

COVID-19 Daily Update

March 25, 2020

Summary

More than 435,000 people around the world have tested positive for COVID-19. The world's biggest coronavirus lockdown began today, as 1.3 billion people in India were ordered to stay inside for the next 21 days. The national death toll in Spain surpassed 3,400 on Wednesday, making it the world's hardest-hit country after Italy. In response to the virus, Russia also pushed back an April vote meant to allow President Vladimir Putin to serve two more terms. FDA provided an update to explain that the U.S. food supply remains safe for both people and animals. There is no evidence of human or animal food or food packaging being associated with transmission of the coronavirus that causes COVID-19.

In a recent press conference, Mayor de Blasio announced that New York City is the epicenter of COVID-19 cases in the United States. As of Tuesday evening, the City had almost 15,000 cases. New York City now accounts for 58 percent of the cases in New York State and about one-third of the cases in the country. Members of the Coronavirus Task Force are concerned about New Yorkers leaving the area and infecting those in other regions. White House officials advised anyone who has passed through or left the city to self-quarantine at home for 14 days. Locally, MTA announced it is cutting service by at least 25 percent as an increasing number of sick workers hinders its ability to run the system normally. NYPD reported a drop in crime and a rise in infection among officers. Compared with the previous week, the police recorded 443 fewer serious crimes, a 24.5 percent decline. As of Tuesday, 211 NYPD members had tested positive for the virus, including 177 uniformed officers.

The Senate is expected to pass a \$2 trillion relief package by Thursday. When the text is available, a summary of the proposed bill will be available [here](#).

General/Employer Guidance

Presidential updates

- [Remarks by President Trump, Vice President Pence, and Members of Coronavirus Task Force in Press Briefing](#), March 24
 - In a recent press conference, White House officials expressed growing alarm about the coronavirus outbreak in New York City. The New York area accounts for 60 percent of all new cases in the United States.
 - Officials advised anyone who has passed through or left the city to self-quarantine at home for 14 days. Members of the Coronavirus Task Force are concerned about New Yorkers leaving

the area and infecting those in other regions. Vice President Pence repeated the advice, calling New York City a “high-risk” area, and asked New Yorkers to avoid nonessential travel.

- President Trump noted that a number of private companies are producing respirators, ventilators, and face shields. He also highlighted that FEMA is distributing more than eight million N95 respirators and 14 million surgical masks. Others noted that, to date, the United States has conducted 370,000 tests for COVID-19.
- [President Donald J. Trump Approves Iowa Disaster Declaration](#), March 24
 - President Donald Trump declared that a major disaster exists in the State of Iowa 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 recently issued similar declarations for New York, California and Washington State.

World Health Organization (WHO)

- [Coronavirus disease 2019 \(COVID-19\) Situation Report – 64](#), March 24
 - WHO reports that four new countries have reported cases of COVID-19, including Myanmar, Belize, Dominica, and Turks and Caicos.
 - WHO recently delivered a new shipment of emergency medical supplies to the Islamic Republic of Iran – including medications like Lopinavir and Ritonavir. WHO is also working with the World Bank to develop demand modeling from a country-based perspective, to create allocation mechanisms that ensure critical supplies are distributed with the most impact.

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

- [Evaluating and Testing Persons for Coronavirus Disease 2019 \(COVID-19\)](#), March 24
 - CDC updated its clinical criteria on testing for COVID-19 with a new listing of testing priorities for those with suspected infections. CDC urged clinicians to use their judgment to determine if a patient has signs and symptoms compatible with COVID-19 and whether the patient should be tested.
 - According to CDC, the first priority should be to ensure optimal care options for all hospitalized patients, lessen the risk of nosocomial infections, and maintain integrity of the health care system. This includes prioritizing testing for hospitalized patients and symptomatic health care workers.
 - As a secondary concern, clinicians should ensure that those who are at highest risk of complication of infection are rapidly identified and appropriately triaged. This includes testing symptomatic patients in the following categories: patients in long-term care facilities, patients age 65 and older, patients with underlying conditions, and first responders.
 - CDC’s third priority is to, as resources allow, test individuals in the surrounding community of rapidly increasing hospital cases to decrease community spread and ensure the health of essential workers. This includes testing: critical infrastructure workers with symptoms, health care workers and first responders, individuals with mild symptoms in communities experiencing high COVID-19 hospitalizations, and any other symptomatic individuals.
- [Optimization Strategies for Healthcare Personal Protective Equipment \(PPE\)](#), March 25
 - CDC held a Clinician Outreach and Communication Activity (COCA) webinar on strategies for health care facilities to optimize personal protective equipment (PPE) supplies such as eye protection, isolation gowns, facemasks, and N95 respirators.
 - CDC officials warned that damaged equipment must be discarded and that clinicians must wash hands before and after PPE use. If health care facilities are facing PPE shortages, CDC

recommends considering implementing crisis strategies through careful planning. Facilities can consider using equipment beyond its manufacturer-given shelf-life, prioritizing PPE use for selected high-risk care activities, or reusing disposable PPEs. If no commercial respirators are available, the facility should also consider whether homemade masks could be effective.

