

**March 11, 2021**

### **Summary**

Exactly one year after World Health Organization (WHO) declared a pandemic, the United States has 29,200,016 confirmed COVID-19 cases and 530,423 reported related deaths. Today, President Joseph Biden signed the \$1.9 trillion coronavirus stimulus bill. He plans to address the nation from the oval office around 8 p.m. this evening. On Wednesday, Centers for Medicare & Medicaid Services (CMS) revised the government's nursing home guidelines to allow visitors inside such homes, regardless of whether the visitors or residents have been vaccinated. Former presidents Barack Obama, George W. Bush, Bill Clinton, and Jimmy Carter appear in public service announcements released today that urge Americans to get vaccinated.

A new study shows that the Pfizer vaccine may be effective against the highly contagious Brazil variant. FDA is warning that popular thermal imaging devices, or "fever cameras," may be unreliable and inaccurate in screening for COVID-19 in workplaces and other public areas. Centers for Disease Control and Prevention (CDC) has released new data evidencing racial and ethnic disparities in COVID-19 incidence, as well as a correlation between obesity and the risk of severe COVID-19 illness.

As of March 10, the United States' rolling, seven-day average positive COVID-19 case total is 57,400—the lowest since October 2020. While many states have continued to see consistent decline in new COVID-19 cases, the East Coast is struggling with relatively high levels of infection. The pace of vaccination has increased steadily in recent weeks (to more than 2 million doses on average each day) and, with three vaccines now in circulation, many states are expanding eligibility for inoculation. As of March 11, North Dakota, New Mexico, and Massachusetts have the highest vaccines distribution rate among states.

New York reported 80 deaths, 4,735 hospitalizations, and 955 COVID-19 patients in intensive care on Wednesday, March 10. Approximately 6,747, or 2.77% of the 243,153 tests administered in New York on March 10 were positive for COVID-19. As of March 10, New York has administered 6,086,018 doses of the vaccines to patients. 20.4% of New York residents have received at least one dose of the vaccines and 10.4% are fully vaccinated. On March 10, Governor Cuomo announced that, due to a recent increase in vaccines supply, New York residents age 60 and above can begin receiving the vaccines—lowering the qualifying age by 5 years. On March 17, New York State will also grant vaccine eligibility to an expanded list of essential workers. On March 9, Governor Cuomo signed the COVID-19 Emergency Protect Our Small Businesses Act of 2021, which establishes eviction and foreclosure protections for small businesses.

## U.S. Government Updates

- [\*Biden Signs \\$1.9 Trillion COVID-19 Stimulus Bill\*](#), March 11
  - Today, Biden signed the \$1.9 trillion coronavirus stimulus bill called the American Rescue Plan. He will address the nation from the oval office around 8 p.m. this evening.
  - On Wednesday, House lawmakers voted 220-211 to put the final stamp of approval on the bill, and Biden had planned to sign the legislation on Friday. However, he moved up the timeline out of an awareness that low- and middle-income Americans are “desperate” for the next round of relief. White House Press Secretary Jen Psaki said the direct payments to individuals could hit bank accounts as early as this weekend.
  - As he signed the bill, [Biden](#) said, “This historic legislation is about rebuilding the backbone of this country and giving the people of this nation, working people, the middle-class folks, people who built the country a fighting chance.”
  - The Plan [includes](#): \$1,400 per-person payments to individual earning up to \$75,000 and couples earning up to \$150,000; an extension of \$300-per-week federal unemployment benefits through September 6, of which the first \$10,200 will be non-taxable for households with incomes under \$150,000; increases to the child tax credit; \$7.25 billion in new funding for the paycheck protection program; \$128 billion in grants to state educational agencies; billions in support for low-income families; over \$50 billion for vaccine administration and COVID-19 diagnostics; over \$50 billion to support the restaurant and transportation sectors; and \$25 billion for emergency rental assistance.
  - Biden and Vice President Kamala Harris plan to embark upon “an aggressive campaign” across many states to inform voters of the American Rescue Plan’s benefits.
- [\*Biden Announces Plans to Purchase 100 Million More Johnson & Johnson Coronavirus Vaccine Doses\*](#), March 10
  - On Wednesday, Biden [announced](#) he is directing Department of Health and Human Services to purchase an additional 100 million doses of the single-shot Johnson & Johnson vaccine.
  - Though Johnson & Johnson is working to ramp up vaccine [production](#), additional doses will likely be unavailable until later in the year. Consequently, this announcement is not expected to alter the recently accelerated projection that the United States will have enough vaccines for every adult by the end of May.
  - The White House told governors earlier this week to expect fewer than 400,000 doses of the Johnson & Johnson vaccine, which is far below what was initially expected.
- [\*The Biden Administration Relaxes Restrictions on Indoor Nursing Home Visits\*](#), March 11
  - On Wednesday, Centers for Medicare & Medicaid Services (CMS), with input from Centers for Disease Control and Prevention (CDC), revised the government’s nursing home guidelines to allow visitors inside such homes, regardless of whether the visitors or residents have been vaccinated.
  - In a [statement](#) on the change, CMS chief medical officer Dr. Lee Fleisher cited the millions of vaccines that have already been administered at nursing homes and the corresponding decline in infections. Additionally, he said, “CMS recognizes the psychological, emotional and physical toll that prolonged isolation and separation from family have taken on nursing home residents, and their families.”

