

COVID-19 Daily Update

April 29, 2020

Summary

The United States has 1,028,295 confirmed COVID-19 cases and 59,392 reported related deaths. Dr. Fauci asserted that a second wave of new COVID-19 infections is “inevitable” and warned that if the country fails to enact the requisite countermeasures, “we could be in for a bad fall and a bad winter.” The United States’ gross domestic product (GDP) contracted at a seasonally adjusted annual rate of 4.8% in the first quarter of the year. This is the first decline in GDP since 2014, and the worst quarterly contraction since 2008. President Trump issued an executive order under the Defense Production Act to ensure that beef, pork, and poultry processing plants remain open to the maximum extent possible. Gilead Sciences reported promising results from phase three clinical trial of the antiviral drug remdesivir for the treatment of hospitalized patients with severe COVID-19. The study was sponsored by the National Institute of Allergy and Infectious Diseases (NIAID). According to administration officials, FDA plans to announce an emergency use authorization for remdesivir.

Simon Property Group, the biggest operator of malls in the United States, announced a plan to re-open 49 shopping centers across 10 states starting on Friday. Food court seating will be spaced to encourage social distancing, play areas and drinking fountains will be temporarily closed, and regular audio announcements will be made “to remind shoppers of their part in maintaining a safe environment for everyone.” A group of prominent independent restaurant owners is asking Congress for a \$120 billion stabilization fund to prevent thousands of restaurants across the country from closing. According to the Independent Restaurant Coalition, the restaurant industry accounts for roughly 60% of all American job losses in March. A pug in North Carolina tested positive for COVID-19, the first known case of the virus in a dog in the United States. The test results are preliminary and have yet to be confirmed by the U.S. Department of Agriculture. California announced that state public schools could return as early as late July or early August to begin the next academic year to make up for “a learning loss.”

New York State reported 330 deaths on Wednesday, bringing the State’s total death toll to 17,968. Governor Cuomo asked the Metropolitan Transportation Authority (MTA) in New York City to submit a plan by Thursday, April 30 for the disinfection of all subway trains on a daily basis. New York reported that 10% of the NYPD and 17% of FDNY have tested positive for COVID-19. The Navy announced in a statement that the Navy hospital ship the USNS Comfort will depart New York City on Thursday to prepare for any future COVID-19 assignments. The ship served 182 patients during its stay, and discharged its final patient on Sunday. It arrived in New York City on March 30 to help non-COVID patients, but began helping coronavirus patients six days later.

General/Employer Guidance

Presidential updates

- [*Executive Order on Delegating Authority Under the DPA with Respect to Food Supply Chain Resources During the National Emergency*](#), April 28
 - President Trump issued an executive order under the Defense Production Act to ensure that beef, pork, and poultry processing plants remain open to the maximum extent possible. Outbreaks of COVID-19 among plant workers have recently led to reduced capacity and the closure of large meat processing facilities.
 - The Order designates meat processing plants as “critical infrastructure.” The President delegated his authority under the Defense Production Act to the Secretary of Agriculture, “to determine the proper nationwide priorities and allocation of all the materials, services, and facilities necessary to ensure the continued supply of meat and poultry.” Plants must continue to follow OSHA and CDC guidance.
 - The Order asserts that processors in the food supply chain must “continue operating and fulfilling orders to ensure a continued supply of protein for Americans.” The Order further states that the “closure of a single large beef processing facility can result in the loss of over 10 million individual servings of beef in a single day.”

- [*An In-Depth Look at COVID-19’s Early Effects on Consumer Spending and GDP*](#), April 28
 - The Bureau of Economic Analysis (BEA) released an advance [estimate](#) of the United States’ gross domestic product (GDP) for the first quarter of 2020. BEA estimates that real GDP contracted 4.8%, the first decline in six years.
 - The administration reports particularly sharp annualized declines in household spending on health care services (-18%), transportation (-29.2%), recreation (-31.9%), and food services and accommodations (-29.7%).

- [*Deregulation Sparks Dramatic Telehealth Increase During the COVID-19 Response*](#), April 28
 - The White House issued a [press release](#) on the administration’s actions to expand telehealth.
 - The White House reports that daily telehealth claims for upper respiratory infections from private insurance companies increased nearly 12 times from the daily average from March 14 to April 1.