- CDC also detailed strategies for reducing the demand for N95 respirators. These include limiting the number of patients going to hospitals, using telehealth to deliver care, and excluding unnecessary personnel from patient care spaces.

New York State

- [*Governor Cuomo Announces Distribution of Health Care Supplies to Area Hospitals*](#), March 24
 - Governor Andrew Cuomo announced the distribution of medical supplies and equipment to hospitals across New York City, Long Island and Westchester.
 - Supplies are being deployed from the Jacob K. Javits Convention Center to hospitals in those regions, including 339,760 N-95 masks, 861,700 surgical masks, 353,300 gloves, 145,122 gowns and 197,085 face shields. This disbursement is on top of the one million N-95 masks that the State purchased and sent to New York City and the approximately 500,000 N-95 masks that the State purchased and sent to Long Island last week.
 - Governor Cuomo stressed that this number of supplies will take care of the State’s immediate need, but will not cover the need going forward. He called on the federal government to use the Defense Production Act to get private manufacturers to help build critical equipment. Governor Cuomo stressed that, “New York is the first — if we learn how to blunt the impact here and bend the curve here, we can help other states who are next.”
- [*Attorney General James Urges President Trump to Immediately Prioritize Production of Protective Gear and Testing Supplies*](#), March 24
 - As part of a coalition of 16 attorneys general, New York Attorney General James urged President Trump to fully utilize the Defense Production Act to respond to the ongoing threat of COVID-19.
 - The [joint letter](#) highlights nationwide shortages in personal protective equipment for health care workers such as N95 respirators, surgical masks, face shields, eye protection, gloves, gowns, and sanitizers. It also notes a nationwide need to increase the supply of the reagents and swabs used for COVID-19 testing so that testing can be expanded substantially and, in turn, better-informed medical decisions can be made.
 - In response, the attorneys general call for an increase in: health care capacity; the supply of personal protective equipment for health care providers, law enforcement, and other first responders; and COVID-19 testing capacity.

New York City

- [*COVID-19: FAQ for Parents and Caregivers of Pre-School and School-Age Children*](#), March 24
 - The New York City Department of Health (NYC DOH) issued a new FAQ for parents and caregivers of pre-school and school-age children.
 - NYC DOH encouraged families to engage in social distancing by staying home and remaining six feet away from other people. Playdates with other families are not allowed, but families may go outdoors so long as they avoid activities that involve other children and families. DOH suggested walking or biking and cautioned against contact sports or visiting playgrounds.
 - DOH also provided guidance on child care. If a caregiver must go out, DOH encouraged seeking care from a reliable family member or friend that is not sick while avoiding asking grandparents, other older adults, or people with underlying health conditions.

- [Mayor de Blasio Holds Media Availability on COVID-19](#), March 24
 - In a recent press conference, Mayor de Blasio announced that New York City is the epicenter of COVID-19 cases in the United States. As of Tuesday evening, the City had almost 15,000 cases; the City now accounts for 58 percent of the cases in New York State and about one-third of the cases in the country.
 - Mayor de Blasio noted that 400 ventilators arrived from FEMA, with 100 distributed to public hospitals and 300 distributed to private non-profit hospitals. While 4,000 additional ventilators are being sent to New York State within the next 48 hours, the Mayor cautioned that more supplies are still needed.
 - The Mayor stated that officials would give residents until Saturday night to show they could practice social distancing appropriately. If the city is not satisfied, he is prepared to shut down parks and playgrounds “for the foreseeable future.” De Blasio also noted an updated public hospital policy. Partners of women giving birth will now be allowed access to the delivery room, so long as they are otherwise healthy and wearing a surgical mask.
 - NYPD reported a drop in crime and a rise in infection among officers. NYPD Commissioner Shea noted that, compared with the previous week, the police recorded 443 fewer serious crimes, like assault and burglary, a 24.5 percent decline. Officers also made 1,538 fewer arrests last week compared with the week before. As of Tuesday, 211 NYPD members had tested positive for the virus, including 177 uniformed officers.

