

# COVID-19 Daily Update

July 31, 2020

## Summary

The United States has 4,496,737 confirmed COVID-19 cases and 152,074 reported related deaths. NIAID Director Fauci, CDC Director Redfield, and Assistant Health Secretary Giroir testified on COVID-19 during a hearing of the House Select Subcommittee on the Coronavirus Crisis. Redfield commented that wearing face masks, social distancing, avoiding gathering in large groups, and maintaining hand hygiene would provide “the same bang for the buck as if we just shut down the entire economy.” Giroir noted that 75% of COVID-19 test results in the country are received within five days. Fauci projected that a “safe and effective” vaccine would likely be available by late fall or early winter. Department of Health and Human Services announced a \$2.1 billion agreement with Sanofi and GlaxoSmithKline to support late stage development, clinical trials, and large-scale manufacturing of 100 million doses of an investigational COVID-19 vaccine. The House Oversight and Reform Committee released a report analyzing a federal contract with Philips Respironics for ventilators and projected that the Health Department overpaid for the machines by as much as \$500 million.

Florida announced 257 COVID-19 fatalities on Friday, July 31, setting a record high of COVID-19 deaths for the fourth day in a row. A University of South Florida public health expert commented that “what we’re seeing now is the result of the push to open the state” too quickly. In Texas, Governor Abbott announced that schools will be required to provide in-person instruction this fall, but that some districts may be eligible for extended waivers on a “case-by-case basis.” United Airlines plans to add more than 25 international routes to its September schedule, include destinations in Europe and Asia. Hong Kong Chief Executive Lam delayed the region’s legislative elections by a year, citing a resurgence in COVID-19 cases. In Britain, Prime Minister Johnson barred residents in northern England from meeting with members of other households in their homes, and paused re-openings set for August 1.

New York reported five deaths, 576 hospitalizations, and 140 COVID-19 patients in intensive care on Thursday, July 31. Empire State Development granted an additional \$6.9 million to 12 New York companies to produce medical supplies, including N95 respirators. New York Attorney General James announced \$10 million in funding to support homeowners struggling with foreclosure due to the pandemic. Mayor de Blasio announced that New York City public schools will be able to re-open for in-person instruction in September, as long as the city maintains a test positivity rate below three percent. New York City contact-tracers will investigate all COVID-19 infections among school staff and students. According to protocols released today, the degree to which a school will have to close depends on the number of positive COVID-19 cases in the school and the degree to which cases can be linked to each other.

## Presidential updates

- [\*Remarks by President Trump in a Roundtable on Donating Plasma\*](#), July 30
  - President Trump hosted a roundtable at the American Red Cross National Headquarters, urging those who have recovered from COVID-19 to donate convalescent plasma.
  - Convalescent plasma therapy provides antibodies from those who have recovered from the virus to people who have recently contracted the virus. Convalescent plasma may contain antibodies made by the immune system that can neutralize or kill the virus.
  - Health Secretary Azar noted the administration’s interest in “expanding access to convalescent plasma as a promising investigational treatment” for COVID-19.
  - Department of Health and Human Services [released](#) a series of public service announcements and announced over \$8 million in digital, radio, and out-of-home advertisements encouraging recovered individuals to donate.

## World Health Organization (WHO)

- [\*COVID-19 Situation Report – 192\*](#), July 30
  - WHO Director-General Tedros [highlighted](#) that young people are driving the spread of COVID-19 in the Northern Hemisphere and stressed that “young people can be infected, young people can die, and young people can transmit the virus to others.”
  - WHO [announced](#) the creation of the Technical Advisory Group on Behavioral Insights and Sciences for Health to advise WHO on how to improve the use of behavioral and social sciences in a range of health areas, including COVID-19.
  - WHO [highlighted](#) the COVID-19 HelpDesk, a service dedicated to providing technical assistance for setting up COVID-19 treatment facilities at the request of Member States.

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

- [\*CDC Announces Provider Reimbursements for COVID-19 Counseling\*](#), July 31
  - CDC and Centers for Medicare and Medicaid Services (CMS) announced that health care providers can receive reimbursements to counsel patients, at the time of COVID-19 testing, about the importance of self-isolation after they are tested.
  - CMS will use existing evaluation and management payment codes to reimburse providers who are eligible to bill CMS for counseling services no matter where a test is administered, including doctor’s offices, urgent care clinics, hospitals, and community drive-thru testing sites.
  - CDC models show that when individuals who are tested for the virus are separated from others and placed in quarantine, there can be up to an 86% reduction in the transmission of the virus compared to a 40% decrease in viral transmission if the person isolates after symptoms arise.

