

March 23, 2020

Summary

More than 300,000 cases of COVID-19 have now been reported to WHO, from almost every country in the world. After the first reported case, it took 67 days to reach the first 100,000 cases, it then took 11 days for the second 100,000 cases and just 4 days for the third 100,000 cases. CDC recommends that older adults and people of any age with serious chronic medical conditions should consider postponing nonessential travel to most global destinations. The International Olympic Committee (“IOC”) announced today that the 2020 Tokyo Olympic Games will be postponed from its July 24 start date. IOC officials believe the Games will likely be moved to 2021.

President Trump announced that the National Guard will be deployed to assist with the delivery of medical supplies and the establishment of medical stations in New York, California and Washington. Through FEMA, the federal government will fund 100 percent of the cost of deployment. Maryland, Massachusetts, Michigan, Indiana and Wisconsin became the latest states to announce sweeping directives to keep people at home to stop the spread of the virus. Locally, New York Governor Cuomo recently told hospitals to double capacity in expectation of a rising tide of sick people. New York City Mayor de Blasio announced crackdowns on large gatherings in city parks. The City has increased the presence of NYPD and Parks Enforcement Patrol officers to enforce social distancing.

General/Employer Guidance**Presidential updates**

- [Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing](#), March 22
 - In a recent press conference, President Trump announced that the National Guard will be deployed to assist with delivery of medical supplies and the establishment of medical stations in New York, California, and Washington. The federal government will be funding 100 percent of the cost of the National Guard’s deployment through FEMA.
 - President Trump also directed FEMA to supply the following: four large medical stations with 1,000 beds for New York, eight large federal medical stations with 2,000 beds for California, and three large federal medical stations and four small federal medical stations with 1,000 beds for the state of Washington. FEMA said that medical supplies, including personal protective equipment, will be arriving in the affected states within 42 hours.
 - Also at the briefing, officials urged that testing be prioritized toward the neediest cases. Members of the Coronavirus Task Force said that 254,000 Americans have been tested for

COVID-19, with 30,000 of those (11.8%) testing positive. According to commercial testing labs, the U.S. should be caught up on the backlog in testing by mid-week.

- [Memorandum on Providing Federal Support for Governors' Use of the National Guard to Respond to COVID-19](#), March 22
 - President Trump issued a memorandum to the Secretaries of Defense and Homeland Security on the federal government's support for state use of the National Guard to respond to COVID-19.
 - The memorandum notes that all 50 states have declared emergencies as a result of the outbreak, and have activated their Emergency Operations Centers to attend to those who have symptoms or who are already infected with COVID-19. To maximize assistance to the Governors of the States of California, New York, and Washington, President Trump directed FEMA to fund 100 percent of the emergency assistance activities associated with preventing, mitigating, and responding to COVID-19 taken by the National Guard in these states.
- [President Donald J. Trump Approves California Disaster Declaration](#), March 22
 - President Donald Trump declared that a major disaster exists in the State of California 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.
 - Similar declarations have been issued for Washington State and New York State.

World Health Organization (WHO)

- [WHO Director-General's opening remarks at the media briefing on COVID-19](#), March 23
 - In a recent media briefing, WHO Director-General Tedros provided an update on the rapid acceleration of COVID-19. More than 300,000 cases of COVID-19 have now been reported to WHO, from almost every country in the world. It took 67 days from the first reported case to reach the first 100,000 cases, 11 days for the second 100,000 cases and just 4 days for the third 100,000 cases.
 - WHO called for more aggressive and targeted tactics beyond social distancing: testing every suspected case, isolating and caring for every confirmed case, and tracing and quarantining every close contact. Several countries have shown that mobilizing resources internally from less-affected regions is one way to increase capacity.
 - WHO also praised the launch of its SOLIDARITY clinical trial as a new means of developing effective therapeutics. WHO cautioned against small, observational and non-randomized studies, noting that using untested medicines without the right evidence could raise false hope, and even do more harm than good by causing a shortage of essential medicines that are needed to treat other diseases.
- [Coronavirus disease 2019 \(COVID-19\) Situation Report – 62](#), March 22
 - WHO reports that four new countries have reported cases of COVID-19 in the African region, including Madagascar, Angola, Eritrea, and Uganda.
 - WHO highlighted that as COVID-19 cases continue to increase, many countries are requesting individuals to stay at home in self-quarantine. WHO EURO has released a guide on how to stay physically active during self-quarantine. Information can be found [here](#).
 - WHO also noted a rise in criminals disguising themselves as WHO to steal money or sensitive information. WHO urges individuals to stay alert and to verify the authenticity of the request. More information on scams and reporting a potential scam to WHO can be found [here](#).

