

COVID-19 Daily Update

May 13, 2020

Summary

The United States has 1,380,465 confirmed COVID-19 cases and 83,249 reported related deaths. Federal Reserve Chair Powell warned that the United States is facing an economic crisis “without modern precedent” and called for additional federal aid. FBI and Cybersecurity and Infrastructure Security Agency (CISA) issued a joint statement on “the targeting and compromise of U.S. organizations conducting COVID-19-related research” by hackers from China. The European Commission unveiled guidance on how to gradually re-open the tourism industry while respecting necessary health precautions. The Commission proposed extending its restriction on non-essential travel in the Schengen zone by 30 days to June 15. CDC issued a statement that CDC Director Redfield, FDA Commissioner Hahn, and NIAID Director Fauci “can and will participate in meetings on the White House complex when their attendance is needed,” provided that they are asymptomatic, screened for symptoms, wear a face covering, and maintain a distance of at least six feet from others.

California State University, the nation’s largest four year public university system, cancelled classes at its 23 campuses for the fall semester. Instruction will take place exclusively online. Los Angeles County re-opened its beaches on Wednesday, May 13. Beachgoers are allowed to swim, walk, and surf, but may not gather, sunbathe, or play team sports. New Jersey will re-open retail stores for curbside pickup, resume non-essential construction, and allow drive-in movie events on Monday, May 18. Washington, D.C. extended its stay-at-home order through June 8. Texas Attorney General Paxton warned officials in Dallas, Austin, and San Antonio that local social distancing restrictions, which are stricter than State policies, are unlawful. Governor Abbott lifted Texas’ stay-at-home order earlier this month and recently contended that his re-opening policies supersede any conflicting orders issued by cities or counties.

New York State reported 166 deaths on Wednesday. New York health officials are now investigating 102 cases of pediatric multisystem inflammatory syndrome, an illness in children that has been associated with COVID-19. 71% of cases resulted in intensive care admission and 43% of patients remain hospitalized. New York City will begin a digital advertising campaign on Wednesday, May 13, to warn residents about the illness. A fourth region in upstate New York, the North Country, met the seven benchmarks required to gradually re-open. Three other regions, the Finger Lakes, the Southern Tier, and the Mohawk Valley, met the re-opening criteria earlier this week. New York City announced plans to double its COVID-19 testing capacity, with a goal of testing 20,000 residents per day. NYC Health + Hospitals will open 12 new COVID-19 testing sites by May 25 across Staten Island, Queens, Manhattan, and the Bronx.

Presidential updates

- [*Administration Reportedly Pressures CDC to Change Death-Toll Methodology*](#), May 13
 - Five administration officials working on the government's response to the pandemic report that President Trump and his aides have pushed for CDC to change its COVID-19 death toll methodology.
 - Dr. Deborah Birx has reportedly urged CDC to exclude two categories of deceased people from its COVID-19 death count: (1) individuals who did not have lab-confirmed COVID-19 but were presumed to have the virus; and (2) people with lab-confirmed COVID-19 who may not have died as a direct result of the virus.
 - Sources stated that President Trump, in internal discussions, suggested that the current number of reported COVID-19 fatalities is incorrect and inflated by current methodologies.
 - The Chief of CDC's Mortality Statistics Branch defended CDC's current methodology. He dismissed concerns of an "over reporting issue" and asserted that "we're almost certainly underestimating the number of deaths [in the country]."

World Health Organization (WHO)

- [*COVID-19 Situation Report – 113*](#), May 12
 - WHO published [guidance](#) on the implementation of COVID-19 public health measures for schools.
 - WHO Operations Support and Logistics (OSL) [established](#) a network of architects, academics, engineers, and other technical health experts from 27 institutions across 22 countries, to collaborate on COVID-19 preparedness.

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

- [*Media Statement from CDC Director Redfield, FDA Commissioner Hahn, and NIAID Director Fauci*](#), May 12
 - CDC and the Department of Homeland Security (DHS) determined that the current [guidelines](#) for critical infrastructure workers apply to government entities working in support of COVID-19 response efforts.
 - Critical infrastructure workers may continue to work following potential exposure to COVID-19 provided that they remain asymptomatic and additional precautions are implemented to protect them and the community.
 - CDC issued a statement that CDC Director Redfield, FDA Commissioner Hahn, and NIAID Director Fauci "can and will participate in meetings on the White House complex when their attendance is needed," provided that they are "asymptomatic, screened, and monitored for fever and other symptoms, wear a face covering, and maintain a distance of at least six feet from other."
- [*High COVID-19 Attack Rate Following Choir Practice in Washington State*](#), May 12
 - A recent study, published by CDC as an early release, investigated a COVID-19 superspreading event in Washington State.
 - Following a 2.5 hour choir practice attended by 61 people, including a symptomatic index patient, roughly 87% attendees became ill with confirmed or probable COVID-19. Two attendees died. Researchers noted that transmission was likely facilitated by

the participants' close physical proximity during practice and augmented by the act of singing.

