

COVID-19 Daily Update

March 19, 2020

Summary

China reported no new local infections for the previous day for the first time since the coronavirus crisis began; if true, this would be a milestone in its costly battle with the outbreak. President Trump issued an executive order invoking the Defense Protection Act, to increase the distribution of health and medical resources, such as personal protective equipment and ventilators. The governors of New York, New Jersey, Connecticut, and Pennsylvania announced that indoor portions of retail shopping malls, amusement parks, and bowling alleys in the four states will close by 8 PM Thursday. New York Governor Andrew Cuomo issued a new executive order that requires employers to reduce their in-person workforce by 50 percent starting on March 20. As of Thursday morning, the Governor orally updated this order to require a 75 percent reduction of the in-person workforce. The order covers all businesses and non-profit entities in the state but exempts “essential businesses” like food production, pharmacies, and others critical to the supply chain. In New York City, a correction officer and inmate at Rikers Island have tested positive for COVID-19. Mayor Bill de Blasio discussed plans to release “vulnerable” inmates from city jails to prevent the spread of the coronavirus pandemic.

General/Employer Guidance

Presidential updates

- [Trump says White House “slashed red tape” to develop vaccines and therapies](#), March 19
 - In a recent briefing, President Trump announced that FDA and the private sector continue to work together to develop vaccines and therapies. FDA continues to scale access to treatments that have shown promise, despite the fact that many treatments are in their early stages.
 - The President highlighted that FDA has approved “compassionate use” for a number of patients, which is the approval for ill patients to use a drug that has not yet been approved by FDA. He specifically mentioned that hydroxychloroquine, an old and relatively inexpensive malaria treatment, has shown “encouraging early results” as a COVID-19 treatment. Reports of its use in patients in China and France suggest that it may help, but there is not enough data to be certain. FDA Commissioner Stephen Hahn reiterated that experts would look into available malaria treatments for COVID-19 within the context of a clinical trial.

- [*Executive Order on Prioritizing and Allocating Health and Medical Resources to Respond to the Spread of COVID-19*](#), March 18
 - President Trump issued an executive order, highlighting the need to distribute all health and medical resources, such as personal protective equipment and ventilators, needed to the U.S. health care system.
 - The order invokes the Defense Production Act, a Korean War-era law that authorizes presidents to take extraordinary action to force American industry to ramp up production of equipment needed for national security. The law is typically applied to military equipment.
 - President Trump authorized the Secretary of Health and Human Services to direct factories to produce medical supplies needed to fight the virus. This power includes the ability to control the distribution of these supplies in the civilian market, for responding to the spread of COVID-19. However, the President’s Tweets since issuing the order have raised doubts about his intentions to invoke the powers.

- [*Remarks by President Trump and Vice President Pence in a Briefing with Nurses on COVID-19 Response*](#), March 18
 - President Trump held a press conference with nursing representatives, including leaders of the American Academy of Nursing, American Association of Nurse Practitioners, and the Emergency Nurses Association. The President praised the health care workers “on the frontlines in our war against the global pandemic.”
 - He further noted the administration’s recent waiver of health care regulations to allow for telehealth visits will give nurses and doctors increased flexibility in their coronavirus response. The President also touched on the expansion of mask availability, and stated that the administration has ordered 500 million N-95 masks to drive private production. Several manufacturers are also repurposing factories for mask production.

- [*White House Announces Partnership with Ad Council, Major Media Networks, and Digital Platforms for COVID-19 Messages*](#), March 18
 - President Trump announced a partnership with the Ad Council, major media networks, and digital platforms to communicate information on social distancing, personal hygiene and mental health, directly to the American people. All PSAs and content will run during airtime donated by the media and coordinated through CDC and HHS.
 - This programming includes national broadcast PSAs featuring administration officials discussing ways Americans can protect themselves and others during the pandemic. In addition, ViacomCBS launched #AloneTogether, a national social and talent-led campaign that educates audiences on the importance of social distancing and drives unity through entertainment. ABC/Walt Disney Television will also promote priority messaging for parents and families for distribution across their channels and platforms.

World Health Organization (WHO)

- [*Coronavirus disease 2019 \(COVID-19\) Situation Report – 58*](#), March 18
 - WHO reports that one new country has reported cases of COVID-19 over the last 24 hours.

- The WHO report also highlights WHO’s recently implemented Risk Communication and Community Engagement (RCCE) Action Plan. The [RCCE guidance](#) is a tool to support national health authorities, responders and other partners to develop, implement and monitor action plans for communicating effectively with communities, local partners and other stakeholders.
- RCCE develops a 7-step guidance process, which includes: collecting data and making assessments; developing coordination mechanisms; defining and prioritizing key objectives; identifying target audiences and key influencers; developing a RCCE strategy that fits into the country’s response strategy; implementing the plan with partners and engaging the community; and developing a monitoring plan for evaluation purposes.

