

COVID-19 Daily Update

March 22, 2020

Summary

WHO recently highlighted the impact COVID-19 has on younger individuals, and stressed that the virus could require hospitalization or cause death in younger patients. Data from many countries show that people under 50 make up a significant proportion of patients requiring hospitalization. Currently, an array of drugs approved for other indications as well as several investigational drugs are being studied in several hundred clinical trials. These include remdesivir, an Ebola treatment, and hydroxychloroquine, an anti-malaria medication. An early analysis indicates communities living in warmer places appear to have a comparative advantage to slow the transmission of coronavirus infections.

Chancellor Angela Merkel of Germany enacted the strictest social distancing rule placed by any country on movement outside the home. The policy bans gatherings of more than two people. In the United States, residents of California, New York, Illinois, New Jersey, and Connecticut — roughly 82 million people — are subject to state orders to stay indoors as much as possible. Nonessential businesses are required to keep all workers at home. Healthy people generally can leave their homes for groceries and medicines, and to exercise and take walks, as long as they keep six feet away from others. President Donald Trump declared that a major disaster exists in the State of New York. A sharp increase in confirmed coronavirus cases in New York State on Sunday indicated that the state now accounts for roughly 5 percent of coronavirus cases worldwide. The Army Corp of Engineers is expected to start building a temporary hospital in New York City shortly.

General/Employer Guidance

Presidential updates

- [*Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing*](#), March 21
 - President Trump held a press briefing with Vice President Pence and other members of the Coronavirus Taskforce. President Trump noted his recent approval of a major disaster declaration for the State of New York – and added that that he may issue one for California as well. He also discussed a call with representatives from 12,000 small businesses and noted that administration continues to support small business employees.
 - Other speakers touched on several important updates. HUD announced that foreclosures and evictions are suspended for single-family homeowners with FHA-

insured mortgages for the next 60 days. The Department of Education also announced that it will not enforce standardized testing requirements for students in elementary through high school for the current school year.

- In addition, all 10 FEMA regions across the country have been activated and continue to work with state officials to determine the type and level of support needed.
- Ninety-one (91) public health labs are running across all 50 states – demonstrating the country’s transition to larger scale testing capabilities.
- [President Donald J. Trump Approves New York Disaster Declaration](#), March 20
 - President Donald Trump declared that a major disaster exists in the State of New York and 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 issued a similar [declaration](#) for Washington State.

World Health Organization (WHO)

- [Coronavirus disease 2019 \(COVID-19\) Situation Report – 61](#), March 21
 - WHO reports that six new countries have reported cases of COVID-19, including Papua New Guinea, Isle of Man, Timor-Leste, Haiti, and Zimbabwe. WHO regional directors from the European, Western Pacific, and African region recently convened in an online briefing to exchange, information, and experience relating to COVID-19.
 - The WHO report also highlights OpenWHO, a real-time training platform for the coronavirus outbreak. OpenWHO is constantly updating and adding online open courses for COVID19 as a resource for health professionals, decision-makers and the public. As of March 20, more than 500,000 learners have enrolled. COVID-19 resources in official WHO languages can be found [here](#).
- [WHO Director-General’s opening remarks at the media briefing on COVID-19](#), March 20
 - In a recent media briefing, WHO Director-General Tedros explained the impact that COVID-19 has on younger individuals. Although older people are the hardest hit by the virus, younger people are not spared. Data from many countries clearly show that people under 50 make up a significant proportion of patients requiring hospitalization. WHO warned young people that they are “not invincible” and stressed that the virus could require hospitalization or cause death.

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

- [Information for Clinicians on Therapeutic Options for COVID-19 Patients](#), March 21
 - There are no FDA approved drugs specifically for the treatment of patients with COVID-19. At present, clinical management includes infection prevention measures and supportive care, like supplementary oxygen and mechanical ventilator support.
 - CDC recently explained that an array of drugs approved for other indications as well as several investigational drugs are being studied in several hundred clinical trials. These include two approved drugs (chloroquine and hydroxychloroquine) and one of the investigational agents (remdesivir) currently in use in the United States.