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

- [*Coronavirus Disease 2019 Information for Travel \(New Travel Alerts\)*](#), March 23
 - CDC issued updated COVID-19 travel recommendations by country.
 - CDC recommends that travelers avoid all nonessential travel to China, Iran, most European countries, the UK, and Ireland. Most foreign nationals who have been in one of these countries during the previous 14 days will not be allowed to enter the United States. Due to widespread ongoing transmission, CDC also recommends avoiding all nonessential travel to: Australia, Canada, Japan, Israel, Thailand, and Turkey – among others. There is currently no restriction on foreign nationals entering the United States from these countries.
 - CDC further noted that older adults and people of any age with serious chronic medical conditions should consider postponing nonessential travel to most global destinations. Finally, CDC recommends that if traveling, all individuals should avoid contact with sick people and wash their hands often with soap and water for at least 20 seconds. If soap and water are not readily available, CDC recommends using an alcohol-based hand sanitizer that contains at least 60% alcohol.

New York State

- [*NY Gov. Pauses Court Deadlines Over COVID-19*](#), March 23
 - Governor Andrew Cuomo paused the statute of limitations in all criminal and civil cases, following calls from legislators and advocates to prevent person-to-person contact in courthouses amid the COVID-19 pandemic.
 - The Governor's Executive Order, effective from March 20, 2020, through April 19, 2020, temporarily suspends or modifies: "...any specific time limit for the commencement, filing, or service of any legal action, notice, motion, or other process or proceeding, as prescribed by the procedural laws of the state, including but not limited to the criminal procedure law, the family court act, the civil practice laws and rules, the court of claims act, the surrogate's court procedure act, and the uniform court acts, or by any other statute, local law, ordinance, order, rule, or regulation."
 - New York Chief Administrative Judge Lawrence Marks issued an order Sunday that defined "essential" court matters and said all other court filings would not be accepted until further notice. The list of "essential" matters includes bail applications, temporary orders of protection and applications tied to "serious code violations." The memorandum said that emergency applications tied to guardianship matters or the coronavirus in state Supreme Court would be deemed essential, along with extreme risk protection orders that ban a person deemed to be a danger to themselves or others from having a firearm.
- [*New York City Region Is Now an Epicenter of the Coronavirus Pandemic*](#), March 23
 - As of Sunday, New York City now accounts for roughly five percent of the world's confirmed COVID-19 cases, making it an epicenter of the pandemic.
 - The City released new figures showing 1,800 people hospitalized, including 450 in intensive care units. The City reported 10,764 positive cases of coronavirus, with more than 3,000 cases each in Brooklyn and Queens, and 99 fatalities. There are also signs that emergency personnel have begun to bear the brunt of the disease. New York City police officials recently reported that the department had 98 confirmed cases, including 28 civilian employees.
 - Governor Cuomo recently told hospitals to double capacity in expectation of a rising tide of sick people. The influx is already apparent at places like NewYork-Presbyterian, where officials said they'd seen more than 500 coronavirus patients by Sunday morning. The

- hospital instituted a variety of [rules](#) to control spread of the virus, including banning partners from pregnant women’s delivery rooms.
- In a recent press conference, Governor Cuomo stated that he believes 40 to 80 percent of the population will get the virus and cautioned that “all we’re trying to do is slow the spread – but it will spread.”