- [Subway Service Is Cut by a Quarter Because of Coronavirus](#), March 24
 - The MTA announced it is cutting service by at least 25 percent as ridership plummets and an increasing number of sick workers hinders the ability to run the system normally.
 - New York City’s transportation system typically carries eight million riders each weekday. Subway ridership plunged a staggering 87 percent, or nearly 4.8 million riders, compared with the same day last year. Ridership also dropped 70 percent on buses; 94 percent on the Metro-North Railroad, which serves communities north of New York City; and 71 percent on the Long Island Rail Road.
 - So far, 52 MTA workers have tested positive for the virus. Health professionals have raised concerns that running fewer trains will lead to more crowding on the trains that are running, increasing the risk that passengers, many of whom are essential workers like doctors and nurses, are exposed to the virus during their commute.

Other Related Updates

- [UN launches humanitarian response plan](#), March 25
 - The UN launched a \$2 billion coordinated global humanitarian response plan to fight COVID-19 in vulnerable countries. It will deliver essential laboratory equipment to test for the virus, and medical supplies to treat people; install handwashing stations in camps and settlements; launch public information campaigns on how to protect yourself and others from the virus; and hubs across Africa, Asia and Latin America to move humanitarian workers and supplies to where they are needed most.

- [Those who intentionally spread coronavirus could be charged as terrorists](#), March 24
 - According to a [memorandum](#) from Deputy Attorney General Rosen to top Justice Department leaders, law enforcement agency chiefs, and U.S. Attorneys across the country, people who intentionally spread COVID-19 could face criminal charges under federal terrorism laws.
 - The memo stated that “because coronavirus appears to meet the statutory definition of a ‘biological agent’ ... such acts potentially could implicate the Nation’s terrorism-related statutes.” It warns that “threats or attempts to use COVID-19 as a weapon against Americans

will not be tolerated.” The memo does not explain whether any such threats or intentional exposures had been reported or whether his warning was simply precautionary.

- [Coronavirus \(COVID-19\) Update: Daily Roundup](#), March 24
 - FDA provided an [update](#) to explain that the U.S. food supply remains safe for both people and animals. There is no evidence of human or animal food or food packaging being associated with transmission of the coronavirus that causes COVID-19. Retail supply chains remain strong overall, and FDA is working with food manufacturers and grocery stores to closely monitor the human food supply chain for any shortages.
 - FDA issued a [consumer update](#) advising consumers to be beware of fraudulent coronavirus tests, vaccines and treatments. The FDA is particularly concerned that deceptive and misleading products might cause Americans to delay or stop appropriate medical treatment, leading to serious and life-threatening harm.
 - FDA is facilitating access to convalescent plasma, antibody-rich blood products that are taken from blood donated by people who have recovered from the COVID-19 virus, that could shorten the length, or lessen the severity, of the illness. FDA posted [information for investigators](#) who want to study convalescent plasma for use in patients with serious or immediately life-threatening COVID-19 infections.
 - FDA provided [updated instructions](#) to manufacturers importing personal protective equipment and other devices. These instructions to importers clarify the types of PPE that can be imported without engaging with FDA. They also include information about the type of information importers can submit to facilitate their entries.
- [OCR Issues Guidance to Help Ensure First Responders and Others Receive Protected Health Information about Individuals Exposed to COVID-19](#), March 24
 - The Office for Civil Rights (OCR) at the U.S Department of Health and Human Services (HHS) issued new [guidance](#) on how covered entities may disclose protected health information (PHI) about an individual who has been infected with or exposed to COVID-19 to law enforcement, paramedics, other first responders, and public health authorities in compliance with HIPAA.
 - The guidance explains the circumstances under which a covered entity may disclose PHI such as the name or other identifying information about individuals, without their HIPAA authorization, and provides examples including: when needed to provide treatment; when required by law; when first responders may be at risk for an infection; and when disclosure is necessary to prevent or lessen a serious and imminent threat.
 - For more information, please see Ropes & Gray’s OCR Guidance [client alert](#).
- [HHS Announces Grants to Provide Meals for Older Adults](#), March 24
 - The Department of Health and Human Services (HHS) announced \$250 million in grants from the Administration for Community Living (ACL) to help communities provide meals for older adults.
 - The Families First Coronavirus Response Act, signed into law by President Trump on March 18, 2020, provided the additional funding for the nutrition services programs authorized by the Older Americans Act (OAA) of 1965. These programs provide meals to more than 2.4 million older adults each year, both through home delivery and in places like community centers.
 - Funding has been provided to states, territories and tribes for subsequent allocation to local meal providers. Grant amounts are determined based on the population-based formulas defined in the Older Americans Act.

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