## New York State

- [\*New York State COVID-19 Updates\*](#), July 31
  - New York reported five deaths, 576 hospitalizations, and 140 COVID-19 patients in intensive care on Thursday, July 31.
  - Approximately 644, or 0.93%, of the 68,869 tests administered in New York on July 31 were positive for COVID-19.
  - Governor Cuomo [announced](#) that Empire State Development granted an additional \$6.9 million to 12 New York companies to produce medical supplies. The companies

include CJ Designs, which will manufacture face coverings for non-medical public service employees, and Dellet Industries, which will produce N95 respirators.

- The State [suspended](#) the liquor licenses for seven bars after finding egregious social distancing violations on Thursday, July 30.
- Attorney General James [announced](#) \$10 million in funding to connect homeowners with free, qualified mortgage-assistance relief during the pandemic through a network of more than 80 housing counselors and legal service organizations.

## **New York City**

- [New York City COVID-19 Updates](#), July 31
  - Mayor de Blasio [announced](#) 15 new locations for expanded weekend outdoor dining options.
  - New York State Department of Labor (NYSDOL) [highlighted](#) its Extended Benefits Program available for people who need coverage beyond the 26 weeks of traditional unemployment benefits and 13 additional weeks offered by the federal government. DOL released a fact sheet on the program, available [here](#).
  - New York City Department of Health (NYCDOH) [released](#) guidance on addressing health care inequities during the pandemic. NYCDOH recommends attending to high-risk patients, helping patients quarantine safely, reaching out to undocumented residents, and improving language access.
- [New York City Releases School Health and Safety Protocols](#), July 31
  - Mayor de Blasio [announced](#) that New York City public schools will be able to re-open for in-person instruction in September as long as the city maintains a test positivity rate below three percent.
  - De Blasio commented that he wants “to set that very, very tough standard” because “this is a way of proving that we will do things the right way.”
  - The City [released](#) COVID-19 health and safety protocols for schools for the upcoming year. School staff members are required to be tested for COVID-19 before the first day of school.
  - Schools will establish an isolation room for symptomatic students with a dedicated staff member or health professional; require facial coverings; and engage in nightly disinfection.
  - NYC Test + Trace Corps will investigate positive COVID-19 tests to determine close contacts within the school, and schools will notify all families of a positive test.
  - The protocols outline specific infection scenarios and the actions that schools will take in response. For example, if there is one confirmed case, the classroom will be closed and all students in the classroom will transition to remote learning for 14 days. If contact-tracers cannot link two confirmed cases, the entire school building will be closed for 14 days after the investigation concludes.

## Other Related Updates

- [House Oversight Committee Report on COVID-19](#), July 31
  - A panel of the House Oversight and Reform Committee released a 40-page [report](#) examining internal emails and documents related to a \$643.5 million federal contract for ventilators with Philips Respironics, a global medical equipment manufacturer.
  - Phillips had an existing contract with the federal government to supply 10,000 ventilators for \$3,280 apiece to the Strategic National Stockpile by September 2022. In late January, Philips approached Trump administration officials to ask whether it should accelerate ventilator production under the existing contract.
  - Based on available documentation, the administration failed to enforce its existing contract, delayed negotiations for more than a month, and signed a new contract with Philips to purchase 43,000 ventilators at \$15,000 apiece on April 7.
  - By comparison, a purchaser in Missouri paid \$9,327 for a single unit on April 30. The report states that federal negotiators “conceded to Philips on all significant matters, including price” and “accepted Philips’ first offer without even trying to negotiate.” According to FDA approvals in the report, the new devices were “functionally identical” to the ventilators produced under Phillip’s initial contract.
  - White House trade adviser Peter Navarro served as chief negotiator, and the deal was formalized by Adam Bohler, CEO of the U.S. International Development Finance Corporation.
- [Health Experts Testify on COVID-19 to House Subcommittee](#), July 31
  - NIAID Director Fauci, CDC Director Redfield, and Assistant Health Secretary Giroir testified on COVID-19 during a hearing of the House Select Subcommittee on the Coronavirus Crisis.
  - **COVID-19 Spread:** Members of the panel displayed a chart indicating that Europe and Asia have a lower incidence of reported COVID-19 cases and a lower positivity rate than the United States. Fauci attributed the difference to more aggressive virus control measures and noted that when other countries “shut down, they shut down to the tune of about 95%, getting their baseline down to tens or hundreds of cases a day.” By contrast, only about 50% of the United States shut down, and the baseline of daily cases was much higher — as many as 20,000 new cases a day — even at its lowest.
  - **Testing:** Assistant Health Secretary Giroir acknowledged that it is not possible, at this time, to get patients their COVID-19 test results within two to three days; 75% of patients currently receive their test results within five days. Giroir commented that “we cannot test our way out of this or any other pandemic” and that “testing does not replace personal responsibility [by]... avoiding crowded indoor spaces or washing hands or wearing masks.” When asked why professional sports teams can get results in 24 hours when the overwhelming majority of Americans cannot, Fauci said that many sports teams purchased their own rapid-testing machines.
  - **CDC Updates:** CDC Director Redfield commented that he was “not directly involved in the final decision” to move the collection of hospital COVID-19 data from CDC to a centralized HHS database. Redfield warned of “significant public health consequences” if schools do not re-open in the fall and stressed that “it’s in the public health’s best interest for K-12 students to get back into face-to-face learning.” Redfield commented that wearing face masks, social distancing, avoiding gathering in large groups, and

