

April 22, 2020

Summary

The United States has 834,858 confirmed COVID-19 cases and 45,894 reported related deaths. CDC Director Redfield warned that a second wave of COVID-19 in the fall could be worse than the current outbreak because the flu and coronavirus epidemics will coincide. President Trump plans to issue an executive order to stop new green card awards for at least 60 days. The order will not affect temporary workers arriving from other countries through visa programs. The President stated that “by pausing immigration, we will help put unemployed Americans first in line for jobs as America reopens.” The Senate approved a \$484 billion relief package which includes \$320 billion to replenish the Paycheck Protection Program, \$75 billion for hospitals, \$25 billion for testing and a mandate that the Trump administration establish a national testing strategy to help states and localities. The House is expected to vote on the bill later this week.

California officials in Santa Clara County announced that two residents died of COVID-19 on February 6 and February 17, making them the earliest known victims of the pandemic in the United States. The first U.S. death had been thought to be outside Seattle on February 29. Missouri sued the Chinese government for damages stemming from the pandemic, citing “an appalling campaign of deceit.” The federal lawsuit claims that Chinese officials are “responsible for the enormous death, suffering and economic losses” faced by Missouri and the world. In South Dakota—one of the few states without a stay-at-home order—a race track is planning to hold a race on Saturday, April 25, with tickets capped at 700 fans for a 4,000-seat venue.

New York State reported 474 COVID-19 deaths on Wednesday, bringing the State’s official death toll to 15,302. It was the third day in a row that fewer than 500 deaths were reported, an indication that the outbreak is stabilizing after several days of more than 700 deaths. President Trump met with Governor Cuomo on Tuesday afternoon. The President committed to help New York State double its testing capacity to 40,000 tests per day. The New York City Council plans to introduce a coronavirus relief package with measures to protect tenants, small businesses, essential workers and the homeless.

General/Employer Guidance**Presidential updates**

- [Remarks by President Trump and the Coronavirus Task Force in Press Briefing](#), April 21
 - President Trump plans to temporarily stop issuing green cards to prevent people from immigrating to the United States. The “pause” on immigration “will not apply to those entering on a temporary basis.” Trump [announced](#) on Twitter that he would sign the executive

order on Wednesday. An [analysis](#) by the Migration Policy Institute estimates that the policy could affect as many as 660,000 people.

- The President justified the order as necessary to protect American workers from the influx of “new immigrant labor flown in from abroad.” The President stated that “by pausing immigration, we will help put unemployed Americans first in line for jobs as America reopens.” The order will initially be in effect for 60 days, but it might be extended “based on economic conditions at the time.”
 - President Trump met with Governor Cuomo on Tuesday afternoon to discuss expanding New York’s testing capacity. The President stated that New York has anticipates having a sufficient supply of ventilators to meet current demand. The President and Governor Cuomo agreed that that the Navy hospital ship USNS Comfort could return to its base in Norfolk at the earliest opportunity. President Trump agreed to waive for New York State the standard agreement in which a state must pay for 25 percent of the funding it gets from FEMA.
- [*Dynamic Ventilator Reserve Created to Assist U.S. Hospitals to Meet Ventilator Demand*](#), April 21
 - The White House announced the creation of the Dynamic Ventilator Reserve, a program that will deploy ventilators from areas with excess supply to those in need.
 - The Council of Economic Advisers (CEA) found that the existing national ventilator supply is sufficient to handle total national demand – even in the most aggressive virus spread scenarios identified by CDC. CEA noted that the Dynamic Ventilator Reserve likely does not need to be supplemented by the Federal Strategic National Stockpile (SNS).
 - Hospitals participating in the Dynamic Ventilator Reserve will use an online platform to estimate their individual excess supply based on projected demand over the next week. Depending on total projected demand across the network of participating hospitals, individual hospitals could then share their excess supply to other network hospitals that project shortages.

World Health Organization (WHO)

- [*COVID-19 Situation Report – 92*](#), April 21
 - Over 100 countries have joined the [Solidarity Trial](#) to evaluate therapeutics for COVID-19. The trial will compare four treatment options against local standard of care, to assess their relative effectiveness against COVID-19. The four treatment options include remdesivir, ritonavir, interferon beta-1a, and hydroxychloroquine.
 - WHO published [guidance](#) on addressing human rights considerations during the pandemic such as stigma and discrimination, the prevention of violence against women, support for vulnerable populations, and quarantine and restrictive measures.

