

COVID-19 Daily Update

April 6, 2020

Summary

The United States now has more than 347,000 confirmed COVID-19 cases and 10,389 related deaths. The rate of infection appears to be slowing in Italy and Spain. Italy reported 3,599 new cases, the country's lowest daily numbers in three weeks. In Spain, 637 people died in the last 24 hours, the lowest number of deaths recorded for two weeks. With the outbreak accelerating in Japan's largest cities, Prime Minister Shinzo Abe said he will declare a state of emergency in seven prefectures this week that include the country's largest population centers. Governors in Rhode Island, Texas, and Florida have ordered some drivers coming from out of state to be stopped at the border and reminded of the quarantine requirement. No state has blocked drivers from passing through on their way to their final destination. Some municipalities have added checkpoints and restrictions of their own.

Officer of Inspector General (OIG) of HHS released a report based on interviews with more than 320 hospitals across 46 states. The report indicates that U.S. hospitals face severe and widespread shortages of personal protective equipment, ventilators, testing supplies, and staff. A lack of testing capacity has forced hospitals to extend the stays of patients, pushing the facilities even farther beyond their capacities. Governor Cuomo extended the "New York on PAUSE" executive order, closing all schools and non-essential businesses through April 29. The daily death toll in New York remained constant for the last two days. It is unclear whether the daily death toll in New York is currently at a peak that will start declining, or the recent numbers were a blip on a continued upward trajectory. The Governor ordered more aggressive enforcement of social distancing and doubled the maximum fine to \$1,000 for violators. Mayor de Blasio stated that "New York City is facing a crisis that rivals only the Spanish Influenza and the Great Depression." To adequately treat the number of new patients being intubated daily, New York City needs an additional 1,000-1,500 ventilators by Sunday, April 12th.

General/Employer Guidance

Presidential updates

- [*President Trump calls last-minute coronavirus news briefing*](#), April 5
 - President Trump expressed hope that hydroxychloroquine, an anti-malaria drug, will provide treatment for COVID-19 patients. Clinical studies have not yet shown that the drug is an effective COVID-19 treatment. FDA has not approved the drug for COVID-

19 treatment, and NIAD Director Fauci cautioned that rigorous study is still necessary. Lab studies [have shown](#) that the drug blocked the coronavirus from entering cells.

- Dr. Fauci estimated that between 25 and 50 percent of people infected with the virus may not have any symptoms. He emphasized that more testing is needed to figure out exactly how many individuals may be asymptomatic COVID-19 carriers.
- [President Donald J. Trump Approves Major Disaster Declarations](#), April 5
 - President Trump declared that a major disaster exists in Nebraska, Nevada, Arizona, Utah, Delaware, South Dakota, Oklahoma, Mississippi, New Mexico, and Maine. He ordered Federal assistance to supplement state, and local recovery efforts in the areas affected by COVID-19. The action makes Federal funding available for crisis counseling for affected individuals in the State, and for other emergency protective measures.
 - President Trump recently issued similar declarations for New York, California, Washington State, Louisiana, Iowa, Texas, Florida, New Jersey, Illinois, Missouri, Maryland, Massachusetts, Michigan, Oregon, Connecticut, Colorado, South Carolina, Kentucky, Georgia, Puerto Rico, Guam, the District of Columbia, Kansas, Alabama, Rhode Island, Pennsylvania, Ohio, Montana, Hawaii, North Dakota, Kansas, Virginia, Tennessee, the U.S. Virgin Islands, the Commonwealth of the Northern Mariana Islands, Nebraska, Wisconsin, Arkansas, West Virginia, Indiana, New Hampshire, and Oregon.

World Health Organization (WHO)

- [WHO Director-General's opening remarks at the media briefing on COVID-19](#), April 6
 - WHO Director-General Tedros acknowledged that several countries recently adopted guidelines recommending that the general population wear face coverings in public. WHO plans to issue guidance to support countries considering the implementation of widespread mask use policies. WHO urged that medical masks must be prioritized for health workers on the front lines of the response. WHO noted that masks must be used properly and must only be recommended as one aspect of a comprehensive package of pandemic interventions.