maintaining hand hygiene would provide “the same bang for the buck as if we just shut down the entire economy.”

- **Vaccines:** Fauci projected that a “safe and effective” vaccine would likely be available by late fall or early winter. More than 250,000 people have expressed interest in registering for coronavirus vaccine clinical trials. Fauci urged the public to sign up at [coronaviruspreventionnetwork.org](https://coronaviruspreventionnetwork.org).
- *[Study on Aerosol and Surface Transmission of SARS-CoV-2 in Quarantine](#)*, July 29
  - A recent study, published in Nature, examined the airborne transmission potential of SARS-CoV-2, in addition to more direct contact and droplet transmission.
  - Researchers collected air and surface samples from the rooms of 13 isolated individuals with confirmed COVID-19 at the University of Nebraska Medical Center. The samples were collected from the toilet, phones, remote, bedside table, as well as air in the hallway and bedroom.
  - 70.6% of all personal items sampled were determined to be positive for SARS-CoV-2 by PCR test. Samples of cellular phones were 77.8% positive for viral RNA, remote controls for in-room televisions were 55.6% positive, and toilets in the room were 81% positive.
  - 63.2% of in-room air samples were positive for SARS-CoV-2. Samples taken closer to the patient indicated a higher airborne concentration of RNA. Samples taken outside the rooms in the hallways were 58.3% positive.
  - Researchers concluded that “these data indicate significant environmental contamination in rooms where patients infected with SARS-CoV-2 are housed and cared for, regardless of the degree of symptoms or acuity of illness.”
  - Researchers noted that “viral aerosol particles are produced by individuals that have COVID-19, even in the absence of cough,” and recommended that “hospital procedures account for the risk of fomite, and potentially airborne, transmission of the virus.”
- *[Health Department Announces Commercial Manufacturing Agreements for COVID-19 Vaccines](#)*, July 31
  - Department of Health and Human Services (HHS) and Department of Defense (DoD) announced a \$2.1 billion agreement with Sanofi and GlaxoSmithKline (GSK) to support late stage development, clinical trials, and large-scale manufacturing of 100 million doses of a COVID-19 investigational vaccine.
  - The agreement marks the sixth vaccine candidate to join Operation Warp Speed’s portfolio, including vaccines under development by AstraZeneca, Johnson & Johnson, Moderna, Novavax, and Pfizer.
  - Health Secretary Azar commented that “the portfolio of vaccines being assembled for Operation Warp Speed increases the odds that we will have at least one safe, effective vaccine as soon as the end of this year.”
  - The Sanofi/GSK vaccine candidate is not as far along in the research process as some of the other candidates, a handful of which are already in phase three clinical trials. The Sanofi/GSK vaccine has been studied only in pre-clinical trials, with human studies expected to begin in September.

- [FDA COVID-19 Update: Daily Roundup](#), July 30
  - FDA [posted](#) frequently asked questions for patients about antibody testing during the COVID-19 pandemic.
  - FDA [updated](#) its frequently asked questions on the emergency authorization of remdesivir for certain hospitalized COVID-19 patients.

Other recent events covered in detail elsewhere:

- [Remote Control: Best Practices for Litigating and Investigating During COVID and Beyond](#), July 29

Send questions to:

- [COVID-19-Implications@ropesgray.com](mailto:COVID-19-Implications@ropesgray.com)
- [COVID-19RecoveryPolicies@ropesgray.com](mailto:COVID-19RecoveryPolicies@ropesgray.com)