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

- [*CDC Director Redfield warns of second coronavirus wave*](#), April 22
 - CDC warned that a second wave of the coronavirus outbreak in the fall could be worse than the current outbreak because it would coincide with the beginning of the flu season.
 - CDC highlighted that additional capacity is needed to undertake contract tracing efforts. CDC is considering several options, including training census takers and Peace Corps and AmeriCorps volunteers, to become “part of a comprehensive contact tracing effort.”
- [*CDC COVID-19 Updates*](#), April 22
 - CDC updated interim [guidance](#) to support public health authorities handle the spread of COVID-19 in homeless shelters.
 - CDC highlighted [COVID-19Surge](#), a spreadsheet-based tool that hospital administrators and public health officials can use to estimate the surge in demand for hospital-based services

during the pandemic. COVID-19 Surge can estimate the number of COVID-19 patients that need to be hospitalized, the number requiring ICU care, and the number requiring ventilator support. Users can then compare those estimates to current hospital capacity.

New York State

- [*Deaths in New York passed 15,000*](#), April 22
 - New York State reported 474 COVID-19 deaths on Wednesday, bringing the State's official death toll to 15,302. It was the third day in a row that fewer than 500 deaths were reported, an indication that the outbreak is stabilizing after several days of more than 700 deaths. The number of virus patients in hospitals also fell, for the ninth straight day.
 - Governor Cuomo acknowledged that the virus is likely to surge once restrictions are loosened, but declined to address the way that expectation would affect his plans to re-open the economy.
 - Former New York City Mayor Bloomberg has volunteered to develop and implement a contact tracing program. The State effort "will literally need thousands" of tracers.

- [*Governor Cuomo Announces Partnership With Federal Government to Double Testing Capacity in New York State*](#), April 21
 - Governor Cuomo met with President Trump at the White House on Tuesday, describing the conversation as a "productive" step toward helping New York increase its testing capabilities.
 - The President committed to help New York State double its testing capacity to 40,000 tests per day. Governor Cuomo stated that this is "a very aggressive goal" and estimates that reaching this capacity "will take several weeks at best." It took the State approximately one month to reach its current capacity to conduct 20,000 tests per day.

New York City

- [*New York City to offer more assistance to public housing residents*](#), April 22
 - New York City plans to provide additional support to the 400,000 residents in New York City Housing Authority buildings. The City will deliver face coverings and gloves to all residents in public housing, and will give hand sanitizer to elderly residents. The City plans to spend \$5 million to give free tablet computers with internet access to 10,000 elderly residents of public housing to help them stay in touch with their families.
 - Six testing sites set to open in the coming days will prioritize public housing residents. Three additional sites will be located within public housing, at the Jonathan Williams houses in Brooklyn, the Woodside Houses in Queens, and the St. Nicholas houses in Harlem.

- [*The City Council will introduce a broad virus relief package today*](#), April 22
 - The New York City Council, meeting via Zoom today, is set to introduce a coronavirus relief package with measures to protect tenants, small businesses, essential workers, and the homeless.
 - The package includes a workers' "bill of rights" that mandates paid sick leave for gig workers. It also would require premiums for non-salaried essential employees at big companies until the state of emergency is lifted, with mandated bonuses ranging from \$30 for a shift under four hours to \$75 for a shift over eight hours. It also includes a ban on firing essential workers without just cause.
 - The package further includes tenant protections that would bar marshals and sheriffs from collecting debts or evicting residential or commercial tenants affected by the virus until next April. For people living in homeless shelters, the package requires that the City provide private rooms for every adult until the pandemic ends.
 - The legislation also calls for temporarily closing up to 75 miles of streets to create places

where people can be outdoors while maintaining social distance.

- [*New York City Jail Population Drops Below 4,000 for First Time Since 1946*](#), April 21
 - Mayor de Blasio announced that the New York City jail population dropped below 4,000 last week, the lowest figure since 1946. Since March 16, 600 people entered New York City jails, compared to 3,300 people over the same period last year. At the same time, more than 2,000 people have departed the jail system to reduce the health and safety risks of COVID-19.
 - The City released more than 500 people who were held on Rikers Island after an alleged technical violation of their parole conditions, such as missing an appointment or failing a urine sample test. The Department of Corrections also released more than 300 people serving short sentences. These individuals will serve the remainder of their sentences at home, under supervision.