- [*Memorandum on Authorizing the Crisis Counseling Assistance and Training Program for Major Disaster Declarations Related to COVID-19*](#), April 28
 - The President issued a memorandum authorizing the Administrator of FEMA to make crisis counseling services available to all states or territories in which: (i) the total number of cases of COVID-19 exceeds 5,000 within the state or territory; or (ii) the total of number of cases of COVID-19 exceeds 1,000 per 1 million of the State or territory’s population.

- [*Pence Tours Mayo Clinic and Flouts Its Rule That All Visitors Wear a Mask*](#), April 28
 - Vice President Pence, head of the White House Coronavirus Task Force, visited the Mayo Clinic with a delegation of federal officials.

- FDA Commissioner Hahn wore a mask, as did other administration officials and members of the clinic’s staff. Vice President Pence did not wear any face covering as he toured the virology laboratory’s labeling area and spoke to a clinic staff member who had recovered from COVID-19.
- Pence later defended his appearance stating that that masks were meant to prevent the spread of the virus and that he is tested regularly and does not have the virus. Public health experts criticized Pence’s argument noting that diagnostic tests may detect the virus only 75% of the time in symptomatic patients – and it is unclear how sensitive the tests are in asymptomatic cases.
- [President Trump threatened to withhold coronavirus aid from states unless they change their sanctuary-city policies](#), April 28
 - During an exchange with reporters, the President suggested that he would be open to assisting state and local governments. The aid would be for only those economically affected by coronavirus and not for problems “related for mismanagement over a long time.”
 - Trump added that, “we’d have to talk about things like sanctuary cities.” Some news organizations have suggested that this means federal funding could hinge on whether the immigration policies of the individual governments seeking relief align with national immigration laws and enforcement.

World Health Organization (WHO)

- [WHO Guidance on Strengthening Preparedness for COVID-19 in Cities](#), April 28
 - WHO issued guidance to support local authorities in cities to identify and implement actions that enhance the prevention and preparedness for COVID-19.
 - Urban settings face unique challenges because they have a higher risk of disease spread due to high population densities and extensive public transport networks. Diverse subpopulations have different sociocultural needs and contain vulnerable groups. Cities also have centers for advanced medical care and are critical to broader health systems.

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

- [Reopening Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools, and Homes](#), April 29
 - CDC issued a general framework for cleaning and disinfecting public spaces, workplaces, schools, and homes to support the re-opening of public spaces.
 - CDC urges employers to evaluate their workplace to determine what kinds of surfaces and materials are present. While most surfaces will require routine cleaning, frequently touched surfaces will require additional disinfecting.
- [Interim Guidance on Breastfeeding and COVID-19](#), April 28
 - CDC issued interim guidance on breastfeeding during the pandemic.
 - The limited data available suggests that breast milk is not likely to be a source of COVID-19 transmission. A mother with suspected, probable, or confirmed COVID-19

should be counseled to take all possible precautions to avoid spreading the virus to her infant.

- [*Provisional Death Counts for COVID-19: Data Updates by Select Demographic and Geographic Characteristics*](#), April 28
 - CDC [released](#) new provisional death statistics from March 8 through April 11.
 - The New York Times [analyzed](#) CDC's data and found that deaths in New York, New Jersey, Michigan, Massachusetts, Illinois, Maryland, and Colorado were nearly 50% higher than normal. When analyzing the excess deaths across these seven states (i.e., total number of deaths less the historical average), the New York Times estimated a gap of around 9,000 deaths between the official COVID-19 death toll and CDC data.
 - The gap could be accounted for by an undercounting of COVID-19 deaths and a surge in deaths from other causes. There is increasing evidence that stresses on the health care system and fears about catching COVID-19 have caused some Americans to die from ailments that are typically treatable.

