

COVID-19 Daily Update

August 4, 2020

Summary

The United States has 4,727,879 confirmed COVID-19 cases and 155,942 reported related deaths. United Nations Secretary General Guterres warned that the world is facing a “generational catastrophe” due to school closures, with more than a billion students out of school as of mid-July. Guterres urged countries to suppress the virus sufficiently to allow schools to re-open. Dr. Fauci recently described the country’s community spread of the virus as “insidious,” because “people are spreading it who have no symptoms at all” and “it’s difficult to [engage in] identification, isolation, and contact tracing.” A bipartisan coalition of 31 attorneys general wrote a letter to Department of Health and Human Services urging the agency to license Gilead Sciences’ antiviral drug remdesivir to other manufacturers to ease potential shortages and lower the drug’s price. The Census Bureau announced that its counting for the 2020 census will end on September 30, a month earlier than previously scheduled.

Several schools in the South and the Midwest have re-opened for the school year. Schools in Georgia, Indiana, and Mississippi report that COVID-19 cases among students and teachers have triggered quarantines, delayed openings, and caused temporary shutdowns. In New Jersey, Governor Murphy warned residents to take shelter from Tropical Storm Isaias on Monday, but urged people not to break social-distancing guidelines by staying with large groups of friends or relatives. National Football League set Thursday, August 6, as the deadline for players planning to opt out of the 2020 season due to COVID-19. Madison Square Garden Entertainment cancelled this year’s annual Christmas Spectacular Starring the Radio City Rockettes for the first time since its debut in 1933. In Mexico, the government announced that students will exclusively take classes broadcast on television or the radio when the school year begins later this month, in an effort to avoid further coronavirus outbreaks.

New York reported three deaths, 568 hospitalizations, and 139 COVID-19 patients in intensive care on Monday, August 3. Approximately 746, or 1.05%, of the 70,993 tests administered in New York on August 3 were positive for COVID-19. New York updated its COVID-19 travel advisory requiring visitors from states with significant community spread to quarantine for 14 days, adding Rhode Island and removing Washington, D.C. and Delaware. New York City Health Commissioner Barbot resigned in protest over her “deep disappointment” with Mayor de Blasio’s handling of the pandemic. Barbot expressed frustration that “the Health Department’s incomparable disease control expertise was not used to the degree it could have been.” Dr. Dave Chokshi, a former senior leader at Health + Hospitals, will replace Dr. Barbot. Governor Cuomo publicly criticized New York City’s plan for re-opening public schools, describing the 30 page plan as “incomplete.” The Governor challenged the City to detail how it expects to test the 1.1 million returning students for COVID-19.

Presidential updates

- [*Executive Order on Improving Rural Health and Telehealth Access*](#), August 3
 - President Trump issued an [executive order](#) to improve rural health and telehealth access.
 - The order calls on the Secretary of Health and Human Services (HHS) to announce a new payment model for rural healthcare providers that ensures flexibility from existing Medicare rules, establishes predictable financial payments, and encourages the movement into high-quality, value-based care.
 - The order mandates the Secretary of HHS and Secretary of Agriculture “to develop and implement a strategy to improve rural health by improving the physical and communications healthcare infrastructure available to rural Americans.”
 - The order requires the review of several temporary measures put in place during the pandemic and encourages the Secretary of HHS to extend these measures beyond the duration of the public health emergency. These measures include additional telehealth services offered to Medicare beneficiaries; and the services, reporting, staffing, and supervision flexibilities offered to Medicare providers in rural areas.
- [*Memorandum Extending Use of the National Guard to Respond to COVID-19*](#), August 3
 - President Trump issued a memorandum extending state use of the National Guard to respond to COVID-19.
 - The memo extends a 100% federal cost share for any state’s use of National Guard forces related to the pandemic through August 21, 2020.
 - The memo directs Emergency Management Agency (FEMA) to fund 75% of the emergency assistance activities associated with preventing, mitigating, and responding to the threat to public health and safety posed by the virus through December 31, 2020.
- [*President Comments on COVID-19 in Press Interviews*](#), August 3
 - In a recent [press interview](#), President Trump commented that COVID-19 is “under control as much as you can control it” in the United States.
 - President Trump continued to assert that the country has high case numbers “because we do more tests.” Trump commented on the country’s death toll and stated that “they are dying, that’s true... and it is what it is.”
 - In a White House [event](#), President Trump stated that he is “very seriously” considering taking unilateral steps to stop tenant evictions and lower payroll taxes if legislators fail to broker a new coronavirus relief bill. Trump noted that he has “a lot of powers with respect to executive orders.”

World Health Organization (WHO)

- [*COVID-19 Situation Report – 196*](#), August 4
 - WHO [highlighted](#) Rwanda’s use of five human-sized robots at two COVID-19 treatment centers to perform temperature screening, take readings of vitals, deliver video messages, and detect whether people were wearing masks properly.
 - WHO [summarized](#) current methods for estimating the COVID-19 mortality rate. WHO recommended that countries consider differences in population or quality of care when estimating COVID-19 mortality rates.