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

- [Coronavirus Disease 2019 in Children — United States](#), April 6
 - A recent study, published as an early release by CDC, analyzed 149,760 COVID-19 cases in the United States; of the analyzed population, 2,572 patients, or 1.7%, were younger than 18.
 - The study found that relatively few children with COVID-19 are hospitalized, and fewer children than adults experience fever, cough, or shortness of breath. Nonetheless, severe outcomes have been reported in children, including three deaths.
 - At least 73% of the pediatric patients had symptoms such as fever, cough, or shortness of breath. About 5.7% of the children, or 20% of those for whom hospitalization status was known, were hospitalized. These findings are largely consistent with a report on pediatric COVID-19 patients aged <16 years in China, which found that only 41.5% of pediatric patients had fevers, 48.5% had coughs, and 1.8% were admitted to an ICU.

- [HHS Announces Funding Action to Provide \\$186 Million for COVID-19 Response](#), April 6
 - CDC will provide \$186 million in funding to state and local jurisdictions in support of their response to COVID-19.
 - CDC will enhance cooperative agreements in COVID-19 hot zones to support lab equipment, supplies, shipping, infection control, surge staffing, monitoring of individuals, and data management. CDC will enhance state surveillance capabilities, including investigating and assessing the burden and severity of COVID-19, evaluating and determining risk factors and outcomes, and planning and implementing prevention strategies.

- [Guidance for Certifying Deaths Due to Coronavirus Disease 2019 \(COVID-19\)](#), April 6
 - Hospital officials, doctors, public health experts, and medical examiners [report](#) that official counts have failed to capture the true number of Americans dying from COVID-19. The undercount is a result of inconsistent protocols, limited resources, and a patchwork of decision making from one state or county to the next.
 - CDC issued new guidance on how to certify coronavirus deaths, underscoring the need for uniformity and reinforcing the sense that deaths have not been consistently tracked. CDC instructed officials to report deaths where the patient has tested positive or, in the absence of testing, “if the circumstances are compelling within a reasonable degree of certainty.”
 - Public health experts say that an accurate count of deaths is an essential tool to understand a disease outbreak as it unfolds. The more deadly a disease, the more aggressively the authorities are willing to disrupt normal life.

New York State

- [Governor Cuomo Press Conference](#), April 6
 - Governor Cuomo extended the “New York on PAUSE” executive order, closing all schools and non-essential businesses through April 29.
 - In New York, 599 people died over the last 24 hours, a number almost identical with that of the previous day. It is unclear whether New York is currently at a peak that will start declining or experienced a “blip” on its upward trajectory. Figures point to a possible flattening of the curve, but it is still too early to tell.
 - Governor Cuomo plans to ask President Trump to let the Navy military ship, the USNS Comfort, be used to treat COVID-19 patients. The ship, which has 1,000 beds, had previously been reserved for non-virus patients.
 - The Governor complained that an increasing number of New Yorkers are not following social distancing measures. The Governor ordered more aggressive enforcement of social distancing and doubled the maximum fine to \$1,000 for violators.

New York City

- [Overflow Hospitals At Javits And On Navy Ship Have Been Largely Empty](#), April 6
 - The USNS Comfort hospital ship and the emergency hospital at the Javits Center are currently serving fewer than 100 patients. As of March 3, fewer than 100 of the more than 1,000 beds at the Javits Center were staffed by federal medical personnel. As of March 5, the Navy ship had treated about 40 patients, most of whom were recovering from emergency surgeries conducted at hospitals on land.