New York State

- [*Governor Cuomo Holds Media Availability on COVID-19*](#), April 29
 - New York State reported 330 deaths on Wednesday, bringing the State's total death toll to 17,968. The number of new hospital admissions for COVID-19 increased slightly, after 12 days of decreasing admissions.
 - Governor Cuomo asked the Metropolitan Transportation Authority (MTA) in New York City to submit a plan to disinfect all subway trains on a daily basis. The Governor described the request as "a tremendous undertaking that has never been done before," but said that it is necessary to ensure that essential workers can get to work safely. The Governor asked the MTA to submit its plan by Thursday, April 30.
 - The State reported that 10% of the NYPD and 17% of FDNY have tested positive for COVID-19. Governor Cuomo stated that the high number of positive cases in the fire department is due to the greater exposure of EMT workers to COVID-19 patients.
- [*Governor Cuomo Outlines Additional Guidelines for Phased Plan to Re-Open New York*](#), April 28
 - Governor Cuomo outlined a phased plan to re-open New York State.
 - Based on CDC recommendations, once a region experiences a 14-day decline in the hospitalization rate, it may begin a phased re-opening. New York will additionally require that: each business and industry has a plan to protect employees and consumers; each region has at minimum 30% of hospital beds and ICU beds available after elective surgeries resume; and each region has at least 30 contact tracers for every 100,000 people.
 - New York State announced the creation of the New York Forward Re-Opening Advisory Board to help guide the state's re-opening strategy. The advisory board will be chaired by Former Secretaries to the Governor Steve Cohen and Bill Mulrow and [includes](#) over 100 business, community and civic leaders.

- [*New York Attorney General James COVID-19 Press Releases*](#), April 28
 - Attorney General James released a [statement](#) on COVID-19 funding and sanctuary cities.
 - President Trump recently [suggested](#) that federal coronavirus aid might be connected to a states' willingness to cooperate with national immigration policies and enforcement.
 - In response, Attorney General James asserted that “New York is proud of its status as a sanctuary state that welcomes and will fight to protect its immigrant residents — many of whom are fighting on the frontlines to battle the coronavirus.”

New York City

- [*De Blasio Breaks Up Rabbi's Funeral and Lashes Out Over Virus Distancing*](#), April 28
 - City police officers dispersed a crowd of hundreds of Hasidic residents in Williamsburg who were gathered for the funeral of a rabbi who died of COVID-19. Mayor de Blasio personally traveled to Williamsburg to ensure the crowd was disbursed.
 - In a series of Twitter posts, Mayor de Blasio denounced the gathering and [warned](#) “the Jewish community, and all communities” that any violation of the social-distancing guidelines could lead to a summons or an arrest.
 - Many have criticized de Blasio's actions for “singling out one community” when “every neighborhood has people who are being non-compliant.” Many noted the size of the crowds that gathered earlier in the day to watch a military flyover by pilots from the Navy's Blue Angels. The head of the Anti-Defamation League, said the mayor's remarks were unfair to the more than one million Jewish people who live in New York City.
 - De Blasio offered a limited apology on Wednesday, but said that he would not stand for anyone violating social distancing guidelines.

Other Related Updates

- [*Gilead Announces Results From Phase 3 Trial of Investigational Antiviral Remdesivir in Patients With Severe COVID-19*](#), April 29
 - Gilead Sciences reported results from a phase three clinical trial of the antiviral drug remdesivir for the treatment of hospitalized patients with severe COVID-19.
 - The study examined different dosing durations and found that patients receiving a 5-day treatment course of remdesivir achieved similar improvement in clinical status compared with those taking a 10-day treatment course. No new safety signals were identified with remdesivir across either treatment group.
 - The National Institute of Allergy and Infectious Diseases (NIAID) sponsored the research. According to a senior administration official, FDA [plans](#) to announce an emergency use authorization for remdesivir.
 - The executive director of WHO's health emergencies program [stated](#) that it is too early to comment on Gilead's remdesivir clinical trial results. He added that “it can sometimes take a number of publications to determine [what] the ultimate impact of a drug is.”

- [*NIH mobilizes national innovation initiative for COVID-19 diagnostics*](#), April 29
 - The National Institutes of Health (NIH) launched the Rapid Acceleration of Diagnostics (RADx) initiative to accelerate the development and commercialization of COVID-19 testing technologies.
 - NIH urged all scientists and inventors with a rapid testing technology to compete in a national COVID-19 testing challenge for a share of up to \$500 million over all phases of development. The technologies will be put through a highly competitive, rapid three-phase selection process to identify the best candidates for at-home or point-of-care tests for COVID-19.

