

March 24, 2020

Summary

A WHO official recently warned that the United States has the potential to become the new epicenter of the coronavirus pandemic due to its “very large acceleration” in infections. WHO reports that 85 percent of new cases are from Europe and the United States. More than 46,000 coronavirus cases have been confirmed in the United States, although experts say the true number is much higher. On Monday, U.S. deaths surpassed 100 in a single day for the first time.

President Trump signed an executive order invoking the Defense Production Act to prohibit the hoarding of vital medical equipment and supplies such as hand sanitizers, face masks, and personal protective equipment. In a recent press conference, federal officials highlighted the severity of the outbreak in the New York metropolitan area. Officials reported that that 28 percent of the submitted specimens are positive from that area, while this metric is less than 8 percent in the rest of the country. The state has over 25,000 cases of the virus, nearly 7 percent of the global total. According to Governor Andrew Cuomo, the case count is doubling every three days, and the peak of infection in New York could come as soon as two to three weeks. Governor Cuomo signed an executive order requiring all hospitals to increase capacity by a minimum of 50 percent, with a goal of increasing capacity by 100 percent.

General/Employer Guidance

Presidential updates

- [Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing](#), March 23
 - In a recent press conference, President Trump provided an update on critical medical supply distribution. FEMA is distributing 8 million N95 respirator masks and 13.3 million surgical masks across the country, focusing on areas with the greatest need. Over the past few days, FEMA received donations of nearly 6.5 million masks. The federal government also shipped 73 pallets of personal protective equipment to New York City and 36 pallets to the State of Washington.
 - President Trump also announced that DOJ will be aggressively prosecuting fraudulent schemes related to the pandemic – noting that federal prosecutors recently shut down a website selling a fake COVID-19 vaccine. President Trump stated that the deadline to comply with REAL ID requirements would be postponed – with a new deadline

forthcoming. This move will give Americans additional time to obtain the new identification cards.

- Also at the briefing, officials highlighted the severity of the outbreak in the New York metropolitan area. An attack rate is the proportion of people exposed to the virus who experience significant illness. The New York metropolitan area has an attack rate close to 1 in a 1,000, which is five times the attack rate in other areas. Officials reported that that 28 percent of the submitted specimens are positive from that area, while this metric is less than 8 percent in the rest of the country.
- [*Executive Order on Preventing Hoarding of Health and Medical Resources to Respond to the Spread of COVID-19*](#), March 23
 - President Trump signed an executive order invoking the Defense Production Act to prohibit the hoarding of vital medical equipment and supplies such as hand sanitizers, face masks, and personal protective equipment.
 - Under Section 102 of the Defense Production Act, the President is authorized to prohibit the hoarding of needed resources by designating those materials as “scarce,” or as materials whose supply would be threatened by persons accumulating excessive amounts. Once specific materials are so designated, persons are prohibited from accumulating those items in excess of reasonable personal or business needs, or for the purpose of selling them in excess of prevailing market prices.
 - In the Order, President Trump authorized the Secretary of HHS to make this determination. In a recent press conference, Attorney General Barr noted that no item has been designated as “scarce” yet. DOJ will be working with HHS to identify cases where a hoarding may be impeding the supply of health and medical resources needed to respond to the COVID-19 pandemic.

World Health Organization (WHO)

- [*WHO: United States could become coronavirus epicenter*](#), March 24
 - A WHO official recently warned that the United States has the potential to become the new epicenter of the coronavirus pandemic due to its “very large acceleration” in infections. WHO reports that 85 percent of new cases are from Europe and the United States; the United States currently accounts for 40 percent of new cases worldwide.
 - WHO expects a large increases in case numbers and deaths from the currently reported 334,981 cases and 14,652 deaths.
- [*Coronavirus disease 2019 \(COVID-19\) Situation Report – 63*](#), March 23
 - WHO reports that three new countries have reported cases of COVID-19, including Syria, Grenada, and Mozambique.
 - WHO recently updated its guidance on laboratory testing strategy. WHO stressed the critical importance of diagnostic testing for COVID-19 in tracking the virus, understanding epidemiology, informing case management, and suppressing transmission. All technical guidance can be found [here](#).
 - WHO also published interim [guidance](#) on how to manage COVID-19 in prisons and other places of detention. Controlling the spread of infection in these settings is essential for preventing large outbreaks of COVID-19.

