

COVID-19 Daily Update

April 28, 2020

Summary

The United States has 1,002,498 confirmed COVID-19 cases and 57,533 reported related deaths. President Trump announced a testing blueprint designed to facilitate increased state testing capabilities. The plan makes it clear that states remain primarily responsible for testing and that the federal government will “act as a supplier of last resort.” Treasury Secretary Mnuchin warned that companies receiving more than \$2 million in small business loans under the Paycheck Protection Program may be audited by the Small Business Administration. Companies could face “criminal liability” if it turns out they were not eligible to apply for the relief money. The Small Business Administration recently dissuaded big companies with access to other forms of capital, such as share or debt offerings, from applying. JetBlue recently announced that all passengers must wear a face covering on all flights, beginning on May 4. JetBlue’s CEO described the rule as “the new flying etiquette.” Union officials announced that dozens of workers from the three major airports in the New York City area have COVID-19, and at least 17 have died.

The Governor of Massachusetts plans to extend the limit on gatherings and the closure of non-essential businesses until May 18. More than a dozen states moved ahead with tentative plans to re-open their economies, but there remains no agreed-upon strategy to navigate from lockdowns to a new normal. Texas announced that stores, restaurants, movie theaters, and malls would be allowed to reopen with limited capacity on Friday, May 1. Ohio unveiled a more incremental plan that would allow manufacturing work to resume and offices to reopen next week. Workers in Vermont are required to take a short online tutorial about the virus and attest to having read the material. Montana will give schools the option to reopen starting May 7.

Twelve fighter jets from the Navy’s Blue Angels and the Air Force’s Thunderbirds flew over New York City, Newark, Trenton, and Philadelphia on Tuesday afternoon in a “collaborative salute” to honor essential workers on the front lines of the pandemic. New York State reported 335 new COVID-19 deaths on Tuesday. The death rate over the last three days has been relatively flat. The number of new COVID-19 patients admitted to hospitals has fallen more than 70% since the outbreak’s peak earlier this month. New York State plans to expand its current antibody testing effort to survey members of the New York City Fire Department and New York City Police Department, as well as health care and transit workers. Mayor de Blasio announced a new grading system for New York City public schools. Students across the system will not receive failing grades. The City plans to expand outreach to vulnerable New Yorkers living on the streets and in the subways.

General/Employer Guidance

Presidential updates

- [President Trump to Sign Executive Order Addressing Issues in the Food Industry](#), April 28
 - President Trump announced a plan to sign an executive order addressing “liability problems” with the country’s meat supply. An official familiar with the matter said that the executive order will invoke the Defense Production Act to force meat processing companies to stay open.
 - The President suggested that “there’s plenty of supply” but that the problem stems from “distribution.” Trump also announced that the administration is working with poultry producer Tyson Foods.
 - Earlier in the day, President Trump [retweeted](#) a news site that covers the food industry saying that “there is no shortage of meat destined for the grocery store shelf” but slower restocking because of “supply chain disruptions.”

- [Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing](#), April 27
 - President Trump announced the Opening Up America Again [Testing Overview](#) and [Testing Blueprint](#) designed to facilitate the increased COVID-19 testing capacities described in the President’s Opening Up America Again Guidelines.
 - The [Overview](#) provides a summary of the situation so far, detailing how the federal government has waived regulations, provided some supplies to states, and partnered with private businesses to scale up testing.
 - The [Blueprint](#) describes the roles and responsibilities of the federal, state, local governments, and the private sector. The plan makes clear that states are still primarily responsible for testing and that the federal government will “act as a supplier of last resort.”
 - According to White House [data](#), the United States has performed more than 5.4 million COVID-19 tests in less than 45 days. This figure is far more than any other country, but still the equivalent of about 1.6% of the total population. FDA has issued 70 emergency authorizations for new tests, including 8 for serological tests.
 - Admiral Brett Giroir, the official in charge of the White House’s COVID-19 testing efforts, [said](#) the federal government aims to give states the ability to test at least 2% of their populations per month. The President did not use that figure and it was not in his written plan. Instead, President Trump said the United States would “double” the number of tests it is currently conducting.

- [Remarks by President Trump in Conference Call with State Governors](#), April 27
 - President Trump called on state governors to “seriously consider” reconvening schools before the end of the academic year rather than waiting until the fall, as many districts have decided or expect to do.

