

COVID-19 Daily Update

June 16, 2020

Summary

The United States has 2,123,124 confirmed COVID-19 cases and 116,526 reported related deaths. Canada and Mexico announced that their shared borders with the United States will remain closed to non-essential travel for an additional 30 days. A large clinical trial in the UK found that dexamethasone, a low-cost anti-inflammatory drug, reduced deaths by a third in patients receiving ventilation, and by a fifth in patients receiving only oxygen treatment. Former FDA Commissioner Gottlieb commented that the drug could have an “immediate impact” on how doctors treat severe COVID-19 cases. A Department of Commerce report found that retail sales, a measure of purchases at stores, restaurants, and online, increased by 17.7% in May. The House launched an investigation into how the Treasury Department and Small Business Administration have allocated \$660 billion in small business loans under the Paycheck Protection Program.

Several states continue to report increased COVID-19 cases. A Washington Post analysis highlighted that new outbreaks may not be linked to increased testing efforts. The seven-day average of new cases in six states has increased since May 31, while the average number of daily tests has declined. In 14 other states, the rate of new cases is increasing faster than the increase in the average number of tests. Several schools announced that the SAT and the ACT will be optional for the coming application cycle, including Brown University, Carnegie Mellon, Columbia, Cornell, and Harvard, due to disruptions caused by the pandemic. The Academy of Motion Picture Arts and Sciences announced that the next Oscars ceremony will be pushed back from February 2021 to April 2021. Several European countries have launched government-sponsored contact tracing apps, including Italy, France, Germany, and Britain.

Approximately 631, or 1.05%, of the 60,568 tests conducted in New York on June 14 were positive for COVID-19. The results of a State antibody survey of 12,000 people over the last six weeks found that 13.4% of people tested positive statewide, up from 12.3%. New York State extended the suspension of the collection of medical and student debt owed to the State for another 30-day period until July 16. New York will now allow hospitals to accept visitors at their discretion. Hospitals must still limit the length of visits, require personal protective equipment for visitors, and conduct symptom and temperature checks. Restrictions on visitors to nursing homes have not been lifted. Mayor de Blasio responded to reports that City residents have broken locks on shuttered parks and playgrounds. De Blasio stressed that “we’re not going to allow people to take the law into their own hands” and noted that the restrictions needed to remain in place.

Presidential updates

- [Vice President's Briefing on COVID-19 Response & Recovery](#), June 15
 - Vice President Pence briefed the governors of all 50 states on federal COVID-19 response and recovery efforts.
 - Governors shared best practices on efforts to support small businesses and workforce development, expand testing, support long-term care residents and health care workers, and increase health care capacity.
 - Pence [encouraged](#) governors to tell residents that the reports of increased COVID-19 cases across several areas in the United States can be attributed to increased testing efforts. Pence downplayed the overall size of the outbreaks and was dismissive of the idea that community spread was responsible for the increase. Pence focused on specific outbreak locations, like nursing homes and meatpacking plants.
 - The Washington Post conducted an [analysis](#) of data collected by The New York Times and the COVID Tracking Project. The analysis casts doubt on Pence's assertion that the increase in cases is correlated to an increase in testing. The seven-day average of new cases in six states has increased since May 31 while the average number of daily tests has declined. In 14 other states, the rate of new cases is increasing faster than the increase in the average number of tests.

World Health Organization (WHO)

- [COVID-19 Situation Report – 147](#), June 15
 - WHO Director-General Tedros [noted](#) that 75% of recently reported COVID-19 cases are from 10 countries in the Americas and South Asia.
 - WHO [warned](#) that the “co-circulation of COVID-19 and influenza” could “worsen the impact on health care systems that are already overwhelmed. WHO urged countries to integrate COVID-19 surveillance into routine flu surveillance as an efficient way to track both viruses.
 - WHO issued [guidance](#) on the risk of COVID-19 transmission during breastfeeding. WHO concluded that “the benefits of breastfeeding outweigh any potential risk of COVID-19 infection.” Researchers have detected viral SARS-CoV-2 fragments in breastmilk, but have not found the live virus in breastmilk.

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

- [Research on Animals and COVID-19](#), June 15
 - CDC updated information on COVID-19 and animals.
 - There is no evidence that animals play a significant role in spreading the virus that causes COVID-19.
 - Recent research shows that ferrets, cats, and golden Syrian hamsters can be experimentally infected with the virus and can spread the infection to other animals of the same species in laboratory settings. Mice, pigs, chickens, and ducks do not seem to become infected or spread the infection.