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

- [*Severe Outcomes Among Patients with Coronavirus Disease 2019 \(COVID-19\) — United States*](#), March 18
 - A new study, published as an early release by CDC, examined the first recorded coronavirus cases in the United States. It highlights that American adults of all ages — not just those in their 70s, 80s and 90s — are being seriously affected by COVID-19.
 - As of March 16, a total of 4,226 COVID-19 cases had been reported in the United States, with reports increasing to 500 or more cases per day beginning March 14. The data show that:
 - Among 2,449 patients with known age, 6% were aged ≥ 85 , 25% were aged 65–84 years, 18% were aged 55–64 years, 18% were aged 45–54 years, and 29% were aged 20–44 years. Only 5% of cases occurred in persons aged 0–19 years.
 - Among 508 (12%) patients known to have been hospitalized, 9% were aged ≥ 85 years, 26% were aged 65–84 years, 17% were aged 55–64 years, 18% were 45–54 years, and 20% were aged 20–44 years.
 - Among 121 patients known to have been admitted to an ICU, 7% of cases were reported among adults ≥ 85 years, 46% among adults aged 65–84 years, 36% among adults aged 45–64 years, and 12% among adults aged 20–44 years. No ICU admissions were reported among persons aged ≤ 19 years.
- [*Identifying and Interrupting Superspreading Events—Implications for Control of Severe Acute Respiratory Syndrome Coronavirus 2*](#), March 18
 - A new study, published as an early release by CDC, highlights reports of COVID-19 superspreading events (SSEs), which are associated with both explosive growth early in an outbreak and sustained transmission in later stages.
 - The report concludes that prevention and mitigation of SSEs depends, first and foremost, on quickly recognizing and understanding these events, particularly within health care settings. Better understanding transmission dynamics associated with SSEs, identifying and mitigating high-risk settings, strict adherence to health care infection prevention and control measures, and timely implementation of non-pharmaceutical interventions can help prevent and control COVID-19, as well as future infectious disease outbreaks.

- [COVID-19 in a Long-Term Care Facility — King County, Washington](#), March 18
 - A new study, published as an early release by CDC, conducted an investigation into an outbreak of COVID-19 in a long-term care facility.
 - On February 28, 2020, a case of COVID-19 was identified in a resident of a long-term care skilled nursing facility in Washington. This introduction of COVID-19 resulted in cases among 81 residents, 34 staff members, and 14 visitors. Twenty-three people died.
 - Limitations in effective infection control and prevention and staff members working in multiple facilities contributed to intra- and inter-facility spread. These findings demonstrate that outbreaks of COVID-19 in long-term care facilities can have a critical impact on vulnerable older adults and have the potential to result in high attack rates among residents, staff members, and visitors.

New York State

- [New York's workplace restrictions grow; mortgage relief ordered](#), March 19
 - Governor Andrew Cuomo recently announced that New York State is requiring lenders to waive mortgage payments for 90 days if a consumer is facing a financial hardship due to the ongoing crisis. Foreclosure proceedings will also be stopped for 90 days.
 - The Governor also announced there would be a grace period for people who want to modify their loans, there will be no late payment or online payment fees. In addition to mortgage relief, state-chartered banks are required to temporarily halt ATM and overdraft fees, as well as fees for credit cards. The order applies to state-chartered banks.
- [75 Percent Of Workforce Must Work From Home](#), March 19
 - Governor Andrew Cuomo issued an executive order that requires employers to reduce their in-person workforce by 50 percent starting on March 20. As of Thursday morning, the Governor orally updated this order to require a 75 percent reduction of the in-person workforce. The order covers all businesses and non-profit entities in the state.
 - It urges employers to utilize any telecommuting or work from home procedures. The order exempts “essential businesses” or entity providing essential services. This includes essential service industries, including shipping, media, warehousing, grocery and food production, pharmacies, health care providers, utilities, banks and related financial institutions, and other industries critical to the supply chain.
- [Governor Cuomo Announces Deployment of 1,000-Bed Hospital Ship 'USNS Comfort' to New York Harbor](#), March 18
 - Governor Andrew M. Cuomo announced the USNS Comfort will be deployed to New York harbor and is expected to arrive in April. The 1,000-bed hospital ship has 12 fully-equipped operating rooms and will significantly increase New York’s hospital surge capacity. The Governor is meeting with leadership of the Army Corps of Engineers today to discuss ways to increase hospital capacity in New York.

- [*Pennsylvania Joins New York, New Jersey and Connecticut's Regional Coalition to Combat COVID-19*](#), March 18
 - The governors of New York, New Jersey, and Connecticut Governor announced that Pennsylvania Governor Tom Wolf is joining their coalition to implement a regional approach to combatting COVID-19.
 - The four governors announced that indoor portions of retail shopping malls, amusement parks, and bowling alleys in the four states will close by 8 PM Thursday. This is in addition to tri-state area guidance issued Monday, which limits crowd capacity for social and recreational gatherings to 50 people, limits restaurants to take-out only service, and the temporary closure of movie theaters, gyms, and casinos.
 - New Jersey Governor Murphy praised this approach and explained that “given the population density of the Northeast, a coordinated response effort to encourage social distancing benefits all of our residents and strengthens our greater regional preparedness.”