- **Hydroxychloroquine and Chloroquine:** Hydroxychloroquine and chloroquine are oral prescription drugs that have been used for treatment of malaria and certain inflammatory conditions. A study in China reported that chloroquine treatment of COVID-19 patients had clinical benefits versus a comparison group, and chloroquine was added as a recommended antiviral for treatment of COVID-19 in China. Based upon limited in-vitro and anecdotal data, chloroquine or hydroxychloroquine are currently recommended for treatment of hospitalized COVID-19 patients in several countries.
 - **Remdesivir:** Remdesivir is an investigational intravenous drug with broad antiviral activity that inhibits viral replication through premature termination of RNA transcription and has in-vitro activity against SARS-CoV-2. There are currently several options for obtaining remdesivir for treatment of hospitalized patients with COVID-19 and pneumonia in the United States, including: an NIH-sponsored clinical trial; two phase 3 randomized open-label trials; and uncontrolled compassionate use through remdesivir manufacturers.
- [*Tips to keep children healthy while school's out*](#), March 21
 - CDC issued updated guidance on keeping children healthy while they are not in school. It states that parents should take extra precautions to limit time with older adults, relatives, and others with a particularly high risk of COVID-19. It also encourages parents to minimize playdates and to consider spending time with another family that is also engaging in social distancing.
 - CDC recommends teaching children to clean hands often, avoid people who are sick, disinfect high-touch household surfaces daily, and launder items frequently (including washable plus toys). It also recommends helping children remain active in the outdoors, and helping children stay socially connected via phone or video chat.
 - The symptoms of COVID-19 are similar in children and adults. However, children with confirmed COVID-19 have generally presented with mild symptoms. Reported symptoms in children include cold-like symptoms, such as fever, runny nose, and cough. Vomiting and diarrhea have also been reported.
- [*Specific Guidance on Preventing the Spread of COVID-19 in Retirement Communities and Independent Living Facilities*](#), March 20
 - CDC issued new guidance for owners, workers, and residents in retirement communities. A retirement community or independent living facility is a residential or housing community that is usually age-restricted (e.g., aged 55 and older) with residents who are partially or fully retired and can generally care for themselves.
 - Residents in retirement communities are considered to be at higher risk of severe COVID-19 outcomes because of older age and because they may have underlying health conditions. They also may be at higher risk of getting and spreading the virus because of community characteristics, such as frequent social activities, and shared dining facilities and communal spaces.
 - Owners are encouraged to cancel all non-essential group activities, disinfect common areas, and limiting the number of non-essential visitors. CDC also suggests helping residents establish a “buddy” system to ensure they stay connected. Residents are

encouraged to stay in their homes or outdoors away from groups of people, and to ensure continuity of the regular medical services they receive.

New York State

- [Attorney General James Orders TV Host to Stop Marketing Bogus Coronavirus Treatments](#), March 21
 - Wayne Allyn Root, through his television show on Newsmax and his social media accounts, has been marketing products as treatments and preventative measures for coronavirus. Root has made misleading claims that certain products advertised on his show will help cure coronavirus and “might save your life” if you contract coronavirus. New York Attorney General Letitia James ordered Root to immediately cease and desist marketing products as treatments or cures for coronavirus.
 - Attorney General James has also issued cease and desist notifications to dozens of businesses in New York for charging excessive prices for hand sanitizers, disinfectant sprays, and rubbing alcohol — a violation of New York’s price-gouging statute.
 - The Office of the Attorney General (OAG) continues to surveil and monitor businesses across the state for potential scams and price gouging schemes designed to exploit public concern related to the spread of the coronavirus.

- [Governor Cuomo Announces Four Sites Identified by Army Corps of Engineers on Initial List of Temporary Hospitals](#), March 21
 - Over the past several days, an inspection team led by the Army Corps of Engineers has visited and reviewed more than a dozen sites for temporary hospital use. Governor Cuomo announced the Army Corp’s recommendation of four initial sites, including the Jacob K. Javits Convention Center, SUNY Stony Brook, SUNY Old Westbury, and the Westchester Convention Center. Cuomo plans to visit these sites and upon his determination, the Army Corps is expected to begin work immediately to construct the temporary hospitals.
 - Governor Cuomo also announced that the State has been searching for additional medical supplies. It has identified 6,000 new ventilators and two million N-95 masks. The State planned to send one million N-95 masks to New York City on Saturday.