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

- [*Public Health Responses to COVID-19 Outbreaks on Cruise Ships*](#), March 23
 - A new study, published as an early release by CDC, examined the outbreak of COVID-19 on cruise ships. Cruise ships are often settings for outbreaks of infectious diseases because of their closed environment, contact between travelers from many countries, and crew transfers between ships.
 - On one ship, SARS-CoV-2 RNA was identified on a variety of surfaces in cabins of both symptomatic and asymptomatic infected passengers up to 17 days after cabins were vacated but before disinfection procedures had been conducted. However, the report stressed that the research “cannot be used to determine whether transmission occurred from contaminated surfaces” and whether the traces were active enough to get anyone sick.

New York State

- [*New York’s virus case count is doubling every three days*](#), March 24
 - Coronavirus is accelerating its spread in New York, with potentially disastrous consequences. The state has over 25,000 identified cases of the virus, nearly 7 percent of the global total. According to Governor Andrew Cuomo, the case count is doubling every three days, and the peak of infection in New York could come as soon as two to three weeks.
 - NYPD started a new series of patrols to ensure proper social distancing. On Sunday, in the span of three hours, officers issued at least 50 warnings to restaurants, bars, supermarkets and salons, and to people who were crowding in public spaces,
 - Both New York-Presbyterian and Mt. Sinai Health System instituted restrictive visitor policies that bar spouses, partners or other outside support people, such as doulas, from the delivery room. The rules are intended to help protect mothers and children during the coronavirus outbreak.
- [*Initial Delivery of Equipment and Supplies for Javits Center Temporary Hospital*](#), March 23
 - Governor Cuomo announced an initial delivery of hospital supplies to the Jacob K. Javits Center where FEMA has started to build a 1,000-bed temporary hospital that will help increase New York’s hospital capacity. This is in addition to the four sites selected by the Army Corps of Engineers that will create temporary hospitals in downstate New York with total capacity up to 4,000.
 - The Governor announced that the state is opening a drive-thru COVID-19 mobile testing facility in the Bronx. New York is currently testing more than 16,000 people per day, more than any other state and more than China and South Korea on a per capita basis.
 - Governor Cuomo also signed an [executive order](#) requiring all hospitals to increase capacity by a minimum of 50 percent, with a goal of increasing capacity by 100 percent. To support hospital surge capacity, the Governor also announced the State Department of Financial Services is requesting that health insurers disclose the number of nurses, doctors and other health professionals they employ so the state can reach out

to those employees and ask them to temporarily serve in the medical field during the ongoing COVID-19 pandemic.

- [*Attorney General James Urges New Yorkers to Follow NYS Coronavirus Funeral Guidelines*](#), March 23
 - Attorney General James issued a statement, asking New Yorkers to comply with NYS DOH [guidelines](#) for funeral firms and families planning funerals.
 - NYS DOH calls for gatherings to be limited to no more than 50-percent of the maximum capacity of the funeral home or 50 individuals, whichever is lower. Though there is currently no known risk associated with being in the same room with the body of someone who died from COVID-19, the guidance notes that people should consider not touching an infected body. Finally, it urges funeral home workers to follow routine infection prevention and control precautions when handling a decedent who died of COVID-19.
- [*Attorney General James Calls for Automatic Absentee Voting in NY Presidential Primary*](#), March 23
 - Attorney General James issued a statement, calling on the State of New York to take steps to ensure eligible New York voters can take part in the scheduled elections on April 28th, without risking the spread of COVID-19.
 - Currently, voters who wish to vote absentee must fill out a ‘New York State Absentee Ballot Application’ and indicate that they cannot vote in person on the day of an election for one of six reasons. Attorney General James is calling for the suspension of all in-person voting until further notice and, instead, to automatically send every eligible voter an absentee ballot for the April 28, 2020 presidential primary and the five special elections scheduled on that date.
 - Assembly Member Joseph Lentol also announced that he would be introducing a bill in the legislature that would implement an automatic absentee voting system on an emergency basis for the April election, in an effort to stop the further spread of the coronavirus.