- [COVID-19 Case Surveillance Study](#), June 15
 - A recent study, published by CDC as an early release, examined COVID-19 surveillance data through May 30.
 - The most common underlying health conditions in COVID-19 patients were cardiovascular disease (32%), diabetes (30%), and chronic lung disease (18%). Hospitalizations were six times higher and deaths 12 times higher among those with reported underlying conditions compared with those with none reported.
 - In a separate [study](#), published in the Lancet, a team of researchers estimated that roughly 1.7 billion people worldwide, 22% of the global population, have at least one of the underlying health conditions that can cause severe COVID-19, including diabetes, chronic kidney disease, and cardiovascular disease.

New York State

- [Governor Cuomo Holds a Press Conference on COVID-19](#), June 16
 - Approximately 631, or 1.05%, of the 60,568 tests conducted in the state on June 14 were positive for COVID-19. New York City's percentage of positive tests was 1.2%.
 - New York announced the results of the State's antibody testing survey of 12,000 individuals from May 1 to June 13. The results show that 13.4% of people tested positive statewide, up from 12.3%.
 - New York will allow hospitals to accept visitors at their discretion. Hospitals must still limit the length of visits, require personal protective equipment for visitors, and conduct symptom and temperature checks. Restrictions on visitors to nursing homes have not been lifted.
 - Governor Cuomo confirmed that the U.S. Open tennis tournament will be held in Queens without fans from August 31 to September 13. The U.S. Tennis Association will provide players and staff with robust testing, extra locker room space, and dedicated housing and transportation.
 - Some top players are voicing safety concerns, including one player who [described](#) the push to hold the tournament as "selfish." The tournament generates \$400 million in revenue for the State and the U.S. Tennis Association.
- [New York Renews Suspension of State Debt Collection](#), June 16
 - New York State halted the collection of medical and student debt owed to the State of New York that was specifically referred to the Office of the Attorney General (OAG) for collection.
 - A new executive order extends the suspension for another 30-day period until July 16. OAG will then reassess whether another extension is necessary.
 - More than 165,000 matters fit the criteria for a suspension of state debt collection, including patients that owe medical debt to state hospitals, students that owe debt to State University of New York (SUNY) campuses, and other fees owed to State agencies. The temporary policy also suspends the accrual of interest and the collection of fees.

- [State Attorney General Issues Warning on COVID-19 Contact Tracing Apps](#), June 15
 - New York Attorney General James expressed concern about the use of third-party contact tracing apps to notify individuals of potential COVID-19 exposure.
 - The alert differentiated between third-party apps and those launched by governmental public health agencies, which are subject to additional consumer protection requirements.
 - James wrote letters encouraging Google and Apple to ensure that third-party apps do not collect and retain sensitive user information for financial gain.
 - James recommended the following precautions: prohibiting third-party apps from using consumer data for targeted advertising; only allowing apps affiliated with public health agencies to collect personal health information, such as COVID-19 test results; and requiring third-party apps to delete consumer information on a rolling basis.

New York City

- [Mayor de Blasio Holds Media Availability on COVID-19](#), June 16
 - Mayor Bill de Blasio stated that City agencies would continue to enforce social-distancing rules and that “any place that’s reported as a place where we’re seeing crowding is going to be addressed.”
 - The Mayor responded to reports that locks have been broken on shuttered parks and playgrounds, saying that the restrictions needed to remain in place. De Blasio stressed that “we’re not going to allow people to take the law into their own hands.”
 - The City conducts more than 20,000 COVID-19 tests per day and expects to reach 50,000 per day by early July.

Other Related Updates

- [Commerce Department Releases May Monthly Sales Report](#), June 16
 - Department of Commerce (DOC) published its monthly sales [report](#) for retail and food services.
 - Retail sales, a measure of purchases at stores, restaurants, and online, increased by 17.7% in May from a month earlier. Retail spending remained below pre-pandemic levels, totaling \$485.5 billion in May compared with \$527.3 billion in February.
 - Some of the largest gains were at furniture stores, where sales rose by 90%, and at sporting goods, musical instrument, and book stores where sales rose by 88%. Sales in electronics and appliance retailers were up 51%.
 - Federal Reserve Chairman Powell testified before the Senate on June 16. Powell stated that the economy will move through three phases: shutting down, bouncing back, and stabilizing at a level of activity that is lower than before the pandemic. Powell cited DOC’s retail report as “more evidence” that the economy is entering its second phase of re-opening.
- [House Committee to Investigate Federal COVID-19 Aid](#), June 16
 - The House launched an investigation into how the administration has allocated roughly \$660 billion in small business loans under the Paycheck Protection Program (PPP).
 - A House oversight committee sent letters to the Treasury Department, Small Business Administration, and eight large banks, asking for documents and information about how funds were distributed.