New York City

- [Mayor de Blasio, NYPD Prepare to Enforce New Guidelines](#), March 22
 - Mayor de Blasio recently held a press conference to update New Yorkers on the City’s response to COVID-19.
 - **Jail Population:** On Sunday, 23 individuals were released from City jail facilities, bringing the total released up to 27, a subset of the 40 detainees for which the City previously announced plans to release. They are at high-risk for COVID-19 related complications and low-risk of re-offending. Most of the remaining individuals are parole re-offenders and under the discretion of the State. The City is working with the State to pursue their release, as well. The City has compiled an additional list of 200 detainees for potential release, all of whom are serving City sentences of 90-days or less.
 - **Testing:** The FDA has issued Emergency Use Authorization for GenMark Diagnostics’ and Cepheid COVID-19 tests, enabling faster in-house, same-day testing at NYC Health + Hospital facilities and the Department of Health and Mental Hygiene’s Public Health Lab (PHL) for patients who are hospitalized.
 - NYC Health + Hospitals is reserving testing for patients needing hospitalization or as clinically appropriate. It will continue to have clinicians in its call center to talk to thousands of New Yorkers every day and advise them to stay at home if they don’t need to come to the emergency department.
 - NYC Health + Hospitals is no longer conducting testing by appointment and will instead use its testing centers (tents) to divert patients from the emergency department.
 - **Enforcement in Parks:** The Mayor also announced crackdowns on large gatherings in city parks, to prevent COVID-19 exposure. The City has increased the presence of NYPD and Parks Enforcement Patrol officers to enforce social distancing. The Mayor said this policy will run for a week, and will then be reassessed.

Other Related Updates

- [Federal Reserve announces extensive new measures to support the economy](#), March 23
 - In a recent statement, the Federal Reserve said it would buy as much government-backed debt as it needs to keep financial markets functioning, and unrolled a series of programs meant to shore up both large and small businesses.
 - Earlier this month, the Federal Reserve resurrected a huge bond-buying program — last used in response to the 2008 financial crisis — saying that it would spend \$700 billion on Treasury securities and \$200 billion in mortgage-backed debt. On Monday, the central bank said it would not limit its purchases, instead buying “in the amounts needed to support smooth market functioning.”

- [*FDA provides update on patient access to certain REMS drugs during COVID-19 public health emergency*](#), March 22
 - FDA issued update on [new guidance](#) to sponsors and healthcare providers regarding certain Risk Evaluation and Mitigation Strategy (REMS)-required testing during the COVID-19 pandemic.
 - For drugs subject to REMS with laboratory testing or imaging requirements, healthcare providers prescribing and/or dispensing these drugs should consider whether there are compelling reasons not to complete these tests or studies during this public health emergency (PHE) and use their best medical judgment in weighing the benefits and risks of continuing treatment in the absence of laboratory testing and imaging studies.
 - FDA does not intend to take action against sponsors and others for the duration of the public health emergency for failing to adhere to REMS requirements for certain laboratory testing or imaging studies.

- [*FDA Continues to Facilitate Access to Crucial Medical Products, Including Ventilators*](#), March 22
 - FDA announced new guidance to help expand the availability of ventilators as well as other respiratory devices and their accessories during the COVID-19 pandemic.
 - FDA states that hospitals and health care professionals may use ventilators intended for other environments. For example, the guidance notes hospitals that could repurpose ventilators normally used for transporting patients in an ambulance into the hospital setting for long-term use. FDA's policy also applies to health care facilities that use ventilators beyond their indicated shelf life, which should increase ventilator capacity.
 - The guidance also describes the agency's intention to exercise discretion and not enforce premarket review requirements for certain modifications to FDA-cleared devices. Finally, FDA encourages manufacturers, whether foreign or domestic, to talk to FDA about pursuing an emergency use authorization (EUA), which would allow them to distribute their ventilators in the United States.

- [*HHS, DoD collaborate with Cepheid on rapid diagnostics to detect coronavirus infections*](#), March 22
 - A rapid diagnostic test for COVID-19 has received advanced development support through a collaboration between the U.S. Department of Health and Human Services (HHS), the U.S. Department of Defense (DoD), and Cepheid.
 - The HHS Office of the Assistant Secretary for Preparedness and Response (ASPR), will provide Cepheid with technical expertise and approximately \$3.7 million in initial funding.
 - Future collaborations could include a diagnostic test on the GeneXpert platform that can detect and differentiate known human coronaviruses and detect novel or emerging coronaviruses. Such a test could alert healthcare providers and public health officials quickly of future outbreaks involving new coronaviruses, giving them valuable time to take action that could limit the spread of a new disease.

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