- [New York State on PAUSE](#), March 20
 - Governor Cuomo announced the “New York State on PAUSE” executive order.
 - The order requires all non-essential businesses to close in-office personnel functions.
 - [Recent guidance](#) explains that an “essential business” includes:
 - Essential health care operations like hospitals, research labs, nursing home facilities, and emergency vets.
 - Essential infrastructure like power utilities, airports, public transportation, and hotels.
 - Essential manufacturing, such as manufacturers of food, chemicals, pharmaceuticals, telecommunications, and household paper products.
 - Banks, news media, homeless shelters, electricians, law enforcement, building cleaners, and funeral homes are also included. Any business that only has a

single occupant/employee (i.e. gas station) has been deemed exempt and need not submit a request to be designated as an essential business.

- Non-essential gatherings of individuals of any size for any reason (e.g., parties, celebrations or other social events) are canceled or postponed at this time. In addition, any concentration of individuals outside their home must be limited to workers providing essential services and social distancing should be practiced. When in public individuals must practice social distancing of at least six feet from others.
 - Businesses and entities that provide essential services must implement rules that help facilitate social distancing of at least six feet. Those riding the public transportation should also space out at least six feet from other riders. Finally, individuals should limit outdoor recreational activities to non-contact and avoid activities where they come in close contact with other people. This policy will go into effect on Sunday March 22, at 8 PM.
- [Attorney General James Calls on U.S. Attorney General Barr, Immigration Judges to Halt In-Person Immigration Proceedings](#), March 20
 - New York Attorney General James called on U.S. Attorney General William Barr and members of New York's immigration courts to immediately halt in-person immigration hearings and instead moving to telephonic hearings and electronic filings.
 - As court administrators at the federal and state level have instituted protocols that allow court business to continue, Attorney General James urges that a similar approach is appropriate and warranted in immigration courts.
 - Attorney General James also requested that the courts institute a means for practitioners to submit motions electronically, instead of in-person at the court or through the postal mail, which causes delays and unnecessarily jeopardizes the health of those involved.
 - While the Executive Office for Immigration Review at the U.S. Department of Justice has taken some steps to reduce hearings and court traffic for non-detained cases, current policies still require extensive in-person interaction in cases involving detained individuals.

New York City

- [Mayor de Blasio Expands Senior Leadership Team Combating COVID-19 Crisis](#), March 21
 - As part of the Administration's ongoing efforts to combat COVID-19, Mayor de Blasio announced several new senior appointments to further the City's response to the pandemic. The new leadership posts will directly align key areas of the City government with today's needs, including overseeing food supply and distribution and coordinating with the private sector's relief efforts.
- [Mayor de Blasio Issues New Guidance to New Yorkers](#), March 20
 - Mayor de Blasio issued updated COVID-19 guidance to New Yorkers, pursuant to new State regulations. Effective Sunday, March 22nd, at 8 PM, all non-essential businesses in New York City will be closed. Only businesses with essential functions will be permitted to operate, such as grocery stores, pharmacies, internet providers, food delivery, mass transit, banks, and financial institutions. Businesses that provide essential services must implement rules that help facilitate social distancing.

- NYPD will be out in neighborhoods across the City to ensure compliance with the policies:
 - The City will also enforce the following rules for non-vulnerable individuals with fines and mandatory closures: practice social distancing in public; no non-essential gatherings; and sick individuals should not leave home except to receive medical care.
 - The City will also enforce “Matilda’s Law,” which sets the following restrictions for vulnerable New Yorkers who are over the age of 70 and/or immune-compromised: remain indoors; limit outdoor activity to solitary exercise; pre-screen all visitors by taking temperature; everyone in the presence of vulnerable people should wear a mask; and do not take public transportation unless necessary.
- Starting Monday, March 23rd, three meals a day will be served to all New York City students at 439 hub sites citywide. The Staten Island Ferry will also operate on a reduced schedule starting at midnight on Saturday March 22.