- Nursing home residents have accounted for more than one-third of COVID-19-related [deaths](#) in the United States.

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

- [CDC Interpretation of Forecasts of New Deaths and Hospitalizations](#), March 10
  - CDC [consolidated](#) data from 40 models projecting the COVID-19 death rate. Predicted rates differ among the forecasts, depending on assumptions about the prevalence and rigor of social distancing behaviors. CDC’s national ensemble forecast indicates that the number of newly reported COVID-19 deaths will likely decrease over the next four weeks. It predicts between 4,000 and 11,700 new deaths and between 547,000 and 571,000 cumulative deaths by April 3.
  - CDC [consolidated](#) data from 11 models projecting the number of daily COVID-19 hospitalizations. The models predict daily hospitalizations will likely decrease over the next four weeks. The forecasts predict between 1,700 and 6,100 confirmed new COVID-19 hospitalizations reported on April 5.
- [Racial and Ethnic Disparities in COVID-19 Incidence by Age, Sex, and Period Among Persons Aged <25 Years](#), March 10
  - CDC [analyzed](#) case-based surveillance data in 16 U.S. jurisdictions during January and December 2020 indicating racial and ethnic differences in COVID-19 incidence among young people under the age of 25.
  - In the pandemic’s early days, disparities were substantial among most racial and ethnic minority groups compared to non-Hispanic white people.
  - Disparities then decreased over time; however, this was due to an increase in COVID-19 incidence among white people, not a decline in incidence among minority groups.
  - According to the analysis, the largest persistent disparities were among Native Hawaiian and Pacific Islander, American Indian or Alaska Native, and Hispanic populations.
  - This analysis comes as CDC faces heightened [scrutiny](#) over its struggle to report race and ethnicity data throughout the pandemic. The Office of the Inspector General at Department of Health and Human Services (HHS-OIG) is examining how CDC can improve the accuracy of data measuring COVID-19’s toll on communities of color. HHS-OIG has begun the process of interviewing CDC officials, focused on finding ways to develop a more complete picture, particularly around vaccinations. The probe also focuses on the gap between federal and state agencies’ data collection efforts.
- [Body Mass Index and Risk for COVID-19](#), March 8
  - A new CDC [analysis](#) of data from March to December 2020 confirms that obesity increases the risk for severe COVID-19-associated illness in people under 65. In particular, obesity increased the risk of hospitalization, death, and the need for invasive mechanical ventilation.
  - Among 148,494 U.S. adults with COVID-19, the data showed a nonlinear relationship between body mass index ([BMI](#)) and COVID-19 severity. The lowest risks were associated with BMIs near the threshold between healthy weight and overweight, then increasing with higher BMI. Patients with underweight BMIs also had a higher risk of hospitalization compared to those with healthy weight BMIs.

- BMI is now being used to determine vaccine [eligibility](#), stirring renewed criticism of BMI, which is widely considered to be a flawed measurement of health.

### **New York State**

- [New York State COVID-19 Updates](#), March 11
  - New York reported 80 deaths, 4,735 hospitalizations, and 955 COVID-19 patients in intensive care on Wednesday, March 10, 2021.
  - Approximately 6,747, or 2.77% of the 243,153 tests administered in New York on March 10 were positive for COVID-19.
  - As of March 10, New York has administered 6,086,018 doses of the vaccines to patients. 20.4% of New York residents have received at least one dose of the vaccines and 10.4% are fully vaccinated.
  - On March 10, Governor Cuomo [announced](#) that, due to a recent increase in vaccines supply, New York residents age 60 and above can begin receiving the vaccines—lowering the qualifying age by 5 years. This modification grants eligibility to an additional 500,000 New York residents.
  - On March 17, New York State will also [grant](#) vaccine eligibility to an expanded list of essential workers.
  - As of March 8, New York has [established](#) 48 community-based, pop-up vaccination sites in houses of worship throughout the State. These sites have administered more than 40,000 doses of the COVID-19 vaccines.
- [Cuomo Signs COVID-19 Emergency Protect Our Small Businesses Act of 2021](#), March 9
  - On March 9, Governor Cuomo signed the COVID-19 Emergency Protect Our Small Businesses Act of 2021, which establishes eviction and foreclosure protections for small businesses.
  - This law builds off the governor’s previous executive order, which has protected small businesses from eviction or foreclosure since March 2020.
  - Currently, the law protects only businesses with under 50 employees (who have demonstrated financial hardship). However, Governor Cuomo has reached an agreement with New York State legislators to expand protections to businesses with 100 employees or less, as well as any business with 500 employees or less that closed in-person operations for two or more weeks (between May 15, 2020 and May 1, 2021) due to executive order or health directive.