- The committee expressed concern that the program “may have diverted PPP funds intended for vulnerable small business owners in underserved and rural markets.”
- The action came days after Treasury Secretary Steven Mnuchin told a Senate committee that information about who received the loan money was “proprietary” and not subject to public release.
- Mnuchin [tweeted](#) on June 15 that he “will be having discussions with the Senate Small Business Committee and others on a bi-partisan basis to strike the appropriate balance for proper oversight of PPP loans and appropriate protection of small business information.”
- [*NIH Launches Analytical Platform to Use Nationwide COVID-19 Patient Data to Speed Treatments*](#), June 15
 - National Institutes of Health launched a centralized platform to store medical record data from people diagnosed with COVID-19.
 - The National COVID Cohort Collaborative (N3C) will systematically collect clinical, laboratory, and diagnostic data from health care providers around the country to predict health risk factors that indicate disease outcomes and to identify potentially effective treatments.
- [*Early Results Show Benefit of Steroid for COVID-19 Patients*](#), June 15
 - A large clinical trial in the UK found that dexamethasone, a low-cost anti-inflammatory drug, may be a potential treatment for severe COVID-19.
 - 2,104 patients were randomly selected to receive 6 milligrams of dexamethasone once a day for 10 days. The group was compared with 4,321 patients who received “usual care alone.”
 - Dexamethasone, reduced deaths by a third in patients receiving ventilation, and by a fifth in patients receiving only oxygen treatment. Researchers found no benefit in patients who did not need respiratory support.
 - Peter Horby, professor of emerging infectious diseases at the University of Oxford, and one of the chief investigators for the trial, described the results as “an extremely welcome result.” Horby noted that “the survival benefit is clear and large in those patients who are sick enough to require oxygen treatment, so dexamethasone should now become standard of care in these patients.”
 - Former FDA Commissioner Gottlieb [commented](#) that the drug could have an “immediate impact” on how doctors treat severe COVID-19 cases.
- [*COVID-19 and Health Care’s Productivity Shock*](#), June 15
 - An article published in the New England Journal of Medicine examined the economic impact of the pandemic on the health care industry.
 - The authors note that the pandemic has challenged longstanding provider revenue models, which focus on in-person visit volume, high-priced procedures, and profitable markups on drugs that physicians buy and bill to insurers and patients.
 - The article argues that organizations should reconsider purely transactional revenue streams and labor-intensive operating models, and transition to more efficient care delivery models that provide financial stability in volatile times.

- [FDA COVID-19 Update: Daily Roundup](#), June 15
 - FDA revoked the emergency use authorization ([EUA](#)) that allowed for chloroquine phosphate and hydroxychloroquine sulfate donated to the Strategic National Stockpile to be used to treat certain hospitalized patients with COVID-19. FDA issued a [press release](#) and posted an [FAQ](#) about this action.
 - FDA issued a [warning](#) about a newly discovered potential drug interaction between remdesivir and chloroquine phosphate or hydroxychloroquine sulfate. FDA noted that co-administration of the drugs may reduce the antiviral activity of remdesivir.
 - FDA approved an [application](#) to produce generic succinylcholine chloride injection to facilitate tracheal intubation and to provide skeletal muscle relaxation during mechanical ventilation.

- [Department of Labor COVID-19 Guidance](#), June 15
 - Department of Labor (DOL) issued [guidance](#) to help states improve unemployment insurance program integrity. The Benefit Accuracy Measurement ([BAM](#)) tool allows states to select representative samples of payments and disqualifying ineligibility determinations to determine whether they were properly administered to claimants and whether these claimants were paid the proper amounts or appropriately denied.
 - Occupational Safety and Health Administration (OSHA) [recommended](#) that employers provide workers with “refreshers” on safety and health training as employees re-enter the workplace.
 - OSHA published 14 additional translations of a [poster](#) on how to wear a respirator properly.

Other recent events covered in detail elsewhere:

- [How Companies Can Avoid Patent Venue Pitfalls Of Remote Work](#), June 15
- [HHS Highlights Federal Telehealth Initiatives in Response to COVID-19](#), June 10
- [There’s No Place Like ... the Office? A Return to Work Guide for Private Equity Sponsors in NY, CA and IL](#), June 10

Send questions to:

- COVID-19-Implications@ropesgray.com
- COVID-19RecoveryPolicies@ropesgray.com