Other Related Updates

- [*The Education Department will ban colleges from giving DACA students emergency aid*](#), April 22
 - The Education Department granted \$6 billion in emergency relief to thousands of universities to help students who have experienced disruptions due to campus closures during the pandemic. The aid is part of the \$12 billion allocated to higher education institutions in the Coronavirus Aid, Relief, and Economic Security (CARES) Act.
 - Education Secretary Betsy DeVos ordered higher education institutions to distribute emergency relief only to students who are eligible for federal financial aid. The directive effectively excludes the hundreds of thousands of students who attend college under the Deferred Action for Childhood Arrivals (DACA) program. DACA protects undocumented immigrants brought to the United States illegally as children and grants them the right to lawfully live and work in the country.
- [*Expert U.S. panel develops NIH treatment guidelines for COVID-19*](#), April 21
 - A panel of U.S. physicians, statisticians, and other experts developed treatment [guidelines](#) for COVID-19 based on their clinical expertise and preliminary data. The guidelines consider two broad categories of therapies currently in use for COVID-19: antivirals, which may target the coronavirus directly, and host modifiers and immune-based therapies, which may influence the immune response to the virus or target the virus.
 - The guidelines evaluate patients based on their risk of infection and severity of illness, and they recommend best practices for managing patients in different states of infection. The guidelines include special considerations for pregnant women and children, as well as recommendations concerning the use of concomitant medications such as statins, corticosteroids, non-steroidal anti-inflammatory drugs, and certain drugs used to control hypertension.
- [*Department of Health and Human Services COVID-19 Updates*](#), April 22
 - The Department of Health and Human Services (HHS) [awarded](#) \$165 million to fight COVID-19 in rural communities. The funds will provide technical assistance on telehealth initiatives in 1,779 small rural hospitals.
 - HHS [announced](#) \$955 million in grants under the CARES Act. The funding will help meet the needs of older adults and people with disabilities to implement measures to prevent the spread of COVID-19, including home delivered meals, in-home care services, and caregiver support.
 - The Centers for Medicare & Medicaid Services (CMS) [initiated](#) a new enforcement discretion policy, extending certain deadlines under the Interoperability and Patient Access final rule. The rule gives patients increased access to their health information.

- [FDA COVID-19 Update: Daily Roundup](#), April 21
 - FDA issued an [emergency use authorization](#) (EUA) for the Steriluent HC 80TT Hydrogen Peroxide Sterilizer for use in decontaminating compatible N95 respirators for single-user reuse by health care providers. The EUA allows for up to 10 decontamination cycles per respirator.
 - FDA issued [temporary guidance](#) that provides flexibility to the food industry to support the supply chain during the pandemic. These measures include enforcement flexibility for nutrition labeling, menu labeling, and shell egg packaging and labeling.
 - FDA approved a new drug application (ANDA) to Aurobindo Pharma Ltd. for the manufacture of certain albuterol products to provide a safe, effective, and lower cost alternative to brand-name drugs. Albuterol is a bronchodilator that relaxes muscles in the airways and increases air flow to the lungs.

- [Attorneys General Urge USDA to Safeguard SNAP Benefits During Pandemic](#), April 21
 - A coalition of 22 attorneys general and the City of New York wrote a [letter](#) to the U.S. Department of Agriculture (USDA) urging the agency not to finalize a proposed rule that would disqualify millions of low-income Americans from Supplemental Nutrition Assistance Program (SNAP) benefits.
 - USDA’s proposed rule would eliminate a long-standing policy known as “broad-based categorical eligibility” (BBCE). This policy allows states to make low-income families automatically eligible for SNAP benefits if they have already qualified to receive certain other types of public assistance. Through BBCE, states can extend SNAP benefits to low-income families that exceed the program’s income threshold if they also have significant critical expenses, like childcare, housing, or education expenses. BBCE is used by 39 states, the District of Columbia, Guam, and the U.S. Virgin Islands.
 - The coalition asserts that “families and states are already seeking to make ends meet because of the global pandemic, and this rule would push them into an even more precarious position.”

- [Department of Labor COVID-19 Employer Safety Tips](#), April 21
 - The Department of Labor (DOL) issued an [alert](#) listing safety tips employers can follow to protect construction workers from exposure to COVID-19.

Other recent events covered in detail elsewhere:

- [CMS Medicare Payment and Policy Changes for FY 2021 – Skilled Nursing Facilities, Inpatient Psychiatric Facilities, and Hospices](#), April 22
- [Senate Passes Increased Funding for Paycheck Protection Program](#), April 22
- [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