- [Information for Pediatric Health Care Providers on COVID-19](#), May 12
 - CDC updated guidance for pediatric health care providers on the disease burden, clinical presentation, and treatment of COVID-19 in children.

New York State

- [Governor Cuomo Holds Daily Press Conference on COVID-19](#), May 13
 - New York State reported 166 deaths on Wednesday.
 - Since the start of the pandemic, New York paid \$7.4 billion in unemployment benefits to 1.7 million New Yorkers.
 - State health officials are investigating 102 cases of pediatric multisystem inflammatory syndrome, an illness in children that has been associated with COVID-19. 71% of cases resulted in intensive care admission, and 43% of patients remain hospitalized.
 - A fourth region in upstate New York, the North Country, met the seven benchmarks required to gradually re-open. Three other regions, the Finger Lakes, the Southern Tier, and the Mohawk Valley, met the re-opening [criteria](#) earlier this week.

New York City

- [Mayor de Blasio Holds Media Availability on COVID-19](#), May 13
 - New York City reported 78 new hospital admissions on Wednesday, May 13, up from 51 on Tuesday. New York reported 561 COVID-19 patients in intensive care units, up from 550 patients the day before.
 - New York City identified 30 additional cases of pediatric multisystem inflammatory syndrome, and reported 82 total cases of the illness. The City will begin a digital advertising campaign on Wednesday, May 13, to warn residents about the syndrome.
 - On Thursday, May 14, the City will open 7.6 miles of streets in Brooklyn, Manhattan, Queens and Staten Island. The City announced plans to create an additional 9.2 miles of protected bike lanes as “many New Yorkers are choosing to use bicycles to get around more than ever.”
- [Mayor de Blasio Expands COVID-19 Tracing and Isolation Operation](#), May 12
 - New York City announced plans to double its COVID-19 testing capacity, with a goal of testing 20,000 residents per day. NYC Health + Hospitals will open 12 new COVID-19 testing sites by May 25 across Staten Island, Queens, Manhattan, and the Bronx.
 - The City’s first 535 new contact tracers completed a 5-hour training program through Johns Hopkins University. The City plans to train 1,000 tracers by June 1.
- [NYC Department of Health COVID-19 Testing: Frequently Asked Questions](#), May 12
 - New York City Department of Health (NYCDOH) answered frequently asked questions on COVID-19 virus and antibody testing.
 - NYCDOH cautioned that the presence of COVID-19 antibodies may protect against re-infection but that “we do not yet know if this is true for COVID-19.”

- While a negative antibody test “likely means an individual has not been infected with the virus that causes COVID-19,” NYCDOH cautioned that a negative antibody test could also mean that: (1) the individual has not yet developed antibodies; (2) the individual did not produce enough antibodies for the test to detect; or (3) the antibody test was not accurate.
- [*Naloxone Guidance for New York City Isolation and Quarantine Hotels During the COVID-19 Pandemic*](#), May 12
 - NYCDOH issued guidance on naloxone for hotels housing patients in COVID-19 isolation or quarantine. Naloxone is a medication that can reverse the effects of an opioid overdose.
 - NYCDOH warns that quarantined COVID-19 patients are at an increased risk for opioid overdose because they are isolated from social networks and may experience increased stress.

Other Related Updates

- [*European Union Issues Guidelines for Tourism and Cross-Border Travel*](#), May 13
 - The European Commission, the executive arm of the European Union, unveiled guidance on how to gradually re-open the tourism industry while respecting necessary health precautions.
 - Before accepting tourists, member states must have the hospital capacity to handle an influx of new COVID-19 cases. Tourism businesses should decrease the physical presence of employees, and institute social-distancing measures in communal areas. The Commission recommends “slot bookings,” for dining rooms and swimming pools, to limit the number of guests using the space at the same time.
 - The Commission proposed extending its restriction on non-essential travel in the Schengen zone by 30 days to June 15.
- [*As Coronavirus Restrictions Lift, Millions in U.S. Are Leaving Home Again*](#), May 13
 - The New York Times analyzed cellphone data to determine the impact of stay-at-home orders on U.S. residents.
 - From March 20, when states first instituted stay-at-home orders, to April 30, when many states eased restrictions, 43.8% of U.S. residents — about 144 million people — stayed home. Last week, 36.1% of U.S. residents – about 119 million people – stayed home.
 - The share of people staying home dropped in nearly every part of the country, declining by nearly 11% in some states.
- [*Federal Government Unveils Plan to Ramp Up Syringe Production for Future COVID-19 Vaccine*](#), May 13
 - Department of Health and Human Services (HHS) announced Project Jumpstart, a public-private partnership with ApiJect Systems America, a manufacturer of pre-filled plastic syringes.
 - Project Jumpstart will facilitate the production of 100 million pre-filled syringes by the end of 2020 and more than 500 million in 2021 in the event that a COVID-19 vaccine becomes available.

