharmacies and federal facilities for compounding a drug that is essentially a copy of a

- commercially available drug, or for providing a drug to a hospital without obtaining a patient-specific prescription.
- FDA [authorized](#) the first diagnostic test with a home collection option for COVID-19. FDA re-issued the EUA for LabCorp’s COVID-19 RT-PCR Test to permit use of a self-collection kit with nasal swabs and saline. Once patients self-swab, they can mail their sample in an insulated package to LabCorp for testing. LabCorp intends to make home collection kits available to consumers in most states in the coming weeks. The test may be purchased only with a physician’s prescription.
 - [Department of Health and Human Services COVID-19 Updates](#), April 20
 - The Department of Health and Human Services (HHS) [announced](#) an ongoing partnership with Oracle. Oracle donated Therapeutic Learning System, an online platform designed to gather crowd-sourced real-time medical data on how patients are responding to possible therapeutics to treat COVID-19.
 - The Substance Abuse and Mental Health Services Administration (SAMHSA) [released](#) \$110 million in emergency grant funding to provide Americans with substance abuse treatment and mental health services during the COVID-19 pandemic. SAMHSA expects the pandemic to contribute to an increase in the incidence of depression, anxiety, trauma, and grief.
 - [Department of Labor Ends Temporary Non-Enforcement of Paid Leave Protections](#), April 20
 - The Department of Labor (DOL) announced the end of the temporary period of non-enforcement of paid leave protections under the Families First Coronavirus Response Act (FFCRA).
 - DOL offers extensive plain-language guidance on the requirements of the law, including [Questions and Answers](#), a [Fact Sheet for Employees](#) and a [Fact Sheet for Employers](#).
 - [CBP Statement on Workforce Protection Measures](#), April 20
 - Union leaders representing Customs and Border Patrol (CBP) field officers recently [criticized](#) CBP for limiting weather and safety leave (WSL) schedules. WSL schedules typically allow employees to spend 32 hours at their duty stations and eight hours a week on weather and safety leave. The schedules allowed CBP to implement social distancing by limiting the number of employees in a particular space and gave CBP officers time off to care for children who are home from school.
 - CBP issued statement that “the decision to adjust WSL for some personnel was necessary” to protect against “the potential increased influx of migrants along our land borders who may carry the virus.” CBP asserted that personnel who cannot telework have ready access to Personal Protective Equipment (PPE), including nitrile gloves and N95 respirators, as well as comprehensive guidance for the use of that equipment.

Other recent events covered in detail elsewhere:

- [Director Oversight Duties Amidst COVID-19](#), April 20
- [COVID-19: Available Extension for BEA Form BE-10](#), April 20
- [Understanding the Challenges of Workplace and Business Re-Opening](#), April 20

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