- Both of the overflow facilities were initially intended to serve only non-coronavirus patients. The Javits Center was repurposed late last week to start accepting COVID-19 patients. Governor Cuomo recently announced that he will ask President Trump to allow the USNS Comfort to be used to treat COVID-19 patients, noting that the local health care system is under too much stress.
- [Mayor de Blasio Updates New Yorkers on Personnel, Ventilators and Protective Equipment](#), April 5
 - Mayor de Blasio reports that New York City still faces a critical shortfall of ventilators and personnel. The City has delivered to hospitals 2,865 full service ventilators and 1,780 breathing assistance machines, but has only 135 full-service ventilators remaining in its reserve. To adequately treat the number of new patients who are being intubated daily (approximately 200-300), the City must secure a total of 1,000-1,500 more ventilators by Sunday, April 12th. To meet this need, the City is requesting ventilators from the federal and state stockpiles.
 - The City previously requested 1,000 nurses, 300 respiratory therapists, and 150 doctors from the federal government. As of Sunday, the federal government dispatched 291 military medical personnel to NYC Health + Hospitals. Memorial Sloan Kettering and the Hospital for Special Surgery agreed to take non-COVID-19 patients in their specialty areas from NYC Health + Hospital institutions.

Other Related Updates

- [First legal challenge to public health restrictions filed by the ACLU in Puerto Rico](#), April 6
 - The American Civil Liberties Union (ACLU) filed its first lawsuit over government-imposed virus restrictions. The suit argues that Puerto Rico’s nightly curfew and other strict rules aimed at limiting public contact are unconstitutional. The curfew bars people from leaving their homes from 7 p.m. to 5 a.m.
 - The Governor’s executive order closed non-essential businesses and required that people stay home during the day unless they are going to a grocery store, pharmacy, bank, gas station or medical appointment, or are providing medical care. Those found guilty of violating the order face a \$5,000 fine or up to six months in jail.
 - The order limits gatherings to close family members, a criterion the lawsuit says should not be defined by the state and is too vague for practical application by the police. Three plaintiffs who joined the lawsuit said that they fear arrest when they leave their homes each day to care for their elderly mothers.
- [Hospital Experiences Responding to the COVID-19 Pandemic: Results of a National Survey](#), April 6
 - Office of Inspector General (OIG) of HHS released a report based on interviews with more than 320 hospitals across 46 states. It indicated that hospitals continue to confront severe shortages in testing and protective equipment for medical staff.
 - Hospital administrators face widespread shortages of personal protective equipment and face “sharp increases” in prices for items such as masks, gloves and face shields from vendors. Hospitals are also in need of basic supplies, like thermometers, disinfectants, medical gas, linens, toilet paper, and food.

- Hospitals report severe shortages of testing supplies and extended wait times for results. This lack of testing capacity has forced hospitals to extend the stays of patients, pushing the facilities even farther beyond their capacities.
- Hospitals report an uncertain supply of standard, full-feature ventilators and in some cases used alternatives to support patients, including adapting anesthesia machines and using single-use emergency transport ventilators. Hospitals anticipated that ventilator shortages would pose difficult decisions about ethical allocation and liability.
- [*FCC will not investigate Trump coronavirus press conference broadcasts*](#), April 6
 - The Federal Communications Commission (FCC) announced its rejection of an emergency petition that sought an investigation into broadcasters that aired allegedly false statements President Trump made about the coronavirus.
 - FCC stated that “the federal government will not—and never should—investigate broadcasters for their editorial judgments... we leave it to broadcasters to determine for themselves how to cover this national emergency, including live events involving our nation’s leaders.”
- [*U.N. details “horrible global surge” in domestic abuse amid lockdowns*](#), April 6
 - UN Secretary General Guterres expressed alarm at an increase in domestic violence linked to COVID-19 lockdowns. UN urged countries to include domestic violence prevention in national pandemic response plans, noting that quarantines can “trap women with abusive partners.” In Lebanon and Malaysia, the number of calls to domestic violence help lines was double that of the same month last year, while in China, they are three times higher. In Britain, the National Domestic Abuse Helpline has seen a 25 percent increase in calls and online requests for support since the lockdown began.

Other recent events covered in detail elsewhere:

- [Illinois’s Expansion of Access to Health Care via Telehealth Executive Order 2020-09 & Medicaid Emergency Rulemaking](#), April 6
- [Private Equity Industry Insights | Employer Considerations under COVID Legislation and Sponsor Debt Purchases](#), April 6
- [Small Business Administration and Treasury Provide Additional Information on Paycheck Protection Program](#), April 5
- [Heightened Oversight May Lead to Rise in False Claims Act Actions Related to Assistance Programs Under the CARES Act](#), April 4

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