- ApiJect’s plastic syringe consists of an easy-to-attach needle and a plastic single-use container similar to ones used for eye drops; each syringe will cost less than a dollar to produce. The project will “significantly decrease the United States’ dependence on offshore supply chains and its reliance on older technologies with much longer production lead times.”
- [*FBI Warns of China-Linked Hackers Targeting United States COVID-19 Research*](#), May 13
 - FBI and Cybersecurity and Infrastructure Security Agency (CISA) issued a joint statement “to raise awareness of the threat to COVID-19-related research.”
 - FBI is investigating “the targeting and compromise of U.S. organizations conducting COVID-19-related research by [People’s Republic of China]-affiliated cyber actors and non-traditional collectors.”
 - Hackers have been caught attempting to “identify and illicitly obtain valuable intellectual property” and public-health data related to COVID-19 research.
- [*Federal Reserve Chair Warns of Permanent Economic Damage From Pandemic*](#), May 13
 - Federal Reserve Chair Powell warned that the United States is facing an economic crisis “without modern precedent” as “the job gains of the past decade have been erased.”
 - Powell praised Congress’s early stimulus packages but suggested that additional aid is likely necessary to avoid “lasting damage.” Powell described future aid as “costly... but worth it if it helps avoid long-term damage and leaves us with a stronger recovery.”
- [*FDA COVID-19 Update: Daily Roundup*](#), May 12
 - FDA issued [recommendations](#) for researchers working to accelerate the development of vaccines and treatment options for COVID-19.
 - FDA issued a [warning letter](#) to Fusion Health and Vitality for the sale of fraudulent COVID-19 products.
 - FDA issued an [emergency use authorization](#) (EUA) for the Ascom teleCARE IP Nurse Call System to facilitate remote communication between patients and health care providers.
 - FDA issued a [EUA](#) to use an electrocardiogram device to screen for potential cardiac complications associated with COVID-19.
 - FDA posted updated [considerations](#) to determine blood donor eligibility. FDA recommends that individuals who test positive for COVID-19 refrain from donating blood for at least 14 days after the date of the positive test result.
- [*Development and Validation of a Clinical Risk Score to Predict the Occurrence of Critical Illness in Hospitalized Patients With COVID-19*](#), May 12
 - A recent study, published in the Journal of the American Medical Association (JAMA), developed a web-based risk calculator to estimate the probability that a COVID-19 patient will develop critical illness. Critical illness is defined as intensive care unit admission, invasive ventilation, or death.
 - Researchers examined the hospital records of nearly 1,600 patients in China and assessed 72 potential risk factors.

- The study found that the following 10 variables at admission were associated with increased risk for critical illness: chest radiographic abnormality, age, hemoptysis, dyspnea, unconsciousness, number of comorbidities, cancer history, neutrophil-to-lymphocyte ratio, lactate dehydrogenase, and direct bilirubin.
- [*Department of Labor Enforces COVID-19 Paid Sick Leave Protection Against Two Employers*](#), May 12
 - Department of Labor (DOL) investigated two companies and found that both failed to pay employees for qualifying leave under the Emergency Paid Sick Leave Act, part of the Families First Coronavirus Response Act (FFCRA).
 - DOL found a West Texas [paving company](#) liable for \$1,200 in back wages after an employee was denied paid sick leave while self-quarantining for COVID-19.
 - DOL held an Indiana [trucking company](#) liable for \$3,017 in back wages, after a truck driver was denied paid sick leave while experiencing COVID-19 symptoms and seeking a medical diagnosis.
- [*HHS COVID-19 Resources Provide Support for Health Care Professionals*](#), May 12
 - The Agency for Healthcare Research and Quality (AHRQ) created a COVID-19 resources [webpage](#), with tools to support practice improvement, links to research funding opportunities, and COVID-19 research findings from AHRQ grantees.

Other recent events covered in detail elsewhere:

- [*COVID-19: Credit Funds: Considerations for Credit Fund Managers Overseeing ERISA Plan Assets in Light of the Pandemic*](#), May 13
- [*COVID-19: European Regulatory Update for Asset Managers*](#), May 11
- [*Portfolio Company Director Role & Duties in the COVID-19 Era*](#), May 11

Send questions to:

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