New York City

- [*Letter to Human Service Provider Partners*](#), March 18
 - The Mayor’s Office of Contract Service released new guidance for human service providers, assuring providers that as long as they are working with their contracting agencies on a plan to continue, modify or suspend services, they will be paid their contracted expenses.
 - The City will reimburse providers for additional personnel expenditures related to overtime and temporary staff to address shortages if staff cannot come to work. This may include expenditures such as staff travel. Providers must keep records of all COVID-19 expenses. The City is also issuing additional cash advances, pursuant to the March 14 Budget and Finance guidance.
- [*NYC to begin releasing inmates amid coronavirus outbreak*](#), March 18
 - Mayor Bill de Blasio plans to release “vulnerable” inmates from city jails to prevent the spread of the coronavirus pandemic. The State is in the process of identifying inmates for release, including those with pre-existing health conditions or those detained on minor charges.
 - The first Rikers Island inmate tested positive for coronavirus on Wednesday — hours after a correction officer at the city jail also confirmed infection with the virus. Some are concerned of the possibility of an outbreak of COVID-19 at the jail. The Correction Officers Benevolent Association union has called for new masks to protect its members and for all new detainees to be housed in facilities other than Rikers Island amid the outbreak.

Other Related Updates

- [*Estimating clinical severity of COVID-19 from the transmission dynamics in Wuhan, China*](#), March 19
 - A new study, published in the journal *Nature Medicine*, studied the death rate in Wuhan, China, the Chinese city where the outbreak began.

- The study demonstrated that coronavirus might have a lower death rate than previously thought. The study calculated that people with coronavirus symptoms in Wuhan had a 1.4 percent likelihood of dying. Some previous estimates have ranged from 2 percent to 3.4 percent.
- A key public health priority during the emergence of a novel pathogen is estimating clinical severity, which requires properly adjusting for the case ascertainment rate and the delay between symptoms onset and death. Assessing the risk of death in Wuhan is instructive because it provides a snapshot of the epidemic from the beginning.
- [*CBP Temporarily Closes Trusted Traveler Program Enrollment Centers*](#), March 18
 - U.S. Customs and Border Protection (CBP) will temporarily suspend operations at Trusted Traveler Program enrollment centers nationwide from March 19 until at least May 1, 2020. CBP is taking this precautionary measure to minimize the exposure of CBP personnel and the public to the novel coronavirus (COVID-19).
 - This temporary closure includes all public access Global Entry enrollment centers, NEXUS enrollment centers, SENTRI enrollment centers, and FAST enrollment locations. Global Entry mobile enrollment events are also paused until further notice. Conditionally-approved applicants who seek an enrollment center interview will need to reschedule after May 1.
 - CBP's Enrollment on Arrival program will remain operational. Conditionally-approved Global Entry applicants will be able to complete the enrollment process when arriving on an international flight at any of the 60 airports that offer this program.
- [*FDA Focuses on Safety of Regulated Products While Scaling Back Domestic Inspections*](#), March 18
 - FDA announced that it has temporarily postponed all domestic routine surveillance facility inspections. These are facility inspections the FDA traditionally conducts every few years based on a risk analysis. All domestic for-cause inspection assignments will be evaluated and will proceed if mission-critical.
 - FDA highlighted that this will not affect the quality and safety of FDA-regulated products, because inspections are just one part of its multi-pronged regulatory approach. FDA believes that FDA-regulated firms understand and appreciate their shared responsibility to ensure the integrity of the supply chain. The overall domestic violation rate was only about 5% in the last fiscal year.
 - In addition, FDA directed all eligible FDA employees to begin teleworking. This does not include those carrying out non-portable activities, such as certain lab activities or the monitoring of imported products. Earlier this month, FDA announced that it will postpone most foreign facility inspections through April and that inspections outside the U.S. deemed mission-critical will be considered on a case-by-case basis as this outbreak continues to unfold.

- [Temporary Relief Relating to Rule 1010 \(Electronic Filing Requirements for Uniform Forms\)](#), March 18
 - FINRA is providing temporary relief for member firms from certain rules and requirements during the coronavirus pandemic. In particular, FINRA is providing temporary relief from certain signature requirements.
 - FINRA Rule 1010(c) requires that every initial and transfer electronic Form U4 (Uniform Application for Securities Industry Registration or Transfer) filing be based on a manually signed Form U4 provided to the member or applicant for membership by the individual on whose behalf the Form U4 is being filed. FINRA is providing temporary relief from this requirement.
 - In the interim, under certain circumstances, FINRA will permit firms to electronically file an initial or transfer Form U4 without obtaining the individual applicant's manual signature.

Other recent events covered in detail elsewhere:

- [HHS announces expanded medicare telehealth coverage](#), March 19
- [COVID-19 related reimbursement developments](#), March 18
- [President Signs Families First Coronavirus Response Act](#), March 18

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