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

- [CDC COVID-19 Updates](#), August 4
 - CDC highlighted [guidance](#) on running essential errands during the pandemic. CDC recommends limiting visits to the grocery store by ordering groceries and other items online for home delivery or curbside pickup. CDC recommends visiting stores during off peak hours, cleaning reusable shopping bags, disinfecting shopping carts, and remaining at least six feet away from others at all times.
 - CDC updated [guidance](#) on safely using public transportation during the pandemic. CDC urges individuals to limit touching high traffic surfaces, such as elevator buttons, benches, ticket machines, and touchscreens. In circumstances where such contact is unavoidable, CDC recommends using hand sanitizer or washing hands as soon as possible.
 - CDC posted [answers](#) to frequently asked questions on COVID-19 and homelessness.

New York State

- [New York State COVID-19 Updates](#), August 4
 - New York reported three deaths, 568 hospitalizations, and 139 COVID-19 patients in intensive care on Monday, August 3.
 - Approximately 746, or 1.05%, of the 70,993 tests administered in New York on August 3 were positive for COVID-19.
 - New York updated its COVID-19 travel advisory requiring visitors from states with significant community spread of COVID-19 to quarantine for 14 days, adding Rhode Island and removing Washington, D.C. and Delaware.
 - New York [awarded](#) \$2.3 million through the New York Forward Loan Fund to support 61 businesses and residential landlords with COVID-19 related costs and expenses. Applications are still being accepted for 60-month, no-fee loans of up to \$100,000 with a 3% interest rate.
 - New York Attorney General James [launched](#) the Tenant Legal Assistance Program to provide \$742,000 to train volunteer attorneys to provide legal assistance to tenants facing eviction during the pandemic.
- [Governor Cuomo Questions NYC School Re-Opening Plan](#), August 4
 - Governor Cuomo described New York City's plan for re-opening its schools as "incomplete" for allegedly failing to answer critical questions about adequate COVID-19 testing.
 - A top Cuomo adviser recently [commented](#) that the City's re-opening plan was more like an "outline" than a concrete plan. The City's plan is 30 pages, compared to a roughly 80-page plan from Yonkers, which has a much smaller school system.
 - Mayor de Blasio defended the plan, calling it "a very clear roadmap to the State," adding that "we're going to keep providing additional information."

New York City

- [New York City COVID-19 Updates](#), August 4
 - Dr. Varma, a senior adviser with the City's Test & Trace Corps, [highlighted](#) that between 10-20% of new New York City COVID-19 patients that have been interviewed in recent weeks reported attending a gathering that may have put them at risk of exposure.

- Varma reports that despite several incidents of large outdoor gatherings, the Corps has not seen a pattern of major clusters as a result. Mayor de Blasio confirmed that “indoor [gatherings] remain the bigger concern.”
- [*New York City Health Commissioner Resigns in Protest*](#), August 4
 - Dr. Oxiris Barbot, New York City’s health commissioner, resigned in protest over her “deep disappointment” with Mayor de Blasio’s handling of the pandemic.
 - Barbot expressed frustration that “the Health Department’s incomparable disease control expertise was not used to the degree it could have been,” and that the City should place the Department’s experts “at the strategic center of the response not in the background.”
 - Officials in Barbot’s department previously [complained](#) that Mayor de Blasio transferred COVID-19 contact-tracing responsibilities to the City’s public hospital system, Health + Hospitals.
 - Mayor de Blasio [announced](#) that Dr. Dave Chokshi, a former senior leader at Health + Hospitals, would replace Dr. Barbot. Mayor de Blasio expressed that “it had been clear in recent days that it was time for a change” and that “we need an atmosphere of unity” and “common purpose.”

Other Related Updates

- [*National Institutes of Health Provides Updates on COVID-19 Clinical Trials*](#), August 4
 - National Institutes of Health (NIH) provided updates on COVID-19 clinical trials operating under NIH’s Accelerating COVID-19 Therapeutic Interventions and Vaccines (ACTIV) program, a public-private partnership to speed development of the most promising treatments and vaccine candidates.
 - NIH launched two trials, ACTIV-2 and ACTIV-3, designed to test the investigational monoclonal antibody LY-CoV555, based on an antibody found in a blood sample from a recovered COVID-19 patient. The trials are being led by Eli Lilly in collaboration with AbCellera Biologics.
 - Antibodies are infection-fighting proteins made by the immune system that can bind to the surface of viruses and prevent them from infecting cells. Synthetic versions of antibodies can be reproduced in a laboratory. These manufactured antibodies are known as monoclonal antibodies.
 - The first trial will test the treatment on people with mild to moderate COVID-19 symptoms who have not been hospitalized, while the second trial will test the drug in patients who have been hospitalized.

Other recent events covered in detail elsewhere:

- [*Senate Proposes the Health, Economic Assistance, Liability Protection and Schools Act*](#), August 4
- [*Remote Control: Best Practices for Litigating and Investigating During COVID and Beyond*](#), July 29

Send questions to:

- COVID-19-Implications@ropesgray.com
- COVID-19RecoveryPolicies@ropesgray.com