Other Related Updates

- [Warmer Weather May Slow, but Not Halt Coronavirus](#), March 22
 - According to an early [analysis](#) by scientists at the Massachusetts Institute of Technology, communities living in warmer places appear to have a comparative advantage to slow the transmission of coronavirus infections.
 - The researchers found that most coronavirus transmissions had occurred in regions with low temperatures, between 37.4 and 62.6 degrees Fahrenheit. While countries with equatorial climates and those in the Southern Hemisphere, currently in the middle of summer, have reported coronavirus cases, regions with average temperatures above 64.4 degrees Fahrenheit account for fewer than 6 percent of global cases so far.
 - The temperature dependency is also clear within the United States, Dr. Bukhari said. Southern states, like Arizona, Florida and Texas, have seen slower outbreak growth compared with states like Washington, New York and Colorado. Coronavirus cases in California have grown at a rate that falls somewhere in between. The seasonal pattern is similar to what epidemiologists have observed with other viruses. At least two other studies published on public repositories have drawn similar conclusions for the coronavirus.
- [HHS Funds Phase 2/3 Clinical Trial for Potential Treatment for COVID-19](#), March 21
 - An antibody medicine being evaluated to treat severe cases of COVID-19 will receive additional support from the U.S. Department of Health and Human Services’ Office of the Assistant Secretary for Preparedness and Response (ASPR) under an existing partnership with Regeneron Pharmaceuticals of Tarrytown, New York.
 - HHS announced its support for a U.S. Phase 2/3 clinical trial to evaluate Kevzara as a potential treatment for severely ill COVID-19 patients. Currently, Kevzara is approved by the U.S. Food and Drug Administration for the treatment of rheumatoid arthritis. Kevzara was developed under a collaboration between Regeneron and Sanofi; the companies continue to collaborate on studying Kevzara for COVID-19, with Regeneron leading U.S.-based trials and Sanofi leading trials outside the U.S.

- This partnership with Regeneron is among the first to be issued by ASPR with funding from the H.R. 6074 – Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 that was passed by the U.S. Congress and signed by President Trump on March 6, 2020.
- [*FDA Issues first Emergency Use Authorization for Point of Care Diagnostic*](#), March 21
 - FDA issued the first emergency use authorization for a point-of-care COVID-19 diagnostic for the Cepheid Xpert Xpress SARS-CoV-2 test. This test provides results within hours, rather than days like existing tests. According to HHS Secretary Azar, “we are moving into a new phase of testing, where tests will be much more easily accessible to Americans who need them.” The company intends to roll-out availability of its point-of-care testing by March 30.
- [*HHS, DOD coordinate international airlift of COVID-19 supplies*](#), March 20
 - Department of Health and Human Services (HHS) and the Department of Defense (DOD) coordinated an emergency international airlift to the U.S. of 500,000 swabs and sample kits used in the COVID-19 testing process in an effort to increase diagnostic testing for Americans.
 - The emergency supplies came from Copan Diagnostics, a company located in Italy. This company is one of the major suppliers for the U.S. market for sample kits, but was unable to ship their swabs to distributors in the United States due to border closures and flight cancellations from Europe. Airlifts have now been established to bring swabs and collection kits for COVID-19 to the United States, allowing future distribution without interruption.
- [*Treasury, IRS and Labor announce plan to implement Coronavirus-related paid leave for workers*](#), March 20
 - The U.S. Treasury Department, Internal Revenue Service (IRS), and the U.S. Department of Labor (DOL) announced that small and midsize employers can begin taking advantage of two new refundable payroll tax credits, designed to immediately and fully reimburse them, dollar-for-dollar, for the cost of providing coronavirus-related leave to their employees. This relief to employees and small and midsize businesses is provided under the Families First Coronavirus Response Act (Act), signed by President Trump on March 18, 2020. [For additional information, see our [Alert](#).]
 - The IRS reports that the Act will help the United States combat and defeat COVID-19 by giving all American businesses with fewer than 500 employees funds to provide employees with paid leave, either for the employee’s own health needs or to care for family members. The legislation will enable employers to keep their workers on their payrolls, while at the same time ensuring that workers are not forced to choose between their paychecks and the public health measures needed to combat the virus.

Other recent events covered in detail elsewhere:

- [*Additional Insight into the Senate Proposal for the Coronavirus Aid, Relief, and Economic Security Act*](#), March 21

- [Tax Alert: Senate Proposal for Coronavirus Aid, Relief, and Economic Security Act \(CARES Act\)](#), March 20

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