New York City

- [*Mayor de Blasio Holds Media Availability on COVID-19*](#), March 23
 - In a recent press conference, Mayor de Blasio highlighted the overwhelming and immediate need for equipment and supplies. He repeated a call for millions of masks and for medical personnel to be sent both from the military and from other parts of the country. He also said the federal government was sending New York City 400 ventilators, to add to the 2,000 ventilators the city had available as of last week.
 - The Mayor also noted that the City continues to create hospital space for those who need it, citing Coler Hospital on Roosevelt Island as an example. At Coler, 100 new beds will be available this week, with an additional 240 available next week. Mayor de Blasio warned that new rules on social distancing must be followed in city parks and playgrounds. He hinted that if New Yorkers do not comply, the City may enact more strict measures in the coming weeks.

- With increased spending and limited revenue, the Mayor expressed concern over the City’s budget. He instructed the Office of Management Budget to begin making budget cuts, in light of an ever-worsening situation. He stressed that spending related to the COVID-19 response would not be cut.

Other Related Updates

- [*Losing sense of smell may be a hidden symptom of coronavirus, doctors warn*](#), March 24
 - A team of British ear, nose and throat doctors on Friday raised the possibility of a new indicator of the coronavirus, one they say has been observed globally, even in patients who are otherwise asymptomatic: anosmia, a condition that causes the loss of sense of smell.
 - The statement cited reports from South Korea, China, Iran and Italy, where “significant numbers of patients with proven COVID-19 infection have developed anosmia.” The team warned that adults experiencing recent anosmia could be unknown carriers of COVID-19, and urged them to consider self-isolation. Anosmia is historically linked to early symptoms of upper-respiratory infections — including previous strains of coronavirus — because the virus damages olfactory bulbs that are involved in the sense of smell.
 - Experts at WHO say they have not yet confirmed the loss of smell or taste as a symptom of the coronavirus but haven’t ruled it out.
- [*Briefing With Senior State Department Officials On COVID-19*](#), March 23
 - The State Department recently held a media briefing on COVID-19 efforts to bring Americans home in response to the pandemic.
 - Officials reported that, in total to date, the Department brought home more than 5,000 Americans from 17 countries. This includes 800 people evacuated from Wuhan and over 300 from the Diamond Princess in Japan.
 - One official advised Americans in countries not yet heavily affected by the crisis to seriously consider whether they are prepared to ride out an undetermined period of time in their current location, or whether they wanted to do so in the United States. If the latter, the Department urged them to leave now.
 - The State Department also has contingency plans in place for embassy personnel, should the situation worsen. These include chartering aircraft to bring out chief mission personnel. If there is additional space, these seats will be made available to private US citizens trying to depart.
- [*Public Assistance Simplified Application*](#), March 23
 - FEMA issued a new fact sheet, providing an overview of the FEMA Public Assistance application process for recipients and applicants requesting reimbursement related to federal emergency and major disaster declarations for COVID-19.
 - The national emergency declaration authorized Public Assistance Category B reimbursement for emergency protective measures. It does not include additional categories of assistance, such as infrastructure repair and replacement, which are needed after typical natural disasters. This enables FEMA to eliminate many

application steps that are designed for those categories, including: eliminating exploratory calls, recovery scoping meetings, and most site inspections; and reducing documentation requirements to the minimum needed to support Category B reimbursement.

- FEMA recently simplified its Public Assistance application process via online form, allowing local officials to receive funding even more quickly.
- [*Coronavirus \(COVID-19\) Update: Daily Roundup*](#), March 23
 - FDA updated its FAQs on Diagnostic Testing for SARS-CoV-2 regarding specimen collection for COVID-19 testing. Based on available data, FDA believes that, for symptomatic patients, nasal swabs could be used that access just the front of the nose rather than the depth of the nasal cavity. This would provide COVID-19 testing that is more comfortable for patients.
 - FDA Oncology Center of Excellence issued a message recognizing that patients with cancer, due to potentially being immunocompromised, are at greater risk of contracting COVID-19, and the Center is working to address critical needs of patients with cancer and their health care providers.

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