World Health Organization (WHO)

- [COVID-19 Situation Report – 98](#), April 27
 - WHO published [guidance](#) on the operation of immunization programs during the pandemic.

- WHO published [guidance](#) describing and classifying potential available treatments for COVID-19. These include different types of antivirals, antimalarial drugs, antibiotics, immunosuppressants, gas inhalation, and respiratory support.

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

- [CDC Symptoms of Coronavirus Update](#), April 27
 - CDC updated its list of COVID-19 symptoms. CDC added that people with COVID-19 may experience *at least two* of the following symptoms: fever, chills, repeated shaking with chills, muscle pain, headache, sore throat and a loss of taste or smell. CDC notes that this list is not all inclusive and encourages people to consult with their medical providers. CDC warns that symptoms may appear 2-14 days after exposure to the virus.
- [Testing for COVID-19](#), April 27
 - CDC updated information on testing for COVID-19.
 - Two kinds of tests are available for COVID-19: diagnostic tests and antibody blood tests. Diagnostic tests check samples from the respiratory system for a current COVID-19 infection. Antibody tests examine blood samples to determine whether the individual was previously infected with COVID-19.
 - CDC warned that: “we do not know yet if having antibodies to SARS-CoV-2 can protect someone from getting infected with that virus again, or how long that protection might last.”
- [Interim Infection Prevention and Control Guidance for Dental Settings During the COVID-19 Response](#), April 27
 - CDC updated guidance for dental settings during the pandemic.
 - To address asymptomatic and pre-symptomatic transmission, CDC recommends implementing source control (requiring cloth face coverings) for everyone entering the dental setting, regardless of whether they have COVID-19 symptoms. CDC also recommends screening personnel and patients for fever and symptoms of COVID-19 before they enter the facility.

New York State

- [Governor Cuomo Gives Coronavirus Update](#), April 28
 - New York State reported 335 new COVID-19 deaths on Tuesday. The death rate over the last three days has been relatively flat. The number of new COVID-19 patients admitted to hospitals has fallen more than 70% since the outbreak’s peak earlier this month.
- [Governor Cuomo Holds Media Availability on COVID-19](#), April 27
 - New York State plans to expand its current antibody testing effort to survey 1,000 members of the New York City Fire Department and New York City Police Department.
 - The State will also test 3,000 health care workers, including hospital staff, nursing staff, and emergency room doctors, as well as 1,000 transit workers, including bus drivers and train operators.

- New York plans to maintain recently completed temporary hospitals on the SUNY Old Westbury and Stony Brook University campuses through the flu season, in the event of a second wave of COVID-19. The Army Corps of Engineers completed construction over the past few days, but the facilities are not yet set up for patient intake.

New York City

- [*New York City announces new grading system for public schools*](#), April 28
 - Mayor de Blasio announced a new grading system for New York City public schools. Students across the system will not receive failing grades.
 - Students in kindergarten through fifth grade will be graded either “meets standards” or “needs improvement.”
 - Middle school students will be assessed using the same marks but can also receive a grade of “course in progress,” if teachers need more information to determine whether a student has mastered a class.
 - High School students will still receive letter grades, but will have until early next school year to complete courses that they do not finish to their teachers’ satisfaction. They will also be given the option of switching grades for this semester to a pass/fail mark.
- [*City Opens More Beds, Expands Outreach To Unsheltered New Yorkers On The Subways And Streets*](#), April 27
 - New York City plans to expand outreach to vulnerable New Yorkers living on the streets and subways. The City asked the MTA to temporarily close several end-of-the-line subway stations during the overnight hours to allow for better cleaning and more targeted outreach.
 - The President of MTA’s transit arm recently wrote an [Op-Ed](#) suggesting that MTA employees were “not the right people” to tackle the problem of homeless individuals sleeping in the subway. She blamed the City for having “seemingly decided that so long as homelessness happens underground, solving it is not their priority.”
 - Safe Haven, a program which allows individuals to enter shelters without traditional barriers like sobriety and curfew restrictions, will create 200 beds for unsheltered New Yorkers in high need areas.
- [*COVID-19: Guidance for People Who Use Drugs*](#), April 27
 - The New York City Department of Health (NYCDOH) issued COVID-19 guidance on safer drug use during the pandemic.
- [*COVID-19 Face Coverings: Frequently Asked Questions*](#), April 27
 - NYCDOH updated its [FAQ](#) on face coverings. All New Yorkers must wear a face covering when outside the home.
 - NYCDOH highlighted that the face covering requirement also applies to those who have recovered from COVID-19 because “we still don’t know... whether it’s possible to get sick again.”