### **New York City**

- [New York City COVID-19 Updates](#), March 11
  - Beginning on March 19, New York City will [increase](#) maximum capacity for indoor dining from 35% to 50%.
  - On March 9, New York City officials [announced](#) that the City will provide \$29,000 in loans to help taxicab-medallion owners restructure their debts. Mayor Bill de Blasio said that the program, which is funded by \$65 million of federal coronavirus relief, will help cab drivers emerge from a crisis that has been exacerbated by the COVID-19 pandemic. The fund will provide a no-interest loan of up to \$20,000 toward a down payment for a debt restructuring and up to \$9,000 toward as many as six monthly loan payments of \$1,500.

- On March 9, New York City health officials [estimated](#) that nearly half of current COVID-19 cases in the City are linked to the variants first identified in New York City and the U.K.—displaying the extent of variant spread. Of the most recent COVID-19 samples that have been sequenced at the City’s Pandemic Response Lab, 39% had the variant first identified in New York (up from 31% a week prior) and 12% had the variant first identified in the U.K. (up from 8% the prior week).

## **Vaccines and Therapeutics**

- [Pfizer-BioNTech Vaccine May Neutralize Brazil Variant](#), March 9
  - A new [study](#) by Pfizer, BioNTech, and researchers at the University of Texas Medical Branch, published in the New England Journal of Medicine, suggests that the vaccine is highly effective against the more-contagious variant first discovered in Brazil.
  - Researchers used the vaccine on viruses engineered to carry the same mutations found in the Brazil variant strain, known as P.1, and not the actual variant. It has not yet been confirmed by real-world data.
  - The news comes as restrictions are being lifted across the United States, while public-health experts simultaneously warn that the variant (and others like it) could drive another surge of cases.
- [FDA Alerts Public About Improper Use of Thermal Imaging Devices; Warns Firms for Illegally Offering Thermal Imaging Systems for Sale](#), March 4
  - The U.S. Food and Drug Administration (FDA) [alerted](#) consumers and healthcare providers that thermal imaging systems (also called “fever cameras” and “temperature tablets”) may provide inaccurate readings.
  - The devices, which are marketed as a way to screen for COVID-19 symptoms in workplaces and public venues by checking for fevers, may be dangerously [ineffective](#) if used improperly, such as when thermal imaging systems are used to scan multiple people simultaneously.
  - Moreover, approximately 40% of people infected with the virus will not have a fever to begin with, further calling into question the utility of these devices.
  - FDA issued [warning letters](#) to [four companies](#) for offering “unapproved, uncleared, and unauthorized thermal imaging systems for sale.” One of the companies, Certify Global Inc., has since [waffled](#) on whether it will pull its products from the market.
- [A Growing Number of U.S. States Are Expanding Vaccine Eligibility](#), March 11
  - States across the country are beginning to open vaccine eligibility to larger groups of residents, citing increased supply from the federal government.
  - At least 37 states and the District of Columbia are now allowing some residents with certain health conditions to receive vaccines, though qualifying conditions vary across the states.
  - Alaska became the first state to allow the maximum number of residents access to a vaccine, permitting anyone age 16 and older who lives or works in the state to receive a vaccine. The state has vaccinated 16% of its population—the highest rate in the [country](#)—but has used only 69% of its vaccine supply.

## **International**

- [Denmark](#) and [Norway](#) are suspending use of AstraZeneca’s vaccine pending investigation into concerns the vaccine might be linked to an increased risk of blood clots. According to the European Medicines Agency, one person in Austria died from a blood clot after receiving the vaccine, and three other people who were inoculated from the same batch developed serious conditions.
- On Thursday, the [European Union](#) (EU) drug regulator approved the Johnson & Johnson vaccines for use.
- The [EU](#) also extended its vaccines export controls by three months.
- A small number of wealthy nations—including Britain, Switzerland, EU countries, and the United States—blocked a proposal at the World Trade Organization ([WTO](#)) to lift patents on COVID-19 medical tools, including the vaccines. The [proposal](#), which was spearheaded by India and South Africa, sought to boost global vaccine production.
- Amidst climbing COVID-19 infections, the [Philippines](#) has banned public display of affection, including hugging and holding hands.
- According to [World Health Organization](#), the two-week rise in global COVID-19 infections is due to upticks in the Middle East and Africa. Cases in the Americas, Southeast Asia, and the Western Pacific have been falling.

## **Other Updates**

- [Department of Labor Unemployment Insurance Weekly Claims Report](#), March 11
  - Department of Labor (DOL) reports that another 712,000 workers filed initial claims (seasonally adjusted) for unemployment benefits last week.
  - The number of new claims had trended downward since March, when nearly seven million people filed for unemployment insurance in a single week. However, claims began spiking again around December. They are now decreasing once again.
  - 478,001 new claims were filed for Pandemic Unemployment Assistance, the federal program intended to help freelancers, gig workers, the self-employed, and others not normally eligible for state jobless benefits.

Other recent events covered in detail elsewhere:

- [IRS and DOL Issue Separate COVID-19-Related Benefit Plan Guidance for Employee Benefit Plans and Plan Participants: Take Note of Opportunities and Deadlines](#), March 2
- [Nine Key Takeaways for Providers as Illinois Returns to Phase 4 of the “Restore Illinois” Plan](#), February 11

Send questions to:

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