- [*COVID-19 and the Upcoming Financial Crisis in Health Care*](#), April 29
 - An article, published in the New England Journal of Medicine, discussed the financial challenges of COVID-19 for health care providers. The article asserts that many providers will not survive without immediate support from both the government and private insurers.
 - Social distancing and other epidemic control strategies are cancelling all elective inpatient and outpatient surgical procedures, as well as all elective physician visits. Telemedicine is replacing some of the latter, but clinical volumes nationally have still plummeted, and revenue has plummeted accordingly. Many hospitals lack a financial cushion. Ambulatory practices have significant fixed expenses and no access to capital and other sources of liquidity.

- [*Large-Vessel Stroke as a Presenting Feature of COVID-19 in the Young*](#), April 28
 - A case report, published in the New England Journal of Medicine, highlighted five cases of large-vessel stroke in COVID-19 patients at Mount Sinai Health System in New York.
 - All five patients were under the age of 50 and were treated over a 2-week period from March 23 to April 7. By comparison, every 2 weeks over the previous 12 months, the hospital treated, on average, 0.73 patients younger than 50 years of age with large-vessel stroke.
 - A retrospective study of data from Wuhan, China showed that the incidence of stroke among hospitalized patients with COVID-19 was approximately 5%; the youngest patient in that series was 55 years of age. Large-vessel stroke was reported in association with the 2004 SARS-CoV-1 outbreak in Singapore. Coagulopathy and vascular endothelial dysfunction have been proposed as complications of COVID-19.

- [*Multistate Coalition Fights to Protect Consumer Credit During the Pandemic*](#), April 28
 - A coalition of 22 state attorneys general wrote a [letter](#) to three Consumer Reporting Agencies (CRAs), outlining their commitment to enforcing the consumer protections outlined in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

- [*HHS Announces Additional Support for COVID-19 Provider Relief Fund*](#), April 28
 - The Department of Health and Human Services (HHS) began distributing an additional \$20 billion in Provider Relief Fund payments, as part of the \$50 billion allocated to Medicare facilities and providers affected by COVID-19 under the CARES Act. An initial \$30 billion was distributed between April 10 and April 17.

- [FDA COVID-19 Update: Daily Roundup](#), April 28
 - FDA released a new [video resource](#) explaining Emergency Use Authorizations (EUAs). EUAs provide more timely access to drugs, diagnostic tests, and other critical medical products that can help diagnose, treat, or prevent COVID-19.
 - FDA and the Federal Trade Commission (FTC) issued two [warning letters](#) for the sale of herbal products with misleading claims that the products are safe and effective for the prevention and treatment of COVID-19.
 - FDA updated its [FAQ page](#) with information about smoking and COVID-19.
 - FDA posted [resources](#) to assist manufacturers submitting generic drug applications with bioequivalence studies that may be affected by COVID-19.

- [Department of Labor Issues COVID-19 Relief and Guidance for Employee Benefit Plans](#), April 28
 - The Department of Labor (DOL) issued guidance and deadline relief under Title I of the Employee Retirement Income Security Act of 1974 (ERISA) to help employee benefit plans, plan participants and beneficiaries, employers, plan fiduciaries, and other service providers affected by COVID-19.
 - A DOL [notice](#), jointly issued with the Department of Treasury and the IRS, provides additional time to beneficiaries of employee benefit plans to make decisions affecting their benefits during the pandemic.
 - DOL issued a [disaster relief notice](#) which extends the time for plan officials to furnish benefit statements, annual funding notices, and other disclosures required by ERISA in certain circumstances.
 - DOL issued an [FAQ](#) on health and retirement benefit issues for plan beneficiaries and employers.

Other recent events covered in detail elsewhere:

- [COVID-19 Business Liability Considerations in Reopening the Economy](#), April 29
- [HHS Provides Additional Guidance on Uninsured Funding and Application for the Remainder of General Distribution Funds](#), April 28
- [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

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