Other Related Updates

- [*Study Finds that COVID-19 Patients with Cancer are at Greater Risk for Severe COVID-19*](#), April 28
 - According to a peer-reviewed study of patients in China, COVID-19 patients with lung cancer, blood cancer, or cancer that has spread beyond its original site are at greater risk for severe COVID-19 than are cancer-free patients.
 - Researchers studied the medical records of 105 COVID-19 patients with cancer at 14 hospitals in Wuhan, China, comparing them to 536 COVID-19 patients of similar age who did not have cancer and were treated at the same hospitals.
 - Cancer patients died at twice the rate of cancer-free patients. Cancer patients were at nearly twice the risk of having severe symptoms, and nearly three times the risk of requiring mechanical ventilation.
 - Cancer patients who previously had surgery had a higher risk of severe outcomes, but those who had undergone radiation therapy did not appear to have worse outcomes. Patients who had undergone immunotherapy experienced the most severe illness and the highest death rates.

- [*Quest Diagnostics launches direct-to-consumer antibody testing service*](#), April 28
 - Quest Diagnostics launched a COVID-19 antibody testing initiative through QuestDirect.
 - Individuals can now request a COVID-19 antibody test and purchase it online. Each test request is reviewed and, if appropriate, an order for testing is issued by a licensed physician. On average, test results are available online via the company's secure patient portal one to two days after the blood draw. Individuals have the opportunity to speak with a licensed physician about their results.
 - After purchasing the service online, an individual will be prompted to schedule an appointment for a blood draw at one of the 2,200 Quest patient service centers.
 - Quest stated that, “although we do not yet know whether the development of antibodies provides protection from re-infection, or how long such protection lasts, COVID-19 antibody testing may indicate whether the person has been exposed to the virus and developed antibodies against it, which may mean that person has at least some immunity to the coronavirus.”

- [*CVS, Walgreens ramp up free coronavirus testing outside of stores*](#), April 27
 - CVS Health announced that, starting in May, it will offer free self-swab tests to individuals who meet CDC testing criteria. CVS plans to process up to 1.5 million tests per month.
 - By the end of May, testing will be available at up to 1,000 CVS locations. Patients will schedule tests online for evaluation in CVS parking lots or drive-thru windows. The company will not conduct testing inside its stores.
 - Walgreens announced its plan to open free drive-thru nasal-swab testing sites in 49 states and Puerto Rico. Once operational, the company expects to test more than 50,000 people per week.

- [*FDA COVID-19 Update: Daily Roundup*](#), April 27
 - FDA and CDC developed a [fact sheet](#) on the use of respirators, face masks, and cloth face coverings in the food and agriculture sector.
 - FDA issued [recommendations](#) on how to handle workers with COVID-19 in food production, storage, or distribution operations.
 - FDA updated and re-issued its [Emergency Use Authorization](#) (EUA) for face masks. FDA clarified that face masks, including cloth face coverings, authorized by the EUA are authorized for use only by the general public and health care personnel involved in source control. These face masks are not authorized to be personal protective equipment, meaning they are not a substitute for filtering face piece respirators or surgical face masks.

- [*HHS Launches COVID-19 Uninsured Program Portal*](#), April 27
 - The Department of Health and Human Services (HHS) launched a new COVID-19 Uninsured Program [Portal](#), allowing health care providers who have conducted COVID-19 testing or provided treatment for uninsured COVID-19 individuals on or after February 4, 2020 to submit claims for reimbursement.

Other recent events covered in detail elsewhere:

- [COVID-19 Measures: Leveraging Investment Agreements to Protect Foreign Investments](#), April 28
- [Credit Funds: How Hybrid Facilities Offer a Unique Solution in Today’s Climate](#), April 28
- [New Illinois Stay at Home Order Announced for May](#), April 27

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